

INTRODUCTION

The Brazilian Committee of Human Rights Defenders (CBDDH) is a network of several organizations and civil society movements, that since 2004 observes and works to protect human rights defenders in situations of risk, threat, attack and/or or criminalization as a result of their activities. Since its constitution, the Brazilian Committee has promoted and monitored the implementation of a protection policy in Brazil and of the National Program for the Protection of Human Rights Defenders (PPDDH), always seeking to improve it so that it can articulate public policies aimed at overcoming the structural problems that generate vulnerability for defenders and social movements. In this sense, the Committee periodically prepares letters of recommendations with the objective of pointing out challenges and obstacles to the implementation of the PPDDH, evaluating the institutionalization of the program and presenting proposals for its strengthening. The CBDDH also monitors the situation of HDRs, supporting their struggles, and aiding at the prevention of threats, violations and criminalization processes, a practice that has been consolidating itself as a serious immobilizer of the social struggle.

ASSESSMENTS

Brazil currently has 14 recommendations that address the issue of Human Rights Defenders:

57. That anti-terrorism law combats only terrorist groups and does not consider human rights defenders (Iraq);

111. Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system (Tunisia);

112. Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found to be responsible are brought to justice (Belgium);

113. Provide full implementation of the National Policy for the Protection of Human Rights Defenders (State of Palestine);

114. Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders (Netherlands);

115. Restore functionality of the National Programme for the Protection of Human Rights Defenders (Norway);

116. Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders (Poland);

117. Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families (Slovakia);

118. Implement the National Plan for the Protection of Defenders (Australia);

119. Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources (Czechia);

120. Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks (France);

121. Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it (Ireland);

122. Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders (Mongolia);

230. Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the Indian National Foundation (FUNAI) (Germany);

All recommendations address four topics that will be addressed below.

Recommendations 57 and 111, which deal with strengthening the role of civil society in the consolidation of human rights and avoiding the production of norms that criminalize the work of human rights defenders, can be considered unfulfilled, with setbacks.

There was a worsening of the situation of human rights defenders, with continued threats and murders of the HRDs in Brazil. In the last period, there has been an increase in attacks and setbacks sponsored by the executive branch and the national congress against those who work in the defense of human rights, especially in the production of speeches and public demonstrations against these groups. In the legislative field, in 2021 there were mobilizations of legislative proposals of an authoritarian nature to silence and criminalize human rights defenders. Firstly, the use of the National Security Law (NSL) - which defines crimes against the Democratic State of Law - stands out, used to persecute, especially, communicators and protesters critical to the management of the pandemic by the Federal Government. Data obtained through the Access to Information Law (Law nº 12.527/2011) reveals that the use of legislation grew by 285% during the Bolsonaro government. The [former NSL] legislation was recently repealed due to the approval of Act 14.197/21, being sanctioned by the President and published in the Official Gazette on September 2, 2021. However, it is important to mention that the revocation of NSL was not enough to prevent persecution reported in the last period. This is because the Law that revoked it was drafted

and approved without the proper participation of civil society and, still, was preserved in the text of the "new National Security Law" - as it was called by the supporters of Bill 14.197/21 - the margin for continuing to criminalize those who defend social and fundamental rights, using open and vague terms such as "serious threat" and "incitement". Secondly, we also have other Bills - which are advancing in their processing - and which can draw new contours for the criminalization of human rights defenders, among them: Bill 1595/2019 is being processed. The Bill by Deputy Major Vitor Hugo (PSL) wants to expand the concept of terrorism in order to allow the classification to be used against activists, rights defenders and opponents of the current government. In addition, the Project presents the creation of a political police centralized in the President and proposes the impunity of agents of the police forces responsible for the violation or abuse of rights, based on the use of the exclusion of illegality.

Recommendations 111, 113, 114, 115, 116, 119, 120, 121, 122, 230 that address the implementation and reinforcement of the Protection of Human Rights Defenders through the strengthening of the National Program, ensuring the participation of civil society, can be considered partially fulfilled.

The National Program for the Protection of Human Rights Defenders (PPDDH) in Brazil was established in 2004. In 2018, the Program was renamed the Program for the Protection of Human Rights Defenders, Social Communicators and Environmental Defenders. The change was a response to pressure from civil society and international organizations to produce more effective protection policies for communicators and environmental defenders, but since then no concrete measures or changes in the methodology of action have been adopted to specifically meet these profiles. More recently, the Brazilian government issued Decree 10.815/2021, which opens up the possibility of civil society participation, but still in a non-parity way in the composition and decision-making. The Deliberative Council has among its attributions the analysis of cases of defenders in situations of vulnerability, devising protection strategies and coping with structural issues and deliberating in cases of inclusion and exclusion in the Program. The change brought about by the Decree is not an advance, but a setback in relation to the actions of the Brazilian State in the protection of human rights defenders, and further evidences the continuity of the logic of symbolic protection developed within the scope of the program. The Program also has a Federal Technical Team, hired through a civil society organization, whose attribution is to serve the states of the federation where the PPDDH has not yet been created regionally. Still, only nine state programs are fully implemented: Bahia, Ceará, Maranhão, Minas Gerais, Pará, Paraíba, Pernambuco, Rio de Janeiro and Mato Grosso. In addition, two other state programs are being implemented in Amazonas and Rio Grande do Sul and two regional programs are being implemented: in Rondônia and Mato Grosso do Sul. Together they do not reach half of the states of the federation. The full implementation of the National Policy and the Program also finds an obstacle in the absence of a legal framework, given that its execution occurs only as a result of the existence of the Federal Decree. In April 2021, 636 people were assisted in Brazil by the program, with 517 cases included, that is, with some protection action, and 119 cases under analysis. Of this total, 495 were assisted by the state teams and the other 141 were assisted by the federal team. In 2020, the National Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPDDH) had the lowest budget allocation since 2015. In addition, there were delays in transfers to the states and staff cuts in technical teams. The amount of R\$938 thousand corresponds to 10.3% of the R\$9.1

million budgeted at the beginning of the year, despite having 617 active cases. In the recent study “The Beginning of the End?”, Justiça Global and Terra de Direitos warned of the dismantling that the PPPDH has been suffering. Presenting still partial data, the survey analyzes the operation of the Program since 2013 and concludes that there are 8 main threats to the PPDDH: low budget execution; lack of social participation and transparency; low institutionalization; lack of structure and team to meet the demand; decrease in cases included in the federal scope; political insecurity in management; inadequacy in terms of gender, race and class; and delay, insufficiency and inadequacy of protective measures.

Recommendations 113, 118, 122 dealing with the implementation of the National Policy and the National Plan for the Protection of Defenders can be considered partially fulfilled.

In April 2021, the Federal Regional Court of the 4th Region (TRF4) the Public Civil Action filed by the Federal Public Ministry was ruled, obliging the Union to adopt the necessary measures to prepare the National Plan for the Protection of Human Rights Defenders. Since the publication of Decree 6044/2007, which approved the Policy for the Protection of Human Rights Defenders, there was a definition of a 90-day deadline for the elaboration of the National Plan, which was never carried out. In October, the responsible court determined that, in order to comply with the determination, a working group should be set up to prepare the National Plan, with equal participation of civil society, in addition to holding public hearings to discuss the violations suffered by human rights defenders. of human rights. Compliance with the decision has been the agenda of the Permanent Commission of Human Rights Defenders and Criminalization of Social Movements of the National Human Rights Counsel, and civil society entities that are members of the Commission have expressed concerns about effective social participation in the preparation of the plan.

Recommendations 112, 114, 121 that deal with ensuring adequate and impartial investigative measures and their due treatment by the courts can be considered unfulfilled. Impunity persists in most cases of murders of human rights defenders, and there are no mechanisms to ensure that investigations are carried out properly.