

Frederick Reinfeldt,
Prime Minister of Sweden,
Presidency of the EU

29 September 2009
Ref.: B901

Dear Mr Reinfeldt,

EU Brazil Summit

On 6 October 2009, the EU and Brazil will meet for the third time at summit level as part of the new strategic partnership, established under the Portuguese Presidency of the EU in 2007. The Swedish Presidency has announced that the meeting will focus on issues of common concern, including the global economic and financial crisis, and climate change. We are writing to you to emphasize Amnesty International's view that approaches to these international challenges will only be effective in the long term, if global actors such as the EU and Brazil ensure that respect for human rights is central to all decisions taken.

As such, it is important that the EU uses this opportunity to foster a relationship with Brazil as a regional and global power to ensure the promotion and protection of human rights worldwide. The Swedish Presidency should take the opportunity to highlight to the government of Brazil that as their country's profile grows on the world stage, so too grows their responsibility to play an ever more active role in the defence of human rights internationally, regionally, and at home.

Co-operation on Human Rights at the UN

Brazil's own experience with the UN human rights machinery demonstrates acknowledgement of the value of openness to and support for international human rights monitoring. However, Brazil has to date taken a largely non-interventionist approach towards human rights on the global stage. Its statements of concern in the Human Rights Council (HRC) in connection with human rights violations have not been translated into corresponding positions on HRC resolutions addressing country situations. Amnesty International was shocked that at the Council's eleventh special session in May 2009, Brazil co-sponsored and voted in favour of a draft HRC resolution on human rights in Sri Lanka reaffirming "the principle of non-interference in matters which are essentially within the domestic jurisdiction of States". We were further disappointed that Brazil, despite its own assertion of the principle that it should be possible to discuss any issue in the HRC, abstained in a vote on a no-action motion brought to prevent any consideration of amendments proposed to improve human rights protection in the same draft resolution.

Brazil played a much more constructive role in connection with the resolution on Sudan adopted by the Council at its eleventh regular session in June 2009. Amnesty International looks to Brazil to play a potentially valuable bridging role across regions and groups of states in the HRC based on firm positions in favour of the protection of human rights - particularly in situations of gross and systematic violations. Brazil should be discouraged from repeating the role that it played on Sri Lanka in May and be encouraged to follow the path it embarked on in June for Sudan. Brazil has stated in the Council that it will be watching the UPR examination of the Democratic People's Republic of Korea (DPRK) in deciding how to address the situation in the DPRK in the Council. Those concerned with the protection of human rights will be watching closely how Brazil approaches at the DPRK in the Council after the UPR examination.

As Brazil seeks to consolidate and increase its position internationally so it must show that it can ensure full respect for the rights of its own population. Over the last few years the government of Brazil has recognized the existence of human rights violations in Brazil and has made some initial efforts to address them. Most recently the federal government's attempts to rework public security policy, such as the Programa Nacional de Segurança com Cidadania, have recognized that only through a fundamental reform of this policy will they confront the systematic and widespread levels of violations which permeate the criminal justice system. Similarly, efforts to combat abuses of workers' rights in the country, such as increased monitoring by federal officers of abuses committed as part of growth in the agroindustries, have

led to the release of tens of thousands in situations analogous to slavery. Amnesty International also recognizes some limited efforts by the federal authorities in trying to complete the important ratifications of indigenous lands. Finally, Amnesty International firmly welcomes the efforts of the Minister of Justice and the Special Secretary for Human Rights to address the continued impunity for torture and other violations under the previous military regime, under the protection of an irregular Amnesty law. All this has been done in the context of efforts to reduce the massive gap between rich and poor in Brazil.

Public Security

However, despite these positive steps, the overall extent of human rights violations in Brazil remains alarmingly high. For example, in the field of public security, although a number of states have in place reform projects for this sector, abusive practices and discrimination within the system remain rife. In São Paulo the continued use of 'operacoes saturação' has seen a number of violent and abusive operations in the city which have increased community distrust of the authorities while failing to provide security. In Rio de Janeiro the discourse for those communities not included in either federal or state public security projects has remained the same, oppressive, prejudicial and above all counter-productive. As a result, communities like those in the Maré have suffered increased gang violence and sporadic violent police incursions which fail to provide safety and protection of rights, and increase the vulnerability of the community. Consistently high levels of killings by police in both states are regularly registered as 'acts of resistance' which apparently exempts them from further investigation and strongly suggests the tacit support of the state. These killings have increased insecurity in the poorest areas while also distancing residents further from any form of state protection.

Human Rights Defenders

At the heart of this failure to address the human rights violations perpetrated by police has been the consistent and increasing involvement of police in illicit and criminal activity themselves. The expansion of the militias in Rio de Janeiro - organized crime gangs run by off duty police officers who have used their control over regions of the city to build a political power base - has been disturbing. Unfortunately since human rights defenders (HRDs) including certain judges, prosecutors, police officers and one state deputy are continually threatened, intimidated and attacked, their work is extremely dangerous and so the vast majority of the criminal activity among the police force goes unchecked. In line with the EU's commitment to use all political dialogues to draw attention to HRDs at risk, the Swedish Presidency should urge the Brazilian government to provide more visible support, to ensure the safety of activists who are threatened by those whose interests they challenge, to carry out their work.

Rural violence

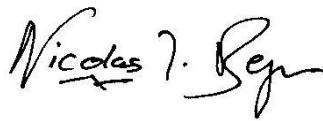
Public security is not only an urban issue in Brazil. In rural areas, violence against landless workers continues, often carried out by unregulated or insufficiently regulated private security companies hired by landowners or illegal militias. Agro-industrial expansion and government and private development projects reinforced decades of social discrimination and poverty in rural communities. The constitutional and human rights of these communities were regularly flouted, be it through a lack of access to justice and social services, or violence and intimidation at the hands of irregular private security companies in the defence of powerful economic interests. Forced evictions frequently take place, in many instances with complete disregard for due process of law. There have also been many attempts to criminalize movements that support landless people in their efforts to secure land and agrarian reform.

Indigenous Peoples fighting for their constitutional rights to ancestral lands continue to suffer killings, violence, intimidation, discrimination, and other human rights violations, often pushing them into poverty. Delays in judicial decisions also contribute to continuing violence against Indigenous Peoples. Of particular concern has been the situation in Mato Grosso do Sul, which contains some of the smallest, poorest and most densely populated Indigenous areas in Brazil: rural pockets of poverty surrounded by large soya and sugar cane plantations and cattle ranches where life is plagued by ill-health and squalid living conditions. Some 60,000 Guarani Kaiowa Indigenous people live a precarious existence – social breakdown has led to high levels of violence, suicide and malnutrition. Frustrated at the slowness of the land demarcation process, the Guarani Kaiowa have begun reoccupying ancestral lands, but have been subjected to intimidation and violent evictions. Their vulnerability has been increased by the persistent failure of the

judicial system to allow the completion of the land regularization process that would give them access to their ancestral homes.

The EU-Brazil Summit discussions on tackling the global economic crisis and climate change, must include finding ways to address the disproportionate impact of these global realities on the poorest and most vulnerable communities. We urge you to ensure that any global strategies considered take into account all those affected, and in particular protect economic, social and cultural rights activists who are working to protect the rights of the most vulnerable. We would be happy to provide any further information required, and look forward to feedback on the Summit.

Yours sincerely,



Nicolas Berger
Director
Amnesty International EU Office



Lise Bergh
Director
Amnesty International Sweden

Cc: Luiz Inácio Lula da Silva, President of Brazil
Jose Manuel Barosso, President of European Commission
Carl Bildt, Swedish Minister for Foreign Affairs
Joao Pacheco, Head of EC delegation, Brazil
Ambassador Ricardo Neiva Tavares, Head of Mission of Brazil to the EU