1. (A) Introduction

1.1 In this consolidated document, CIVICUS and Conectas examine the Government of Brazil’s compliance with its international human rights obligations to promote, protect and fully the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2012.

1.2 During the 2nd UPR cycle, the Government of Brazil received twenty recommendations relating to the above-mentioned freedoms. All of these recommendations were accepted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Brazil has fully implemented only one out of the 20 recommendations received. It did so by extending the coverage of the HRDs protection programme to reach all the states of the Federation. At the same time, the government has persistently failed to address unwarranted restrictions on civic
space since its last UPR examination, and acute implementation gaps were found with regard to the right to freedom of peaceful assembly and the conditions in which human rights defenders do their work.

1.3 CIVICUS and Conectas are deeply concerned by the endemic levels of violence against Brazilian journalists and human rights defenders, and particularly against land rights, indigenous and environmental activists.

1.4 CIVICUS and Conectas are further alarmed by the increasingly frequent invocation and use of legal and extra-legal restrictions on the right to free assembly in Brazil.

2. (B) Freedom of association

2.1 During Brazil’s examination under the 2nd UPR cycle, the government received one recommendation on the right to freedom of association, which it accepted. Under this recommendation, Brazil committed to ratifying ILO (International Labour Organisation) Convention No. 87 concerning freedom of association and protection of the right to organise. This convention, however, has not yet been ratified by Brazil, indicating that Brazil has not implemented the recommendation received in this area of concern.²

2.2 Recommendations

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures that unwarrantedly limit the right to association.

- Ratify ILO (International Labour Organisation) Convention No. 87 concerning freedom of association and protection of the right to organise.

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Brazil’s previous UPR examination, the government received twelve recommendations on the protection of human rights defenders, journalists and civil society representatives. However, as examined in this section, the government has failed to effectively operationalize any of these recommendations. None of the

recommendations on the protection of journalists, human rights and indigenous rights defenders and other civil society activists has been fully implemented.

3.2 Recommendations

- Repeal Law No. 13.260 so its vague definitions of terrorism cannot be used to criminalize human rights defenders.

- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against HRDs and bring perpetrators of such offences to justice.

- Adopt a specific law confirming the official status of the national program for the protection of human rights defenders in accordance with Council resolution 27.31 of the Human Rights Council. Bill 4575/2009 has been proposed in 2009 and has not progressed since 2011.

4. (D) Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the government received one recommendation relating to freedom of expression and access to information, which the government supported. The government’s frequent requests to remove online content also undermine the freedom on the web.

4.2 Recommendations

- Reform defamation legislation and privacy provisions to ensure that they are not used to censor reporting on sensitive issues, including online.

- Federalize crimes against free expression and give federal authorities broader jurisdiction to investigate and prosecute such crimes. In the meantime, ensure the implementation of Constitutional Amendment 45 granting the Attorney General’s Office the power to transfer a case to federal jurisdiction when serious human rights violations are suspected.

- Develop an action plan ensuring that Internet laws comply with the government’s commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.
5. (E) Freedom of peaceful assembly

5.1 During Brazil’s examination under the 2nd UPR cycle, the government did not receive any recommendation that was explicitly labelled as relating to the freedom of peaceful assembly. However, a recommendation was received suggesting the government revise “the human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality” (119.65), the implementation of which can indeed be construed as conducive to the effective enjoyment of the freedom of peaceful assembly. The government supported this recommendation but, as evidenced below, it has failed to adequately implement it.

5.2 Recommendations

- Repeal Law No. 13.260 so its vague definitions of terrorism cannot be used to criminalise the legitimate exercise of the right to freedom of assembly.

- Best practices on the proper management of assemblies, as proposed by the joint report #A/HRC/31/66 by the UN Special Rapporteurs on freedom of peaceful assembly and extrajudicial executions, should be adopted under national law.

- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of assembly by state authorities.