

Brazil, a country in dispute between civilizing advance and violent human rights violations



The election, inauguration, and commitments signed with the field of human rights in the early months of 2023 by the new government management, under the command of Luis Inácio Lula da Silva, brought hope to human rights defenders and advocates in Brazil. Especially because the country has lived a retrogression overwhelming in recent years, in particular, by the articulated policy that was internationally denounced for the dismantling of organs, social programs, and instances of popular participation during the government of Jair Bolsonaro (PL).

The creation of the Ministry of Indigenous Peoples, the development of a new stage of the Plan of Action for the Prevention and Control of Deforestation in the Legal Amazon, the resumption of the Food Acquisition

Program (PAA), and the re-establishment of councils with the participation of civil society – as the National Council of Traditional Peoples and Communities – among other measures are important signs of commitment to the new government to human rights.

However, the field to guarantee rights and overcome social inequalities is dry: Both of the violent answers that have been given by conservative groups within the territories in the face of any attempt to advance, as well as the strong presence of talks in the instituted powers, especially the Legislative Power.

In this material, we bring a picture of how the struggle and defense of human rights have been complex in Brazil.

FEDERAL LEGISLATURE PERPETUATES ANTI-RIGHT AGENDA

Despite the change of direction in the national executive branch, the federal legislature has continued the anti-right agenda implemented by the previous government and was widely denounced before the international community. This is due to a majority configuration of parliamentarians elected in 2022 aligned with agribusiness, mining, and arms, among others, in the exercise of the legislature to its cause.

The Parliamentary Agricultural Front (FPA), articulation of agribusiness in the federal legislature, grew by 24% in the Chamber of Deputies and 20% in the Senate compared to the previous legislature (Survey of Eye on the Ruralist – *Levantamento De Olho no Ruralista*). With this, it follows as the largest bench in the two legislative houses – totaling 300 of the 513 deputies, and 47 of the 81 senators. With seven deputies and senators, the indigenous bench elected in the last election – the greatest in history – seeks to resist an anti-industry, anti-environmental agenda.



Here are listed some bills that, if approved, are strong threats to human rights.



Bill 2,903/2023 – Use and demarcation of Indigenous territories

*Project rename 490/2007

Status: In the processing in the Federal Senate

Legislative proposal transfers from the executive to the federal legislature the competence to carry out indigenous lands and establishes the thesis of the “time frame”, in which it determines that only the lands that were inhabited by indigenous people should be recognized on the date of enactment of the Federal Constitution, November 5, 1988. If applied to indigenous demarcation processes, the thesis will prevent the recognition of the territories of the peoples who resisted the extermination and expulsion of their lands. With the support of ruralist parliamentarians, the bill was under the urgent regime in the Chamber of Deputies and was approved in May this year.



Bill 1459/2022 – Regulation of pesticides

*Project rename 6,299/2002

Status: In the processing in the Federal Senate

Known as the “Poison Package”, the bill was approved – under an urgent regime – by the Chamber of Deputies at the end of 2022 and sent to the Federal Senate. If approved, the legislative proposal must relax the release, registration, supervision, and use of pesticides. Movements and organizations claim that the proposal be appreciated in social affairs, environment, and human rights committees.



Legislative Decree Project 177/2021 – Complaint on Convention 169 of the International Labor Organization (ILO)

Status: in processing in the Federal Chamber

The proposal intends to release Brazil from compliance with ILO Convention 169, which guarantees indigenous people, quilombolas, and traditional peoples and communities the right to self-determination over their own lives and territories, among other rights.

Establishment of the Parliamentary Committee of Inquiry against the Movement of Landless Rural Workers

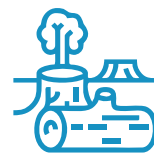
As an action to weaken the Parliamentary Committee of Inquiry that investigates the undemocratic acts of 08 January (when the headquarters of the 3 Powers of the Republic in Brasilia were invaded and depredated) was instituted in March to investigate the largest social movement in Brazil and Latin America. With rapporteur of federal deputy Ricardo Salles (PL-SP) and former Environmental Minister in the government of Jair Bolsonaro (PL), the establishment has no grounded justification, as determined by the Internal Regulations of the Legislative House, and is clear action of criminalizing the popular struggle.



Photo: Paulo Valadarez/Contraponto dos Deputados

VIOLENCE IN TERRITORIES

With announcements in the first weeks of the new government of relaunching the action plan for prevention and control of deforestation in the Legal Amazon (PPCDAm), less tolerance to illegal mining and greater rigidity in the application of environmental fines – in addition to the creation of the Ministry of Indigenous Peoples and Recreation of Agrarian Development, the response in the territories was intensified of violence and socio-environmental exploitation. March 2023 registered a 180% leap in deforested areas in the Legal Amazon, compared to the same month of the previous year. There were 344 km², which corresponds to the daily destruction of nearly 1,000 native vegetation soccer fields (Imazon data).



**344 km²
deforested in
March/2023**



**daily destruction
of nearly 1,000
native vegetation
soccer fields**

RURAL CONFLICTS

Within the territories, another response to the signification of advancement in indigenous policies, quilombolas, for peasantry and environment, was a set of actions of militias, farmers, and other armed groups. In March an armed group threatened the 170 families of the Landless Rural Workers Movement (MST) occupants of Recreio Farm in Maracajuba (BA). In May, the ruralists exposed MST attack ranges at the 51st Agricultural Exhibition of the City of Itapetinga, in Bahia. In the same month 20 Avá-Guarani Families of Tekoha (village) Pyahu, located in the city of Santa Helena (PR) were threatened by a local farmer. He stated that he would close the only road that connects the village to the city.

The threats also turn against human rights parliamentarians. In February federal deputy Guilherme Boulos (PSOL) was threatened with death by a farmer Rodolpho Leite. In a post on the personal profile on Instagram Leite said he was "mad" to shoot the parliamentarian's "face".



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VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS AND ADVOCATES

Violence against human rights defenders and advocates is a reality installed in Brazil. Strengthened by the management of Jair Bolsonaro (2019-2022), the situation of murders, attacks, threats, physical aggression, and other actions is alarming. The recent research by *Terra de Direitos* and *Justiça Global* shows the intensification of territorial and environmental conflicts in the country, with cases registered in all Brazilian states.



Murder:

169



Attack:

197



Threat:

579



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ON THE FRONTLINE - Violence
Against Humans Rights
Defenders in Brazil*

JUDICIAL

Another field of dispute over different fronts has been the judiciary. The resumption of the trial of the “TIMEFRAME” thesis by the Supreme Federal Court (STF) in June reveals how this power has also been incidence by anti-right sectors. More than 130 ruralist entities have filed a request for participation in the trial as *amicus curiae* (friends of the court). The strong presence of ruralists in the action shows how this sector understands the judiciary as an incidence space in favor of their interests. With a request for a view of Minister Andre Mendonça, the trial has been suspended and should be resumed at most within 90 days.

A publication produced by the Land of Rights and the Tapajós Arapiuns Indigenous Council (CITA) unites the 10 main legal arguments defended by ruralists within the timeframe, presented by entities in *amicus* requests. This material shows how the points advocated by agribusiness violate a series of rights originating from indigenous peoples and contradict what establishes the Federal Constitution, international human rights treaties, and even previous decisions of the Federal Supreme Court.



Download:

*Justiça e o Marco
Temporal de 1988: As
teses jurídicas em
disputa no STF sobre
terras indígenas*



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