

Dear OHCHR Secretariat:

Please find enclosed the submission of Justiça Global (“Global Justice”) and the Comitê Brasileiro de Defensores de Direitos Humanos (“Brazilian Committee of Human Rights Defenders”) relating to human rights defenders in Brazil. Please do not hesitate to contact me should you have any questions regarding this submission.

Sincerely,

Sandra Carvalho

EVALUATION OF THE PROTECTION OF NATIONAL HUMAN RIGHTS DEFENDERS - PPDDH

Brazilian Committee of Defenders of Human Rights

Civil society monitors the situation of human rights defenders in Brazil and has a space of articulation on the issue. The Brazilian Committee of Defenders of Human Rights was formed in August 2004, during the Third Latin American Consultation on Human Rights Defenders, which met in Sao Paulo eighty-seven defenders from 20 countries of the Americas and international observers from Africa, Asia and Europe, representatives of human rights organizations and social movements.

At the end of the consultation, social movements and NGOs from Brazil who participated in this process, saw the need to get together around the theme of the defenders, in particular, to monitor the implementation of the National Programme for the Protection of Human Rights Defenders (PPDDH), which was about to be released by the federal government.

Since then, the Brazilian Committee of Defenders of Human Rights, which today consists of about 30 non-governmental organizations and social movements in various states, has produced an annual assessment of the implementation of PPDDH and state programs already set up, and bringing a wide range of suggestions in order to contribute to its strengthening.

The PPDDH

The National Programme for the Protection of Human Rights Defenders (PPDDH) was established on October 26, 2004. Adopting a public policy for the protection of human rights defenders was an old claim of human rights organizations and social movements.

The implementation of a Program for the Protection of Human Rights Defenders is challenged to maintain the legal or social struggle on the front line in the exact place where it operates. Thus, it was heavily discussed by civil society beyond the need for police protection, ensure broad investigation of the threats, as well as addressing the root cause of the problem, precisely what motivates the threats to the legal or social struggles. The civil society organizations that come with PPDDH always emphasized from the beginning that should be PPDDH articulator of public policies aimed at overcoming the structural problem that creates the vulnerability of the legal or social movement, so the proposed actions should articulate policies and government agencies in both federal and state spheres. Another challenge is coping with the criminality that has been consolidated as a practice commonly used to immobilize the social struggle.

The PPDDH was so initially deployed as a pilot in the states of Pará, Espírito Santo and Pernambuco through agreements signed between the federal government and state.

The National Programme is run by the Federal Government through the Special Secretariat for Human Rights Presidency, crowded on the Board of Law Defense, through the PPDDH (Programme for the Protection of Human Rights Defenders).

The PPDDH consists of a General Coordination (composed of officials of SEDH) and a National Coordination Office, which still retains the composition of the Working Groups established by Ordinance 66, 89 and 12/05/2003, 27/06/2003, the Secretariat for Human Rights, the Presidency. The National Coordination should be replaced by a National Advisory Board for the Protection of Human Rights Defenders, with deliberative, but so far not been established. The PPDDH also has a Federal Technical Team, hired through a civil society organization, which has the task of meeting the federal states in which the PPDDH has not yet been deployed.

State Management

As mentioned earlier, the state programs were first implemented as a pilot in the states of Pará, Pernambuco and Espírito Santo.

The implementation of programs in these states occurred through the formalization of an agreement between the Special Secretariat for Human Rights of the Presidency and state governments.

In general, the state programs have faced a discontinuity, due to several factors, but mainly the formal model adopted to establish partnerships between the Union and the federal states. On several occasions there was a delay in the transfer of funds from the federal government to the states, or even getting the money, the federal state took the organization to hire a manager or technical staff executing the program, which resulted in stoppage of the program on several occasions in each of the pilot states.

You put a challenge to find alternatives to reduce bureaucracy PPDDH by taking actions that would speed up the process of agreements and also the adoption of protective measures.

Nor, in the absence of specific conditions to protect threatened defenders, there is a more pro-active action by the state government in combating the illegal occupation of land, deforestation, trafficking of wood, or even a more consistent policy of agrarian reform, which certainly enhance the work of human rights defenders and social movements, since the most threatened in this state are people involved in the struggle for land rights and territory.

Expansion of PPDDHs

In these seven years the program live with a slow rate of expansion of PPDDHs. Only in 2009 was the expansion of the network with the implementation of the Program in Bahia and in 2010 began to be implemented in Minas Gerais and Rio de Janeiro and Ceara.

The difficulty of the expansion takes place, not by lack of demand, but lack of commitment from the states to provide a counterpart for the implementation of PPDDH. In Mato Grosso and Paraná, for example, negotiations have dragged on for years, and will implement it to be.

In all its manifestations, the Brazilian Committee of Defenders of Human Rights has emphasized that the expansion of the programs should be based on the actual commitment of the state governments, not only considering the point of view of the formal agreement with the Special Secretariat for Human Rights of the Presidency.

PPDDH as Public Policy

The PPDDH is an old demand of civil society and social movements, who are systematically all sorts of violations and feel the necessity of a policy that considers the public defenders / the human rights essential to the strengthening of democracy and act directly to guarantee their safety and freedom to continue their political actions.

To do this we must overcome the shackles of bureaucracy and the challenges posed by groups opposed to human rights, and advance the transformation of the program in a real state of public policy, with institutions, structure and budget funds, with legal and above all with political commitment among all stakeholders.

Budget

Since 2007 the PPDDH has had an annual budget of 2 million. This budget is intended to agreements with states and civil society organizations, to keep the federal team, seminars and trips. Since there is an increase in cases seen, the implementation of the Bahia and PPDDH prediction come into force in Rio de Janeiro and Minas Gerais to the end of June 2009, the program faces a major budget problem, which further complicates their expansion and consolidation as public policy.

Legal Framework

On the legal framework, it should be emphasized that since the creation of PPDDH have made an impact on the importance of the formalization of the program because we understand that effective policy for the protection of defenders is crucial that there be a law that create and establish the general rules of its operation.

After many comings and goings at the end of 2009 it was proposed the bill that creates the PPDDH 4575/2009. Among other important provisions, the bill sets out what their bodies and their respective responsibilities, defines who are the defenders of human rights and the conditions for entering the program and discipline on the protective measures. It also included the establishment of national deliberative councils - PPDDH's highest authority - and local.

For civil society, who participated in the steps of formulating the proposal, just a few important points, for formal reasons or political, staying out of the project or its contents were emptied, as the establishment of co-responsibility between the Union and the Federated

States as the implementation of the program and the very creation of the national council, that although in the text will depend on specific decree.

Nevertheless, civil society believes that adoption of the bill is necessary and urgent to strengthen the program. The project awaits vote by the full Congress.

Tackling the Causes of Threats

For civil society is necessary for the program to ensure urgent protection of life and physical safety of / the defenders / them. But mostly, it takes the program to function as a space for dialogue and coordination of other public policies and, through mediation, supervision and interaction with other areas of the state, contributes to the delivery of justice - avoiding impunity and the criminalization to land tenure, access to land and territory, environmental protection, public security, among others, that are the focus of the threatened action / the defenders / them.

Police Protection

The cases that require police action are, without doubt, the most serious because they are those in which life itself / a defender / the impending danger. For these cases, is even more imperative that the program develop an agile and efficient. But often, the time (urgency) of / the defenders / is not matched in the implementation of security measures.

There are several reasons for this inconsistency, but one can say that the main ones are excessive bureaucracy, allegations of lack of formal authority or police force prepared and, especially, the political deadlock in relations with the security agencies. We must overcome the legal incompatibilities, enabling police and, especially, require political commitment from the states, who, as a rule, it is the management of public security organs. Only then the most severe cases may be agile and effective referrals.

Training of stakeholders

For efficiency and effectiveness of the actions of PPDDH is essential that those involved in its implementation are prepared technically and politically. The year 2010 was certainly a period of progress in training. Both state and federal technical teams, as the national police force, participated in training courses programade and certainly, if empowerment of themes and contexts that involve their actions. Since the conception of PPDDH this has been a claim of civil society organizations adopting the initiatives implemented and believes it is essential that the courses, seminars and workshops should be continued so that all the actors remain in constant improvement and updating. As for training for police, it is essential that the experience is multiplied to the states that house the program, which still need to broaden their service capabilities.

Recommendations

- Expand partnership with the federal states in addition to signing agreements, entering into formal commitment to the program, the institution of the legal state, allocation of budget and training and providing police protection to perform.
 - Seek alternatives to the PPDDH reduce bureaucracy through legislation, enabling more effective coordination between public institutions, especially those related to public security sectors.
 - Increase the budget structure and within the SDH / PR in order to ensure the protection of defenders say – ments in human risk.
- 5 • Accelerate the processing and approval of the bill that regulates the PPDDH – mint in the House and Senate, as well as developing the National Plan to Protect / Defenders to / the, whose deadline was 2007, and state policy;
- Accelerate the debate regarding the management of the program with the institution of the Board;
 - Continue and enhance the development and implementation process (collective) under the National Coordination of annual work plans that allow an effective monitoring of cases under the protection of defenders, the demands of protection, as well as the other shares jurisdiction of the Coordination ;