



Rio de Janeiro, September 12th, 2019.

Letter JG N° 027/2019

REF: Intervention and censorship on the National Human Rights Council.


Ms. Michelle Bachelet Jeria, United Nations High Commissioner for Human Rights,

Mr. Michel Forst, UN Special Rapporteur on on the situation of human rights defenders,

On 27 August 2019, arbitrarily and disregarding the guiding principles of the National Human Rights Council (CNDH), Damares Alves, Minister of Women, Family and Human Rights, dismissed the Council's General Coordinator, who had been chosen by the collegial body. This arbitrary act violates the autonomy and administrative independence of the Council, which are established in the Principles Relating to the Status of National Human Rights Institutions (Paris Principles), defined by the United Nations (UN) in 1992.

The National Human Rights Council was established by Law No. 12,986 of June 2, 2014. The activities performed by the CNDH include the supervision and monitoring of public human rights policies and the national human rights program, and the coordination with public and private entities, as well as with International and Regional Human Rights Systems such as the UN, OAS, and IACHR.

Furthermore, it is a prerogative of the Council to express its opinion on measures of



interest of the national human rights policy; to draft legislative proposals, and, finally, to follow up proceedings related to serious human rights violations.

The Executive Secretary was chosen in December 2018, following the election of its members and board of directors for the 2018-2020 biennium, a usual procedure that affirms its autonomy.

The CNDH was already undergoing a process of deregulation of its legal attributions, due to budget cuts and insufficient personnel to carry out its missions and activities.


Law No. 12,986, in its Chapter IV (organizational structure), Article 7, establishes that — The following are CNDH organs: IV — The Executive Secretariat, and the CNDH Internal Regulations, approved by the Resolution No. 01, of June 9, 2015, establishes in its Article 6 that — The CNDH has the following structure: V – Executive Secretariat. Thus, the Executive Secretariat is part of CNDH’s structure and should be chosen by its highest authority, the Council Plenary.

The Council has also been prevented from communicating its recommendations, decisions and resolutions on the website of the Ministry of Women, Family and Human Rights, to which it is linked for this purpose. This intervention is very serious and happens shortly after the Minister made a public attack¹ on the CNDH suggesting that its recommendations should be ignored and stating that the CNDH is “far from worrying about human rights”².

The federal government has been constantly and arbitrarily attacking the collegial bodies of social participation. In April, the government signed the decree that extinguished hundreds of social councils; also in June, 2019, it dismissed (also by

¹ <http://www.mpf.mp.br/pgr/noticias-pgr/pfdc-pede-a-ministra-damares-esclarecimentos-sobre-exoneracao-de-coordenadora-do-conselho-nacional-de-direitos-humanos>

² <https://www1.folha.uol.com.br/cotidiano/2019/08/damares-exonera-coordenadora-de-conselho-apos-orgao-criticar-reforma-da-previdencia.shtml>



means of a decree) experts and ceased to pay salaries of the experts of the National Mechanism for the Prevention and Combat of Torture, the agency responsible for monitoring the conditions of penitentiary units, psychiatric hospitals, among others.

Given this situation, it is recommended:

- 1) To ensure that the work of the National Human Rights Council continues to be guided by the Paris Principles;
- 2) To supply the necessary resources so that the National Human Rights Council can increase its independence to effectively fulfill its functions;
- 3) To provide the National Council of Human Rights with the budgetary, administrative, and political independence necessary for the fulfillment of its functions and exercise of its mandate.

We thank you in advance for the attention given to this communication and make ourselves available for further inquiries through the following contacts:
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Sincerely,

Justiça Global

Terra de Direitos

Central de Cooperativas Unisol Brasil

ABGLT - Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis, Transsexuais e Intersexos

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