



**RECOMMENDATIONS  
FROM THE UN  
WORKING GROUP  
ON BUSINESS  
AND HUMAN RIGHTS  
TO BRAZIL:  
STATUS OF IMPLEMENTATION  
BY GOVERNMENT AND  
BUSINESS ENTERPRISES**

**EXECUTIVE SUMMARY**



**RECOMMENDATIONS FROM THE  
UN WORKING GROUP ON BUSINESS  
AND HUMAN RIGHTS TO BRAZIL:  
STATUS OF IMPLEMENTATION  
BY GOVERNMENT AND  
BUSINESS ENTERPRISES**

**EXECUTIVE SUMMARY**



**Recommendations from the UN Working Group on Business and Human Rights to  
Brazil: Status of Implementation by Government and Business Enterprises**

**Conectas Human Rights**

São Paulo, Brazil

June 2018

**Conectas Human Rights**

Conectas was founded in 2001 as a collective effort of professionals, academics and activists. Based in Brazil, we operate across the Global South landscape to monitor and mobilise international human rights agendas. The Development and Socio-environmental Rights program seeks State and corporations' accountability for violations of human and environmental rights resulting from large-scale economic activities.

Authors: Caio Borges, Jefferson Nascimento, Joana Nabuco and Julia Cruz

Reviewed by: Camila Asano and Juana Kweitel

Edited by: João Brito

Translated by: Courtney Crumpler

Designer: Joana Resek

**Conectas Human Rights**

Av: Paulista, 575, 19º andar, Bela Vista, São Paulo, SP

[www.conectas.org](http://www.conectas.org)



# table of contents

<b>Introduction</b> .....	7
<b>Conclusions and recommendations from the Working Group’s visit to Brazil</b> .....	7
<b>Methodology and thematic pillars of the report</b> .....	8
• Legal and Political Frameworks .....	9
• Indigenous peoples .....	10
• Workers’ rights .....	11
• Environmental and social rights .....	12
• Civil society initiatives .....	13
• Public Policies .....	14
• Actions of public institutions .....	15
• Case Analyses .....	17
• Belo Monte and Belo Sun (Pará) .....	17
• Doce river (or dam disaster) (Minas Gerais and Espírito Santo) .....	17
• Suape Port and Industrial Complex – CIPS (Pernambuco) .....	18
• Hydro Alunorte (Barcarena, Pará) .....	18
• Anglo American (Rio-Minas Pipeline) .....	19
• Corporate Policies and Practices .....	20
 <b>Assessment of Implementation of the UN Working Group Recommendations:</b>	
<b>A Long Road Still Lies Ahead</b> .....	21
• Criteria for monitoring progress .....	22
• Status of compliance with the recommendations .....	24
 <b>Main conclusions of the report</b> .....	38
 <b>Recommendations</b> .....	40
• To the Human Rights Ministry .....	40
• To BNDES .....	41
• To National Contact Point .....	41
• To the Federal Union .....	42
• To private businesses and business associations .....	42



# executive summary and recommendations

## Introduction

---

This Executive Summary provides an overview of the Report on Monitoring of Implementation of the UN Working Group on Business and Human Rights' Recommendations for Brazil. This study by Conectas Human Rights is based on the 28 recommendations made to the Brazilian government and businesses after the Working Group's visit to Brazil in December, 2015. This summary includes

- (i) a brief introduction on the visit and the WG's report, including its conclusions and recommendations;
- (ii) the thematic sections of this report (political and legal frameworks, public policies, analysis of cases and business policies and practices);
- (iii) a summary of the assessment of compliance with the WG's recommendations by government and businesses;
- (iv) main conclusions of the report, and
- (v) recommendations.

## Conclusions and recommendations from the Working Group's visit to Brazil

---

The UN Working Group on Business and Human Rights visited Brazil from December 7th to 16th, 2015, with the goal of examining activities that seek to prevent negative impacts of business policies on human rights. In its first mission to a Latin American country, the Working Group visited São Paulo, Rio de Janeiro, Belo Horizonte, Mariana, Altamira and Belém.

In June, 2016, the report from the visit was presented during the 36th Regular Session of the UN Human Rights Council. In addition to the summary of collected information, the document presented a set of conclusions, including the following:

- > (a) Brazil pursues an economic development model at the expense of human rights,
- > (b) businesses are doing “business as usual,”
- > (c) affected communities are systematically denied the right to participation and consultation and
- > (d) there is a risk of setbacks to the legal framework.

The document contains 32 recommendations, 21 of which are directed to the Brazilian government, 7 to public and private business enterprises operating in Brazil and 4 to civil society. Among them, the importance of developing a national action plan on business and human rights, building platforms and strengthening mechanisms for dialogue within government, businesses and civil society, and defining clear policies that all businesses in the country respect human rights and carry out due diligence in their national and international operations.

For civil society, the report recommends actions for awareness-raising about the responsibility of the Brazilian government and businesses under international human rights law. The report “Recommendations from the UN Working Group on Business and Human Rights to Brazil: Status of Implementation by Government and Business Enterprises” represents Conectas’ effort to raise awareness by presenting the landscape of the measures that public and private actors have adopted to implement the recommendations from the Working Group to Brazil. The objective is to carry out a systematic assessment of the progress made by Brazilian government and business enterprises taking into account the analyses and recommendations of the country visit report.

## **Methodology and thematic pillars of the report**

---

Through a predominantly qualitative assessment of the progress on the implementation of recommendations of the Working Group, this report is structured under a thematic and methodological approach designed to make evaluation feasible. First, four thematic pillars were selected through which to evaluate the status of compliance with the recommendations:



- > (i) Legal and Political Frameworks,
- > (ii) Public Policies,
- > (iii) Case Analyses, and
- > (iv) Corporate Policies and Practices.

Next, specific themes within each of these broad areas were selected. Since the Working Group's report addresses many questions, some issues were reserved for the next monitoring report. Nevertheless, an effort was made to include the most urgent and visible themes, based on the structure of the Working Group's report. Additionally, themes that are part of Conectas' agenda were presented in greater detail. However, in general they coincided with the priorities specified in the Working Group's own analyses, critiques and recommendations. The section about concrete cases highlights the perspectives of the communities on the evolution of their situation since the Working Group's visit. The report recognizes the difficulties inherent in measuring the progress of the implementation of the United Nations Guiding Principles on Business and Human Rights, but it takes this task seriously with the intention of providing material for further debate. The next section details the principal results of the analysis of thematic pillars.

## Legal and Political Frameworks

---

Seeking to highlight the most relevant events from 2017, actions related to four themes were chosen:

- > (i) Indigenous peoples,
- > (ii) Labor rights,
- > (iii) Environmental and social rights, and
- > (iv) Civil society monitoring initiatives.

Measures adopted by the current government have contributed to setbacks around the protection of the original rights of indigenous peoples and their traditional lands. The government's interpretation on the issue is based upon the "temporal approach" to all lands being considered for indigenous demarcation. This approach suggests that indigenous people have a right to land "as long as the area in question was occupied on the date of the signing of the Federal Constitution." The broad adoption of this framework could have the effect of suspending hundreds of demarcation processes currently underway in Brazil. Three cases that came under Supreme Court review brought this "temporal approach" into the constitutional debate. Even though an acceptance of the validity of this interpretation was not prevalent or was not directly addressed, groups within civil society are still concerned that the concept could be used in other cases.



In July, 2017, Brazilian President Michel Temer ratified Opinion 001/2017/GAB/CGU/AGU1 of the Office of the Federal Attorney General, which instructs all federal administrative agencies to apply the guidelines set forth in the 2009 process of demarcation of the Raposa Serra do Sol indigenous land, in Roraima, to the rest of the indigenous lands in the country.<sup>2</sup> The specific conditions for the case of Roraima imply that indigenous people have a right to land "as long as the area in question was occupied on the date of the signing of the Federal Constitution," in October, 1988. This legal understanding is known as a "temporal approach". Widespread adoption of this interpretation has the potential to suspend nearly 748 demarcation processes currently underway in the country, according to numbers from the Office of the Attorney General, which would severely restrict the rights of indigenous peoples. A similar measure, however with a reduced scope, Opinion 303/2012 of the Office of the Federal Attorney General received critiques from various civil society organizations, among them the Articulation of Brazilian Indigenous People (Articulação dos Povos Indígenas do Brasil - APIB), because it conflicts with international norms to which Brazil is a party.

Since the visit of the Working Group, the context of weakening policies for the eradication of slave labor conditions in Brazil has become more acute. Measures including a reduction of funds for inspection and monitoring, undermining the anti-slavery measures, changes in the definition of the concept of forced labor and slavery-like conditions and the legal battle around the disclosure of the Dirty List are some of the examples of setbacks observed in recent months.



---

In November, 2017, UN experts criticized the changes put forth by the Ministry of Labor that weakened the fight against slave labor in Brazil.<sup>3</sup> In a press release, the Special Rapporteur on Contemporary Forms of Slavery, Urmila Bhoola, and the chair of the UN Working Group on Business and Human Rights, Surya Deva, expressed their disappointment with the setbacks of Decree 1129, which limits the definition of modern slavery and can reduce the number of victims that are rescued. The experts celebrated the Federal Supreme Court's suspension of the decree and called for its permanent revocation. "Brazil has been a leader in the fight against modern slavery, and for this reason it is surprising and disappointing to see measures put in place that could lead to the country losing ground on this issue," reads the text of the joint declaration of the two independent mechanisms.

---

The period after the visit of the Working Group saw a proliferation of measures to weaken the legal framework on environmental licensing and the status of environmental conservation units, as well as projects that seek to facilitate the convalidation of land-grabbing, attempts to undermine the environmental and social responsibility of financial institutions and new - and weakened - legislation on State-owned enterprises. The proposed changes to environmental protection being cooked in Brazilian Congress have exacerbated the climate of violence and insecurity on the ground. At least four massacres were registered in 2017, with a total of 32 killings: 1) Colniza (Mato Grosso) on April 19, 2017, 2) Pau d'Arco (Pará) on May 24, 2017, the largest massacre since the Eldorado dos Carajás slaughter in 1996, 3) Vilhena (Rondonia) on June 4, 2017, and 4) Lençóis (Bahia) on July, 2017.



In June, 2017, three UN Special Rapporteurs and one Rapporteur from the Inter-American Commission of Human Rights released a communiqué expressing concerns on threats to the rights of indigenous peoples and to environmental protection in Brazil.<sup>4</sup> The rapporteurs addressed bills that are seeking to restrict the environmental licensing mechanism. They highlighted the deleterious effects of legislation that eliminates requirements for environmental licenses for industrial agriculture and cattle farming projects without consideration of the needs, size or location of a project and its impact on indigenous lands or the environment. "Weakening environmental protections would violate the government's duty not to regress on the protection of human rights, including protecting a healthy environment," said the UN and IACHR rapporteurs.

## • Civil society initiatives

In May, 2017, around 60 organizations signed a letter denouncing measures that violate human rights and put environmental protection at risk, launching a resistance movement called #Resista. The movement rejects proposals put forth by the Temer administration in consortium with the “rural caucus” (“bancada ruralista”) that violate human rights, especially the rights of indigenous peoples and rural workers, and that put environmental protection at risk. The objective of the initiative is to expose and resist legislative and political backward movements in the field of human rights and environmental protection, working nationwide through the parliament, judiciary and social engagement.



“The participation of the Federal Government in the attack orchestrated against rights, areas of diversity and the environment is a political and historical rollback, not to mention an abdication of Brazilian Government’s constitutional obligation to protect minority rights, reinforcing the impression of a country where nature and knowledge of the natural environment are subverted by short-term economic interests, reproducing the exclusive model of expanding agribusiness and promoting the implementation of infrastructure projects frequently linked to corruption schemes and poor management of public resources. In light of the above, the undersigned organizations and movements, from different areas of activity, come together to denounce and resist the perverse agenda of the Brazilian Government and the agribusiness lobby to dismantle the social and environmental achievements, and call on the public and other sectors of civil society to join forces to stop the reversal of these protections” (Quote from the public statement launching #Resista, titled “Temer Government and Conservative Ruralist Lobby Join Forces to Undermine Brazil Future”).<sup>5</sup>

The Brazilian government's commitment to human rights in the recent period has been marked by an institutional fragility due to frequent changes in the composition and status of the federal human rights organ in charge of human rights protection and promotion. This fragility is often perceived as a symptom of the lack of commitment of the current administration to human rights in general, who instead promotes an agenda of regressive measures that involve dismantling policies to tackle and eradicate slave labor and attacks on socio-environmental rights, including extensive budget cuts for organs like Funai (the National Indigenous Foundation) and the Environment Ministry and proposed changes to legislation around the demarcation of indigenous lands, in conflict with the text of the Brazilian Constitution and international agreements to signed and ratified by Brazil. In this context, the National Secretariat of Citizenship (SNC) of Human Rights Ministry presented information on a protocol of implementation of recommendations made to Brazil by international and national mechanisms, the publication of guidelines about Business and Human Rights and a Convergence Agenda on the rights of children and adolescents.

The actions of the National Contact Point, responsible for disseminating the Multinational Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development (OECD), and of the Brazilian Development Bank (BNDES) were also analyzed. This analysis revealed institutional limitations that impede full execution of intended functions as well as a lack of structure for mechanisms to consult civil society and for effective changes in institutional practices for participatory monitoring of projects. Development of a Protocol of Implementation of Recommendations made to Brazil on Business and Human Rights. The idea of this instrument is partly attributable to the resistance by some segments of Brazilian civil society to National Action Plans, which are understood to be flawed and to undermine the binding obligations of State and businesses towards human rights.

## ACTIONS OF PUBLIC INSTITUTIONS

INSTITUTION	ACTIONS
<b>Human Rights Ministry</b>	<ul style="list-style-type: none"><li>• Development of a Protocol of Implementation of Recommendations made to Brazil on Business and Human Rights. The idea of this instrument is partly attributable to the resistance by some segments of Brazilian civil society to National Action Plans, which are understood to be flawed and to undermine the binding obligations of State and businesses towards human rights.</li><li>• Organization of a workshop on human rights and business in March 2015.</li><li>• Actions for the protection of children and adolescents, including the building of a Convergence Agenda and Action Protocol for the Protection of the Rights of Children and Adolescents in the Context of Infrastructure Projects.</li><li>• Publication of the document "Implementing the United Nations Guiding Principles on Business and Human Rights: The State's Responsibility to Protect and Businesses' Obligation to Respect Human Rights."<sup>6</sup></li><li>• As empresas devem combater a corrupção em todas as suas formas, inclusive extorsão e propina.</li></ul>
<b>BNDES (Brazilian Development Bank)</b>	<ul style="list-style-type: none"><li>• Approval of a multi-year plan for actions and developments in governance, management of socio-environmental risk and processes for dialogue and accountability to interested parties (2015).</li><li>• Disclosure of complaints received by the BNDES ombudsman mechanism in the bank's six-months reports.</li><li>• Participation in discussions related to the elaboration of the National Action Plan and the Action Protocol for the Protection of the Rights of Children and Adolescents in the Context of Infrastructure Projects, coordinated by the Human Rights Ministry.</li><li>• Participation, since 2007, in the Pro-Gender and Racial Equity Program.</li></ul>

**National Contact Point**

- Dialogue with departments that promote business and investment, and participation in events to disseminate the OECD Guidelines for Multinational Enterprises.

**CNDH (National Human Rights Council)**

- Official missions to communities and regions affected by corporate-related human rights violations, and subsequent for reports with the description of facts and recommendations for public and private actors.<sup>7</sup>
  - Recommendations for the National Congress to discuss and vote draft laws that seek to protect the rights of people and communities regularly impacted by dams (see the example of the National Rights Policy for People Impacted by Dams) and the rejection of propositions to weakening human and environmental rights, such as bills that weaken the process for environmental licensing in Brazil.
  - Communications to public and private actors requiring information about measures of remediation and compliance with the Council's deliberations.
-



**T**he persistence of adverse human rights impacts and the lack of effective due diligence mechanisms become clearly visible from the current situation of the three communities affected by large-scale development projects mentioned by the Working Group (Belo Monte and Belo Sun, Rio Doce and the Suape Port and Industrial Complex) as well as from two new cases (Hydro Alunorte, in Barcarena, Pará, and the Minas-Rio pipeline). This analysis of the cases favors the perspective of the communities that have experienced the negative impacts.

### > BELO MONTE AND BELO SUN (PARÁ)

Some progress has been made in the following years after the Working Group's visit, such as the resettlement of families of the Independente II neighborhood (which suffered from floods after the damming of the river) and the beginning of a process of demarcation of the lands on the margin of the Xingu to riverine communities who depend on the river for survival. However, many of the impacts and violations that were identified during the visit still persist. The resurgence of violence is particularly serious. The Belo Sun project, an open-pit gold mine by a Canadian company, was deemed by the Working Group as alarming. Hostility against some communities has increased, as did reprisals towards human rights defenders working in the area.

### > DOCE RIVER (OR DAM DISASTER) (MINAS GERAIS AND ESPÍRITO SANTO)

More than two years after the Fundão dam collapse, owned by Samarco (a joint venture between Vale and BHP Billiton), the progress around the environmental recovery and remedies for affected communities is unsatisfactory. The negotiation of the Transaction and Conduct Adjustment Agreement (TTAC) – the extrajudicial mechanism that created a framework for the remediation process – was not preceded by consultations with affected groups and populations and did not involve meaningful participation of local communities. As a consequence, the structure that the TTAC created, including the Renova Foundation, which is responsible for the development and implementation of the programs for the recovery of the Doce river basin, have proven insufficient in addressing the entire range of damages caused by the disaster. These damages were also aggravated over time due to the defensive posture of the involved companies and the governmental bodies. The most pressing issues include problems with the design and implementation of the socio-economic and socio-environmental recovery programs, the low

values of compensations, delays in the resettlement process, a lack of sensitivity to the particular characteristics of indigenous populations and traditional communities, a lack of trust and of reliable information around the quality of the water, and the deterioration of the situation of human rights defenders.

### ➤ **SUAPE PORT AND INDUSTRIAL COMPLEX – CIPS (PERNAMBUCO)**

The expansion of the mega-project in Northeast Brazil caused the forced eviction of 18,000 families to areas where they can not maintain their traditional livelihoods, losing their means of subsistence, cultural practices and community bonds as well as facing deteriorating physical and mental health. The few residents that resist displacement can no longer count on the resources from fishing and other traditional activities that guarantee their survival and income. Changes to the environment have led to a scarcity of seafood and the use of some areas is prohibited because of industrial or port-related activities. Even when they keep their distance from the impacted areas, the residents who refuse to leave their homes are threatened by private militias. Individuals report having had their property destroyed and receiving threats and aggressions. By deploying these violent tactics, project sponsors seek to induce residents to leave the lands that they have traditionally occupied. Three corporations' non-compliance with the OECD's guidelines for multinational corporations were the object of a complaint at the OECD National Contact Point. This reported non-compliance occurred while carrying out drainage and dredging by Dutch company Van Oord in order to deepen the river bed and open an external access channel to the port. In addition to Van Oord, the agency that grants credit for exportation within the Dutch government, Atradius DSB, and CIPS were also named in the complaint. The case has already been completed in the Netherlands and remains open in Brazil.

### ➤ **HYDRO ALUNORTE (BARCARENA, PARÁ)**

On February 17th, 2018, after torrential rains in the city of Barcarena, Pará, a leak out of the waste repository from the Norwegian company Hydro Alunorte was identified as the cause of water contamination within the municipality. During the investigation, the Health Ministry took note of clandestine pipes that illegally released a part of the waste from the company's activities directly into nature. The company accepted that the leaks were happening and alleged that the waste treatment plant was under exceptional pressure because of rain. Preventative measures, mitigation or reparations for the impacted population were not properly carried out. Currently, administrative and legal procedures are being conducted with the objective of investigating and putting an end to the waste leakages caused by the company's refining activities. Beyond this, authorities recommend the immediate provision of drinking water to the communities that reside near the Barcarena Industrial Complex.

## > **ANGLO AMERICAN (RIO-MINAS PIPELINE)**

Anglo American's mining activities in the Conceição do Mato Dentro (state of Minas Gerais) region have been involved in controversies, including conflicts of interest and threats to human rights defenders. Anglo American is the owner of the Minas-Rio pipeline, the largest mineral transport line in the world. In March 2018, Minas-Rio pipeline ruptured twice, releasing nearly one thousand tons of iron ore slurry and tailings into the city of Santo Antônio da Gramma's water source. The second leak caused the Minas Gerais Public Prosecutor's Office (MP-MG) to call for the suspension of the mineral transport activities through the Minas-Rio pipeline until an independent environmental review could be carried out. On April 3, 2018, Anglo American announced the suspension of pipeline activities for 90 days, after explaining that the leaks were caused by faults at the junctures of the pipeline. Ibama (the Brazilian Institute for the Environment and Renewable Natural Resources) also called for a halt in activities after the second leak.



Extending 529 kilometers, the Minas-Rio pipeline, owned by the Anglo American mining company, is the largest mineral transport line in the world. It connects the mineral treatment plant in Conceição do Mato Dentro (MG), to the Açu port (RJ), crossing 32 cities. Inaugurated at the end of October 2014, it has the capacity to produce and transport 26.5 million metric tons of iron ore per year.<sup>1</sup> The pipeline and the mine in Conceição do Mato de Dentro consume 2,500 m<sup>3</sup> of water per hour, which is enough to serve a city of 220,000 inhabitants<sup>2</sup>. Since the beginning, the pipeline has been criticized based on reports of pollution of rivers and springs in the region,<sup>3</sup> the levels of water consumption by the enterprise in a region that is often plagued with droughts,<sup>4</sup> and its impacts on the lives of residents of nearby communities, whose homes shake and crack when the pipeline is active.<sup>5</sup>

The analysis of initiatives that seek to raise awareness around the issue of business and human rights within the business sector showed that there is a lot of work to be done for the compliance with recommendations of the Working Group for businesses. The analysis is based upon a critical evaluation of the results of the activities of the following entities: the Brazilian network of the UN Global Compact Network (Rede Brasil do Pacto Global), InPACTO (Institute of the National Pact for Eradicating Slave Labor), Ethos Institute and B3 (the Brazilian Stocks Exchange). With the exception of B3, all the institutes seek to bring civil society, businesses and the state together to discuss and devise activities of corporate social responsibility and business and human rights. According to the information collected with these actors that have worked to establish inter-institutional dialogues with representatives from different sectors, there is low awareness about the UN Guiding Principles within the business community. The same applies to the Working Group's visit to Brazil of 2015 and the recommendations made to businesses after the official mission.



Since October 2016, the UN Global Compact Network Brazil has carried out trainings on human rights due diligence that aim to increase awareness of human rights within the business sector in general, and more specifically of the Guiding Principles. Around 100 people representing 56 companies participated in the first session, which took place in São Paulo.<sup>13</sup> Dante Pesce, a member of the UN Working Group on Business and Human Rights and Flávia Piovesan, the then Special Secretary for Human Rights of the Ministry of Justice and Citizenship (SEDH-MJC) were among the invited speakers. Two more training sessions were carried out in 2017 and the fourth session is planned for June of 2018 in Curitiba.<sup>14</sup> According to Maria Gabriela Eiras de Almeida, the coordinator of the Human Rights Working Group of the Brazilian Global Compact network, the engagement of businesses and other entities in the training has been growing and requests have been made for an increase in the number of hours of the workshop.<sup>15</sup> This is an important indicator of implementation of the recommendation made by the UN Working Group on Business and Human Rights of greater involvement of the business community with the UN Global Compact Network Brazil to promote understanding and learning from the experiences in implementing the Guiding Principles.<sup>16</sup>

## **Assessment of Implementation of the UN Working Group Recommendations: A Long Road Still Lies Ahead**

**A** systematic evaluation of the state of compliance with the recommendations reveals that we still have a long road ahead. The current economic, political and social crisis plaguing Brazil intensified considerably in 2016 and 2017, the period immediately after the Working Group's mission to the country. This context of instability brings with it many setbacks in the social and environmental fields, making the implementation of the recommendations of the Working Group even more distant from the reality of June, 2016 (when the country visit report was submitted to the Human Rights Council). The slow implementation of the recommendations in the public sphere can be attributed to the absence of a comprehensive and inclusive agenda on the topic. This, in turn, could be justified by the numerous changes in the agencies responsible for the implementation of human rights policies at the federal level made since 2015. Threats to social and environmental rights and violence against human rights defenders have only increased in the correspondent period. Recent cases of corporate irresponsibility reveal a persistent state of fragility in the mechanisms of control and supervision of business' activities by the State, as well as the lack of engagement of corporations with the business and human rights field. Finally, there is an expressive lack of awareness of the Guiding Principles for Business and Human Rights within the business sector.

## Criteria for monitoring progress

---

### STATUS

### CRITERIA

---

#### Significant measures



- Adoption of structured policies (public or institutional) that seek to implement the given recommendation.
- Adoption of remediation measures aligned with the Guiding Principles and with the international standards on the right to an effective remedy (where applicable)

---

#### Satisfactory measures



- Establishment of initiatives directed toward partial compliance with a given recommendation, including proposals for public or institutional policies and the organization of events, workshops or other activities that directly address the correspondent themes within a given recommendation (the latter applies to recommendations on dissemination and awareness-raising about a given topic).

---

#### Unsatisfactory measures



- Execution of actions in which the recommended topic is addressed generically or as a side-note, without a clear indication of the adoption of medium and long term measures
- Adoption of measures that could lead to compliance, but with results that fall short of expectations or that lack clear results and objectives, discontinuity or slow implementation

---

#### No publicly available information or no evidence was found



- No reports or evidence of any action or initiative related to the topic of the concerned recommendation.

---

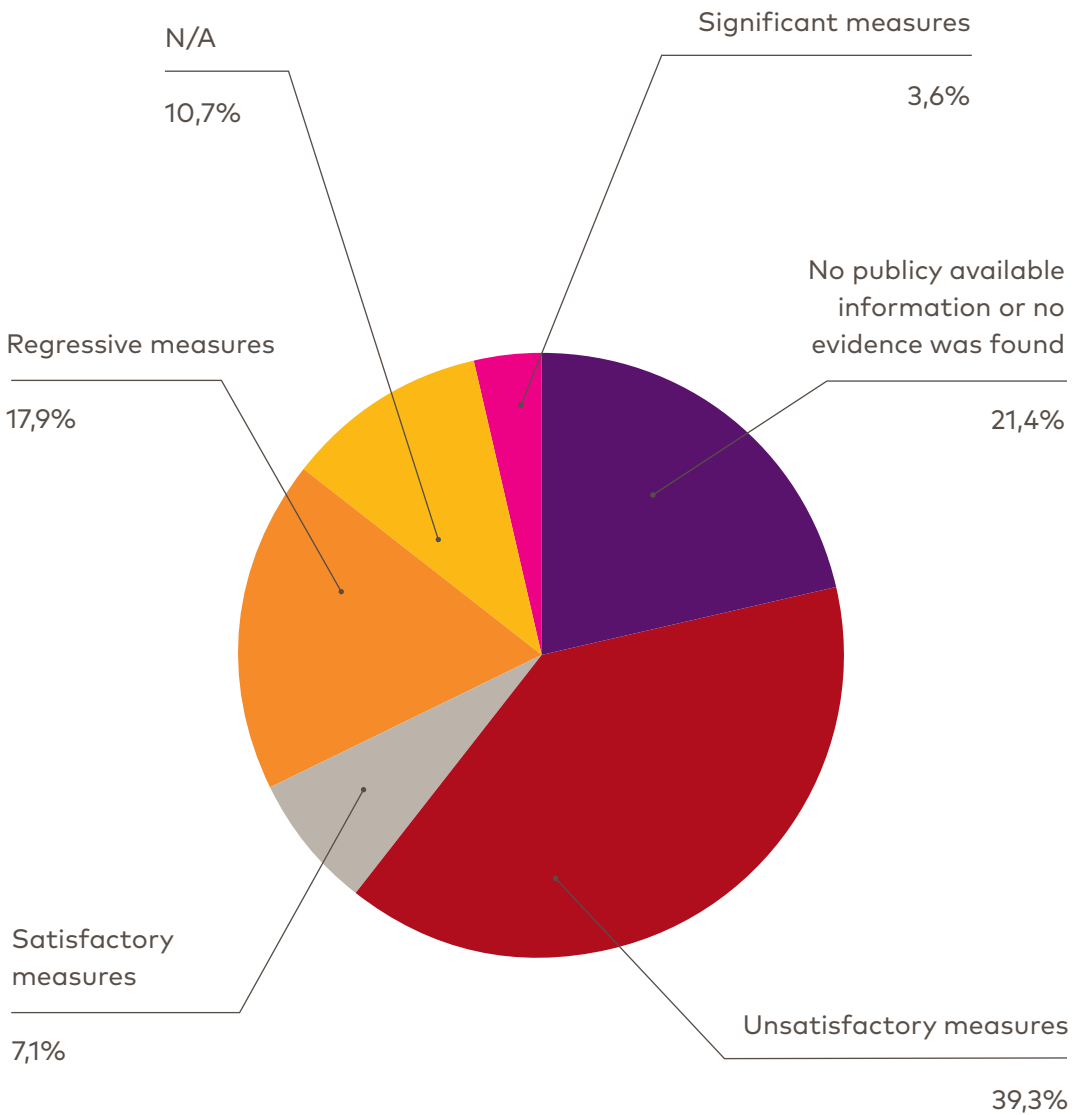
#### Regressive measures



- Actions or initiatives that undermine compliance with existing policies (public or institutional) or that aggravate the violations addressed in a given recommendation.


The report concludes that the progress of implementation of the recommendations by government and businesses is unsatisfactory. Of the 28 recommendations directed to the State and to businesses, 17 were designated as “Unsatisfactory measures” or “No publicly available information or no evidence was found,” a total of 60.7%. Only three recommendations received the designation “Satisfactory measures” or “Significant measures” (10.7%). Five recommendations (17.9%) were classified as “Regressive Measures”.

● **Evaluation of Compliance with the Recommendations**



## Status of compliance with the recommendations

---

RECOMMENDATION	TARGET	STATUS
Raise awareness and build the capacity of civil servants and lawmakers on the respective obligations and responsibilities of the Government and all business enterprises, including State-owned enterprises, to prevent and address adverse [70.a]	Government	No publicly available information or no evidence was found 
Set out clear expectations in relevant policies that all business enterprises in Brazil respect human rights throughout their operations and conduct human rights due diligence in relation to their domestic and international operations [70.b]	Government	Unsatisfactory measures 
Encourage the Brazilian Development Bank (BNDES) to ensure that bank-funded projects include safeguards against adverse human rights impacts, in line with the Guiding Principles [70.c]	Government	Unsatisfactory measures 

---



## COMMENT

---

According to information presented by the Human Rights Ministry, partnerships to train people with disabilities, people of African descent and members of the LGBT population were carried out in order to prepare these people for the job market. The Ministry highlights seminars, conventions and workshops carried out in recent years. Despite the importance of these initiatives, they are not related to the recommendations of the Working Group, which specifically calls for trainings for public servants and legislators on the requirements for business and human rights in the context of the Guiding Principles.

---

A bilateral investment agreement signed by Brazil and Chile refers to the OECD Guidelines, which are aligned with the Guiding Principles on due diligence requirements. However, it does not contain specific requirements. Human rights due diligence is also absent in other policies and normative standards, including BNDES safeguards and the State-Owned Company Responsibility Law.

---

Many actions of promotion of human rights agenda listed by BNDES have been analyzed by civil society organizations despite advances areas such as transparency, some critical points that were identified prior to the Working Group report persist. The Bank has still not structured a consultation mechanism with civil society for periodic updating of its Social and Environmental Responsibility Policy and associated action plan. Participatory monitoring of projects, with the involvement of local communities, which is one of civil societies' main demands, is still not part of the Bank's assessment cycle. BNDES has still not taken effective steps to guarantee active transparency of information related to the socio-environmental management of projects that receive international funding. Passive transparency still faces obstacles that are incompatible with a commitment to broad reporting of socio-environmental information. Finally, the ombudsman's office of BNDES, has not yet fully adjusted its functioning to meet criteria of Guiding Principle #31.

---

**RECOMMENDATION****TARGET****STATUS**

Develop a national action plan on business and human rights on the basis of multi-stakeholder engagement [70.d]

Government

Satisfactory measures



Create platforms and strengthen mechanisms for dialogue between Government, businesses and civil society on business and human rights issues [70.e]

Government

Unsatisfactory measures



Include human rights considerations in public procurement policies and include the corporate responsibility to protect human rights in procurement contracts [70.f]

Government

No publicly available information or no evidence was found



Reinforce the importance of compliance with the Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises in relation to domestic and overseas business activity and highlight the progress made by State-owned enterprises that have already committed to such compliance [70.g]

Government

Unsatisfactory measures



Build on the current programmes and policies to combat child and forced labour and avoid weakening safeguards, including the current definition of slave labour [70.h]

Government

Regressive measures



## COMMENT

---

According to the Human Rights Ministry's publication "Implementando os Princípios Orientadores sobre Empresas e Direitos Humanos" (Sept 2017), the Brazilian government is currently elaborating a protocol for the evaluation of the recommendations of the Working Group, based on critiques from civil society on National Action Plans (NAPs).

---

The initiatives on this topic are restricted to two workshops organized by the SNC, which addressed the Guiding Principles and NAP on Business and Human Rights (in May, 2015) and about the OECD Guidelines and Guiding Principles (in October, 2017), according to information provided by the Human Rights Ministry. Despite the importance of these actions, long lasting mechanisms for multistakeholder dialogues that are capable of addressing the recommendation have not been established.

---

The actions reported by the SNC include only recognition of the importance of mechanisms for public contracts that demand legislation related to the rights of people with disabilities be followed. This is addressed through dialogues promoted by the National Department of Rights of People with Disabilities. There was no mention of a similar initiative for businesses' responsibilities for protecting human rights in public contracts. It is important to highlight the responsibility of the Ministry of Planning, Budget and Management, which manages policies for public purchases in the federal level.

---

According to SNC, a workshop was conducted in October, 2017, about the OECD Guidelines and the Guiding Principles. Nevertheless, no information has been required on the progress of the compliance by committed state-owned companies. There is no specific plan for these companies.

---

Budget cuts and a reduction in institutional policies to combat slave labor and legal frameworks recently adopted (such as Ministry of Labor's Decision 112, 2017) worsened the conditions that the recommendation addressed, and was criticized by the SNC.

---

**RECOMMENDATION****TARGET****STATUS**

Conduct a review of access to effective remedy with a view to strengthening judicial and non-judicial mechanisms to identify and address business related human rights abuses [70.i]

Government

No publicly available information or no evidence was found



In the context of improving access to remedy, require the ombudsperson of the Brazilian Development Bank (BNDES) to provide information regarding the content of past or pending complaints, the outcomes of closed cases or the rationale for determinations regarding individual complaints [70.j]

Government

Satisfactory measures



Strengthen the capacity of, the resources allocated to and coordination between the Brazilian Institute of Environment and Renewable Natural Resources and the Brazilian National Indian Foundation in order to strengthen the regulation of large development projects and deliver sustained protection for affected communities [70.k]

Government

Regressive measures



Enhance the technical capacity and the resources of the Brazilian Institute of Environment and Renewable Natural Resources to enable it to better monitor the social and environmental impacts of large development projects and the fulfilment of any conditions imposed in mitigation plans [70.l]

Government

Regressive measures



## COMMENT

---

There is no evidence of the execution of studies or analyses about the obstacles or programs designed to overcome the obstacles identified in the recommendation.

---

According to information provided by BNDES, the Bank's ombudsman presents information about the complaints received in the bank's six-months reports grouped by subject and with aggregate data about actors.<sup>18</sup> The report, however, does not present the non-aggregated data from the complaints, including the basis for individual decisions in compliance with the recommendation by the Working Group.

---

The budget of the Ministry of Environment and related organs (including Ibama) was cut 43% in 2017.<sup>19</sup> This is one of the outcomes of Constitutional Amendment #95 (Dec 15, 2016), which froze public spending for 20 years, impacting policies that guarantee human and environmental rights.<sup>20</sup> The authorized budget of 3.9 billion reais is the lowest registered since 2001.<sup>21</sup> Information from the time of the budget approved shows a cut of 20% in Ibama's discretionary spending,<sup>22</sup> which worsens the situation identified by the Working Group in December 2015 and negatively impacts measures to combat deforestation and the capacity to analyze environmental licenses.

With regard to the National Indigenous Foundation, beyond the impacts on the capacity of action related to budget restrictions,<sup>23</sup> the presidency of the organ has been the object of dispute by parliamentary groups who seek to weaken protection for the rights of indigenous people.<sup>24</sup>

---

See recommendation [70.k]

---

**RECOMMENDATION****TARGET****STATUS**

Strengthen the dam inspection activities undertaken by the National Department of Minerals Research so as to improve governmental oversight and prevent further collapses [70.m]

Government

Unsatisfactory measures



Ensure that, where disasters like the collapse of the Fundão tailings dam occur, adequate compensation is provided to all those affected, following full consultation, and that adequate environmental mitigation and remediation measures are carried out [70.n]

Government

Unsatisfactory measures



Apply its best efforts to seek to prevent the deletion of key environmental protections from the Mining Code and also apply its best efforts to seek to ensure that infrastructure licensing processes contain thorough social and environmental considerations [70.o]

Government

Regressive measures



## COMMENT

---

In 2017, the National Department of Mineral Production (DNPM) published Decree #70.389/2017, which included more rigid rules for dam security. Nevertheless, the principal of self-monitoring was maintained, which means that all of the monitoring activities are carried out by employees of the mining companies or by companies that they contract. In the case of the Fundão dam, external consultants attested to its stability before the collapse. The Decree also determines rescue zones, in which communities receive training. The zones include only people located within 30 minutes or ten kilometers of the floodplain. In the rest of the locations, populations must wait for the arrival of authorities. The Decree also states that the creation of Emergency Action Plans for potentially impacted areas is necessary, but does not provide a definition for an impacted area. The declaration of instability of a dam implies only the closing down of the structure. This punishment is irrelevant for mining companies that have more than one dam or for inactive dams. Additionally, only the collapse of a dam justifies the activation of the security sirens. Cases of overflow, such as in Barcarena, Para, would not activate the sirens. Finally, there are no social control mechanisms. The DNPM is required to provide Emergency Action Plans to the authorities, but not to make them available on the internet for public consultation.

---

In the case of the Fundão dam collapse, diverse programs for recuperation of the Rio Doce basin were created to compensate for the damages caused by the disaster. Nevertheless, the mechanisms created proved to be insufficient in addressing the wide range of damages experienced. The compensation offered has an specifically patrimonial nature, and was not adjusted for effective reparation for non-material damages such as cultural and environmental damages. Finally, the reparation process does not include effective participation of impacted people, who do not have decision making power within the organs that develop, implement and monitor the reparations programs.

---

The part of Bill 3729/2004 (General Licensing Law) that makes the existing process more flexible and does away with the licensing requirement for diverse polluting activities is moving through the House quickly and, although it was taken off the docket of the Finance and Taxation Commission in September of 2017, recent comments by the President of Brazilian Chamber of Deputies suggest that it could move forward at any moment.

---

**RECOMMENDATION****TARGET****STATUS**

Apply its best efforts to seek the appropriate level of resources to enable federal and state prosecutors to continue to challenge the actions of companies and public bodies [70.p]

Government

–

Review the current use of the legal mechanism of "safety suspension" with a view to ensuring that it does not amount to an obstacle to access to justice for communities affected by large-scale development projects [70.q]

Government

No publicly available information or no evidence was found



Ensure that rights holders and stakeholders (especially the most vulnerable) who may be affected by development projects receive information, including adequate legal advice, in order to be in a balanced negotiating position with a company [70.r]

Government

–

Apply its best efforts to provide the Brazilian National Indian Foundation with the resources necessary to properly and promptly carry out indigenous land demarcation and also apply its best efforts to seek to ensure that the demarcation of indigenous land remains the responsibility of the executive branch of Government [70.s]

Government

Regressive measures





## COMMENT

---

[The methodological choice was to not evaluate this recommendation in the first report..]

---

There was no approval for or proposal of measures that seek to alter the mechanism for the suspension of security as required by Article 25 of Law #8.038/90. Measures that sought to restrict the use of the instrument, such as Bill 6959/2006,<sup>25</sup> did not advance during the period that this report considers.

---

[The methodological choice was to not evaluate this recommendation in the first report..]

---

See Recommendation [70.k]

---

**RECOMMENDATION****TARGET****STATUS**

Increase resources for the National Programme for the Protection of Human Rights Defenders and place emphasis on alleviating the social, political and economic conditions that place human rights defenders at risk [70.t]

Government

Unsatisfactory measures



Provide enhanced human rights training to staff of ministries, officials responsible for environmental licensing and judges so as to ensure that current legal principles, human rights standards and international best practices are known and applied by decision makers [70.u]

Businesses

Unsatisfactory measures



In assessing actual or potential adverse human rights impacts, ensure meaningful consultation with potentially affected individuals and communities, paying attention to potentially vulnerable or marginalized groups and ensuring that they have timely and complete information about proposed projects or changes that may affect them and the capacity to put forward their opinions [71.b]

Businesses

No publicly available information or no evidence was found



## COMMENT

---

According to information presented by the MHR, there was an increase in resources dedicated to the National Program for the Protection of Human Rights Defenders that, after peaking at R\$ 4,804,738 in 2015, fell to R\$ 3,700,000 in 2016 and to R\$ 4,507,105 in 2017. It has a projected value of R\$ 6,788,205 in 2018. Some partnerships were closed between the National Program and state mechanisms, as was the case in Espírito Santo. Information collected from the Human Rights Ministry indicates continued conversations to strengthen the partnerships with states of Minas Gerais, Pernambuco, Maranhao, Ceara, Bahia and Para, which is undoubtedly an important initiative. Nevertheless, the reduced team, which is carrying out the implementation of the National Program and has around 20 technicians, does not have access to sufficient instruments to expand the program.

---

According to information obtained in dialogue with entities that maintain regular contact with the business sector, such as the UN Global Compact Network Brazil and Ethos Institute, some corporate actors have shown interest in these issues even though a lack of knowledge of the Guiding Principles and the recommendations of the Working Group prevails.

---

An analysis of the response of the companies in the case of the Suape Port Complex and of the Rio Doce disaster reveal a pattern of inadequate consultations with the impacted communities.

---

**RECOMMENDATION****TARGET****STATUS**

Pay particular attention to how human rights risks affect women, children and men differently, especially regarding construction and infrastructure projects involving access to land and the resettlement of communities [71.c]

Businesses

Unsatisfactory measures



Establish and run operational grievance mechanisms in line with Guiding Principle 31, in order to identify and address adverse impacts [71.d]

Businesses

No publicly available information or no evidence was found



Engage in the development of a national action plan on business and human rights [71.e]

Businesses

Unsatisfactory measures



Engage with the Global Compact Network Brazil and business associations to promote understanding of and to learn from the experiences of implementing the Guiding Principles [71.f]

Businesses

Satisfactory measures



Ensure greater focus on safety and contingency plans, particularly companies operating mines and infrastructure development projects, and draw on the United Nations Environment Programme technical report No. 41, "APELL for Mining: Guidance for the Mining Industry in Raising Awareness and Preparedness for Emergencies at Local Level" [71.g]

Businesses

–

## COMMENT

---

The case of Belo Sun shows that they are prevented from accessing land. A positive effort is the Protocol on the Rights of Children and Adolescents.

---

No mechanism compatible with the criteria of the Guiding Principles is known.

---

Some businesses showed interest. Even though the federal government is undertaking a process of reflection on the subject, which centers on critiques of NAPs made by civil society, the businesses have not yet discussed their roles and responsibilities in a NAP process.

---

According to information collected from the Global Compact Network Brazil, there is growing engagement of actors from the business sector around the issue of business and human rights. A rise in training workshops on due diligence and human rights can be observed.

---

[The methodological choice was to not evaluate this recommendation in the first report.]

---

## Main conclusions of the report



### **REGRESSIVE MEASURES:**

The economic, political and social crisis that engulfed Brazil since 2013-2014 intensified significantly throughout 2016 and 2017, the period immediately following the Working Group's mission to Brazil. This context of instability brought with it an agenda of setbacks in the social and environmental fields, which in turn negatively impacted the implementation of the recommendations made by the Working Group.



### **SLOW IMPLEMENTATION:**

Another element to be taken into consideration to understand the slow progress in implementing the recommendations is the government's delay in establishing a comprehensive agenda for business and human rights. As noted in the chapter on Public Policies, this can be attributed, to a large extent, to the successive changes that occurred in the agencies responsible for human rights policy formulation and implementation at the national level since 2015. This has impacted the structures, capacity for action and leadership on this issue.



### **ATTACKS TO SOCIO-ENVIRONMENTAL RIGHTS:**

The mineral waste leakage from the Hydro Alunorte plant in Barcarena, Pará, illustrates the continued weakness of governmental mechanisms for control and supervision of business activities, as well as corporations' lack of engagement on the issue.



#### **INCREASED RISK FOR HUMAN RIGHTS AND ENVIRONMENTAL DEFENDERS:**

According to research by Global Witness in partnership with the Guardian newspaper, Brazil leads the ranking of the number of social and environmental rights defenders assassinated in 2017. 46 killings were reported in 2017, mostly related to tensions in the Amazon region. Looking at aggregate numbers since 2015, Brazil maintains its place as the most dangerous country in the world for defenders, reporting 145 deaths in that period. Simultaneously, the national and state-level programs to protect human rights defenders have seen their structures dismantled and their progressively budgets decreased since 2016. This signals the importance of the topic as highlighted by the Working Group during and after their visit in December of 2015.



#### **LOW LEVEL OF AWARENESS WITHIN THE BUSINESS COMMUNITY:**

Information collected in direct engagement with civil society organizations that have worked with multi-stakeholder dialogues with representatives from businesses suggests that, in the business sector, there is little awareness of the UN GPs. The same phenomenon can be observed with regards to awareness of the visit of the Working Group to Brazil in December of 2015 and the recommendations made to released in June, 2016.

## recommendations

### To the Human Rights Ministry

- Establish an inter-ministerial process, led by the Human Rights Ministry, to develop an action plan for the full implementation of the Working Group's recommendations and other recommendations from relevant international and national mechanisms such as National Human Rights Council, Federal Prosecution Service as well as from the international human rights mechanisms such as the UN and OAS special rapporteurs and the Inter-American Commission of Human Rights;
- Hold broad consultation processes to elaborate the action plan, as well as to define the short and medium term priorities;
- Establish a specific policy for State-Owned Enterprises (SOEs) that provides guidelines of socially and environmentally responsible conduct and respect for human rights, with the participation of all stakeholders;
- Establish participatory monitoring mechanisms which ensure that affected communities will be able to directly express their perceptions about the compliance of businesses and state actors with their human rights duties and obligations;
- Abstain from promoting regressive measures in the legal and institutional frameworks;
- Continue working actively to block legislative measures that promote, facilitate or support businesses' infringement of human rights;
- Strengthen mechanisms for the eradication of slavery-like working conditions both in the institutional and budgetary dimensions;



- Guarantee access to justice and proper remediation for victims of corporate-related human rights abuses, ensuring that the extra-judicial mechanisms do not undermine the responsibility of public and private actors;
- Invite the UN Working Group on Business and Human Rights for a follow up visit in 2019;

#### **To BNDES**

- Structure a permanent channel for dialogue with civil society for the creation and revision of internal policies and action plans;
- Adjust the functioning of the ombudsperson office so as to ensure its compatibility with the efficacy criteria of the Guiding Principles on grievance mechanisms.

#### **To National Contact Point**

- Incorporate best practices on composition, structuring, governance, training and work methods, by reference to peer NCPs and international standards;
- Contribute in an assertive way to the formulation of policies for investment, trade and finance, as well as for all regulatory regimes, bringing the perspective of the OECD Guidelines.

## To the Federal Union

- Hold business enterprises accountable for negative impact on human rights and the environment, through control and monitoring organs and entities;
- Specifically in the case of the Fundão dam collapse, ensure the accountability of the involved companies, especially with respect to eventual delays and failures in the execution of the recovery programs.

## To private businesses and business associations

- Further promote discussions about the importance and need to fully incorporate human rights into corporate policies and practices, taking advantage of multi-stakeholder platforms and dialogue with civil society entities;
- Establish methodologies and tools to evaluate businesses' adherence to the UN Guiding Principles and to other international and national standards on businesses and human rights;
- Adopt a proactive attitude with regard to the establishment of channels for dialogue with civil society and with affected communities, following the principles of transparency, accountability, non-discrimination, and respect for the culture and livelihoods of traditional communities and indigenous populations;
- Respect the fundamental right of individuals and communities to access to justice, adjusting operational and extrajudicial grievance and remediation mechanisms to international standards, as well as refraining from creating obstacles for judicial remedies;
- Norte Energia S.A., the company responsible for the construction and operation of the Belo Monte Hydroelectric Dam, should immediately adopt measures to relocate communities that were not initially recognized as affected by the project, conclude the adequate resettlement of riverside families, allowing them to maintain their traditional livelihoods and to community ties, and implement all the conditionalities in a transparent and timely fashion respecting the right to participation and to consultation;

- Belo Sun Mining Corp, which seeks to construct a gold mine in the Volta Grande do Xingu, should take immediate action to guarantee an end to the hostility against human rights defenders, as well as to other violations related to the planned installation of the project. If the judicial decision that suspended the mine's environmental license is upheld, the corporation should wind down its activities in an orderly way, guaranteeing that their exit from the territory does not cause additional violations, specifically in the form of retaliation against those that opposed the project;
- CIPS, manager of the Suape complex, as well as other companies that operate in the region, should cease actions that result in violations of community rights and readjust the resettlement programs, provide clear information about the expansion plans for the complex, recuperate the wetlands and local ecosystem, establish environmental recuperation programs, and provide reparations for the damages caused;
- Samarco, Vale and BHP Billiton, the companies involved in the collapse of the Fundão dam, should adjust their recovery programs to guarantee full transparency, the participation of the impacted communities and full remediation for the full extent of harms caused, which includes environmental remediation.
- Norsk Hydro, owner of the Hydro Alunorte refinery, should halt the spillage of waste into the environment, provide drinking water to the affected communities and protect human rights defenders. In the medium and long term, it should adopt all necessary measures for environmental remediation.

## Footnotes

---

- 1 Available at: <<http://bit.ly/2IrxIzw>>. Last access: 14.03.2018.
- 2 Folha de São Paulo. “Temer assina parecer que pode parar demarcação de terras indígenas”, 19.07.2017. Available at <<http://bit.ly/2Itqky8>>. Last access: 14.03.2018.
- 3 Conectas. “UN urges Brazil to revoke ministerial order that weakens policing and combat of slave labor”. 08.11.2017. Available at <<http://bit.ly/2piMutV>>. Last access: 15.03.2018.
- 4 Conectas Direitos Humanos. “Condenação conjunta: ONU e CIDH criticam CPI da Funai, violência no campo e projetos que enfraquecem legislação ambiental”. 08.06.2017. Available at: <<http://bit.ly/2IxUGPR>>. Last access: 16.03.2018.
- 5 Available at <<http://bit.ly/2It9rDx>>. Last access: 14.03.2018.
- 6 Secretaria Nacional de Cidadania do Ministério de Direitos Humanos e Centro de Direitos Humanos e Empresas da Fundação Getúlio Vargas. “Implementando os Princípios Orientadores sobre Empresas e Direitos Humanos da ONU: o dever do Estado de proteger e a obrigação das empresas de respeitar os direitos humanos”. Brasília, 2017. Available at <<http://bit.ly/2GcVVGU>>. Last access: 27.03.2018.
- 7 This includes Belo Monte and Belo Sun as well as the communities impacted by the collapse of the Fundão dam in Mariana (Minas Gerais), which is owned by Samarco
- 8 Clarissa Neher. “Criticado por ambientalistas, mineroduto Minas-Rio está prestes a funcionar”. In: Deutsche Welle, 04.08.2014. Available at: <<http://bit.ly/2GTtFIO>>. Last access: 03.04.2018.
- 9 Patrícia Campos Mello. “Maior mineroduto do mundo começa a funcionar em meio a queixas”. In: Folha de São Paulo, 01.12.2014. Available at: <<http://bit.ly/2GNVT7B>>. Last access: 03.04.2018.
- 10 Idem.
- 11 Bruno Porto. “Em meio à crise hídrica, minerodutos utilizam água dos rios para levar polpa de ferro ao porto”. In: Hoje em Dia, 26.01.2015. Available at: <<http://bit.ly/2H7ydsz>>. Last access: 03.04.2018.
- 12 O Tempo. “Obras do projeto Minas-Rio deixam rastro de destruição em 525 km”. 23.03.2014. Available at: <<http://bit.ly/2GQTik9>>. Last access: 03.04.2018.

- 13 Rede Brasil do Pacto Global. “Empresas brasileiras no combate à violação de direitos humanos”. 02.11.2016. Available at: <<http://bit.ly/2qHoPEh>>. Last access: 18.04.2018.
- 14 In June, 2017, in São Paulo, and in November, 2017, in Belo Horizonte.
- 15 Human Rights and Anti-corruption Aide UN Global Compact Network Brazil.
- 16 Working Group Report, ¶ 71 (f).
- 17 The right to an effective remediation is expressed in many treaties and international sets of guidelines, such as the Universal Human Rights Declaration (Article 8) and the International Covenant on Civil and Political Rights (Article 2).
- 18 For example, Ouvidoria do BNDES, “Relatório de Atividades - 2º semestre de 2017”. Available at: <<http://bit.ly/2EwrBBk>>. Last access: 09.04.2018.
- 19 Daniele Bragança, “Governo corta 43% do orçamento do Ministério do Meio Ambiente”. In: O Eco, 04.04.2017. Available in: <<http://bit.ly/2EuWmqc>>. Last access: 09.04.2018.
- 20 Conectas Direitos Humanos, “‘No compassion’ – UN says Amendment 55 will place Brazil in a ‘socially retrogressive category all of its own.’” 09.12.2016. Available at: <<http://bit.ly/2Exx8Yd>>. Last access: 09.04.2018.
- 21 INESC, “Cortes no Ministério do Meio Ambiente afetam direitos sociais e ambientais”. 25.04.2017. Available at <<http://bit.ly/2IBfu8w>>. Last access: 09.04.2018.
- 22 Idem.
- 23 The Intercept Brasil. “Com orçamento em queda, Funai gasta apenas R\$ 12 por índio em 2017”. 30.10.2017. Available at: <<https://interc.pt/2zgsMq8>>. Last access: 18.04.2018.
- 24 O Estado de São Paulo. “Temer decide exonerar presidente da Funai a pedido de bancada ruralista”. 17.04.2018. Available at: <<http://bit.ly/2qIz4rP>>. Last access: 18.04.2018.
- 25 Câmara dos Deputados, Projeto de Lei nº. 6.959, de 2 de maio de 2006. Available at: <<http://bit.ly/2qlorB>>. Last access: 09.04.2018.





