## **VISIT TO BRAZIL**

On 28 June 2023 the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule presented his Brazil Country Visit Report to the Human Rights Council (A/HRC/53/38/Add.1) disclosing the findingsand recommendations based on his official country visit to Brazil from 28 March to 9 April 2022.

In the report, the Special Rapporteur expressed concern at the closing of civic space and the ongoing and increasing police violence that has been coupled in recent years with political violence as a consequence of the emerging populist narrative, which have threatened the effective enjoyment of the rights to freedom of peaceful assembly and of association. The UNSR in particular identified disproportionate challenges and obstacles for the enjoyment of the rights to peaceful assembly and of association of human rights defenders, women, LGBTI+ communities, traditional communities, including Quilombolas, Afro-Brazilian and indigenous peoples.

The Special Rapporteur recognized the vibrant civil society which despite populist discourse and restrictive laws has played a key role in recent general elections. Rebuilding trust between the new authorities and civil society is crucial he stated, andhe welcomed steps taken by the new Government to reverse the closing of civic space and adopt measures to promote an enabling environment for the exercise of fundamental freedoms.

This briefer extract the key recommendations to the Government of Brazil.

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"I recommend that the Brazilian Government carry out a broad and deep national dialogue with civil society, including human rights organizations, academia and trade unions, to strengthen democratic institutions, and to prevent future crises that could jeopardize democracy and social cohesion."



## Key recommendations to the Government of Brazil

- Ensure, in law and in practice, that the rights to peaceful assembly and of association are freely exercised so that they may play a decisive role in the transition to and maintenance of an effective democratic system and act as a channel for dialogue, pluralism, inclusiveness, tolerance and broad-mindedness. To this effect authorities must ensure:
- a conducive and safe environment for everyone exercising or seeking to exercise the rights to freedom of peaceful assembly and of association, free from discrimination.
- that victims of violations and abuses of the rights to freedom of peaceful assembly and of association have the right to an effective judicial remedy and obtain redress;
- that a wide range of civil society actors with diverse views are systematically consulted before the adoption of any legislative initiative and policies;
- to ensure that national security laws are in accordance with international human rights norms and standards and are not arbitrarily used to silence civil society and undermine the rights to freedom of peaceful assembly

## More specifically, UNSR Voule recommends the following:

- a. In consultancy with civil society, develop a unified protocol for law enforcement officials on the facilitation of peaceful protest that is in compliance with international standards and which should prioritize de-escalation and negotiation strategies;
- b. Create an effective, well-resourced and independent federal oversight mechanism to effectively investigate complaints with regard to the conduct of law enforcement officers in the context of protests, including of those in positions of authority;
- c. Amend anti-terrorism laws in line with international human rights norms and standards and refrain from adopting any reforms to existing counter-terrorism laws and policies contradicting those norms and standards;
- d. Ensure that the new national security law is applied in strict compliance with international human rights norms and standards, and repeal criminal defamation laws;



- e. Create and maintain a safe and enabling environment that is conducive to the exercise of the right to participate in public affairs, including by repealing presidential decree No. 9759/2019 and re-establishing and strengthening pre-existing formal mechanisms that facilitated civil society's participation in decision-making;
- f. Ensure that all individuals exercising their rights to freedom of peaceful assembly and of association, including human rights defenders, political candidates, trade union leaders, Indigenous Peoples, rural and marginalized communities and persons belonging to minorities, as well as their family members and their associates, are protected from violence, harassment and intimidation.
- g. Conduct prompt, impartial and independent investigations and pursue accountability for all attacks and threats by State and non-State actors against and all individuals exercising their rights to freedom of peaceful assembly and of association;
- h. Conduct a thorough social study on the impact of populism discourse and hate speech, online and offline, on the enjoyment of fundamental freedoms, in particular on the rights to peaceful assembly and of association,

## Key recommendations to other stakeholders, including multilateral organizations:

 UNSR Voulerecommends international organizations and donors in Brazil to continue supporting the Government and civil society organizations in fostering an inclusive civic space and promoting participatory democracy, including by strengthening relevant authorities and CSOs.

