



June 30<sup>th</sup>. 2024

**Statement to the Committee on Children's Rights  
Regarding its Pre-sessional Review of Brazil's Record of Compliance with the Convention  
on Children's Rights**

1. This submission is led by the Federation of Rural Workers, Farmers and Family Farmers of the State of Maranhão, Brazil, (FETAEMA) with the support of our collaborating research partners the Centre for Networked Teaching and Learning at the State University of Goiás, the Transitional Justice Institute at Ulster University, and the Mitchel Institute for Global Peace, Security and Justice at Queens University Belfast. We wish to draw the Committee's attention to the impact on children of the ecowar violence perpetrated against small rural Indigenous and Quilombola communities in the Amazon and Amazon-Cerrado transitional zone ecosystems. These communities are located in territories that would be more profitable for agribusiness and extractive industry expansion if only these communities did not exist. Communities are attacked by cattle and soya farmers, miners and loggers, and also by local police.
2. FETAEMA is a syndicate founded on April 2, 1972, and focused on the defense of the rights and individual and collective interests of rural workers, farmers and family farmers of the State of Maranhão. Maranhão has the 2nd largest Quilombola population in the country with more than 230 thousand inhabitants and only 60 traditional territories have been titled in the entire state.<sup>1</sup> The legal uncertainty regarding the lack of access to Quilombola property and the invasion by agribusiness, which is expanding throughout the state of Maranhão, has resulted in violent agrarian conflicts and intense deforestation, and Maranhão is, since 2021, the record holder of deforestation of the Brazilian Cerrado.<sup>2</sup> Most of these conflicts are concentrated over Quilombola territories. Since 2020, FETAEMA has monitored and confirmed the murder of 13 rights defenders, 9 of them Quilombolas, in addition to one attempted homicide and 238 human rights defenders who have been threatened with death as a result of agrarian conflict. Less than 5% of these cases have resulted in prosecution.
3. Working with our research partners, FETAEMA has co-produced a documentary film in collaboration with the Quilombola community based at Boa Hora 3/Mamorana in Alto Alegre and the Indigenous Ka'apor communities at Maratayrenda and Ximboyrenda, which documents the impact of the ecowar in North-East Brazil on the physical and mental health and well-being of the community, especially children. The film, *We Fight For This Land* (2024, 62 mins.) with English subtitles is available here:

4. A relatively recent and underreported form of war against these communities is through the use of extremely toxic pesticides as a weapon of war. In the city of Duque Bacelar, in August 2022, around 40 children were sprayed with pesticides, dropped by plane, while attending classes in the traditional community of Roça do Meio. In the city of Buriti, after years of chronic exposure to pesticides, used as a chemical weapon to expel traditional communities from the region, children from the Araçás community suffer from various skin diseases and mental health problems, such as generalized anxiety, insomnia and depression. In Timbiras, in April 2024, in an agrarian conflict involving 8 traditional communities, children were sprayed by pesticides launched by planes and drones, some had chemical burns, others were hospitalized. One of the victims, a pregnant woman, had to be hospitalized.<sup>3</sup>
5. Traditionally violence of this nature has been addressed as violations of criminal law and of civil and political rights (which of course they are). But we argue that this is too narrow an approach – violence against a community has a totalising impact that undermines its entire economic, social and cultural fabric. The violence affects everyone in these communities (not only the direct victims of murders and attacks) in multifaceted ways: parents cannot go to work, children cannot go to school and communities' economic survival is threatened by attacks on their crops and on their domestic animals and by destruction of the coconut trees which provide oil, flour and charcoal. Their social and cultural life is undermined as their homes, which would be places to enjoy family life and social well-being, are also being destroyed.
6. We believe this violence results in violations of Article 6 of the Convention on the Rights of the Child on the child's inherent to life, survival and development. Article 6 requires State parties to 'ensure the survival growth and development of the child including the physical, mental, moral, spiritual and social dimensions of their development' and to 'systematically identify' the 'many risks and protective factors that underlie the life, survival and growth of the child' in order to 'design and implement evidence-based interventions that address a wide range of determinants during the life course.'<sup>4</sup> These obligations apply equally to children from Quilombola, Indigenous and other Traditional communities as to all other children.
7. Ecovaw violence also violates Article 24 of the Convention on the Rights of the Child on the right of children to the highest attainable standard of health, Articles 28 and 29 on the right to education, especially Article 29c on the right to an education that respects the child and their community's cultural identity, language and values, and Article 30 on the rights of children belonging to traditional or indigenous communities to enjoy, in community with other members of his or her group, his or her own culture – as well as Article 2 which requires State parties to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, and Article 4 which requires States parties to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention, to the maximum extent of their available resources.

8. These violations of human rights are happening on a huge scale in Maranhão. We draw your attention, in particular, to the totalising impact of these violations on the right to health of Quilombola and Indigenous children. The scale of violence is traumatising; children fear of being murdered, grief at the killing of a relative, and residents are afraid to visit urban health centres because they fear violence on the roads – and this anxiety permeates throughout the whole community, including the children. For Indigenous and Quilombola communities, the destruction of the Amazon’s forests and of the Amazon-Cerrado coconut groves, and of the rivers that run through them, impacts not only residents’ physical health and their economic survival – but their culture, their identity, their spirit. For many Amazonian and Amazonian-Cerrado transitional zone communities their individual lives, the life of their community, and the lives of the trees and animals that live on their lands, are relational and indivisible, belonging to one being.
9. There is consensus amongst human rights experts and treaty monitoring bodies, including yourselves as members of the Committee on Children’s Rights, that the right to a high level of physical and mental health encompasses a right to its social determinants, i.e., the conditions necessary for its realisation. In General Comment 15, your committee affirmed that it shares the view of the World Health Organisation that ‘health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity’ and emphasised that ‘all children have the right to opportunities to survive, grow and develop, within the context of physical, emotional and social well-being to each child’s full potential.’<sup>5</sup> The Committee stated that children’s right to health, as defined in Article 24 of the Convention on the Rights of the Child:

is an inclusive right, extending not only to timely and appropriate prevention, health promotion, curative, rehabilitative and palliative services, but also to a right to grow and develop to their full potential and live in conditions that enable them to attain the highest standard of health.<sup>6</sup>

The Committee also noted that the ‘realization of the right to health is indispensable for the enjoyment of all other rights in the Convention’ and that ‘achieving children’s right to health is dependent on the realization of many other rights outlined in the Convention.’<sup>7</sup>

10. The Committee stressed that state-parties to the Convention on the Rights of the Child have an obligation to ensure that ‘structural determinants, including policies, administrative structures and systems, social and cultural values and norms’ are supportive of children’s right to live in conditions that enable them to attain the highest standard of health.<sup>8</sup> They also have an obligation to address social conditions that are known to have the capacity to compromise children’s health, ‘notably the violence’ that threatens many children.<sup>9</sup> Even where resources are very limited, States are still required to undertake ‘targeted measures to move as expeditiously and effectively as possible towards the full realization of children’s right to health.’<sup>10</sup>

11. In his 2004 report Paul Hunt, a former UN Special Rapporteur on the right to health, reminded states that the human right to health, including its social determinants, 'requires that all duty-holders be held to account for their conduct,' e.g., in an 'examination by a human rights treaty body of a State's periodic report' and in examinations by special rapporteurs when conducting country missions.<sup>11</sup> Tlaleng Mofokeng, UN Special Rapporteur on the right to health, affirms that 'accountability is essential if the right to health is to be more than a mere aspiration,' noting that:

monitoring, review and redress help to identify where progress has been made and where progress is lacking. In addition, accountability constitutes a way for duty bearers to explain their actions and make adjustments. It also provides a means for rights holders to engage in the promotion and protection of their rights with those responsible for the realization of rights, and it allows rights holders to seek redress for violations where they have occurred.<sup>12</sup>

12. The obligations apply to both physical and mental health. north Former UN Special Rapporteur Danius Puras, stated in 2019 that the right to health requires 'that no one be denied access to a healthy psychosocial environment to sustain their well-being.'<sup>13</sup> Therefore 'States must facilitate, provide and promote conditions in which mental health and well-being can be realized'.<sup>14</sup> In his report, Danius Puras sets out 19 pages of recommendations explaining in detail the content and scope of the social determinants of mental health and states' obligations to respect, protect and fulfil them. These include taking progressive action to reduce 'key risk factors, such as violence, disempowerment and social exclusion.'<sup>15</sup> He stressed that 'Many risk factors for poor mental health are closely associated with inequalities in the conditions of daily life...The outcomes of structural inequality not only have a negative individual impact, but are also detrimental to societal health, as they break down key protective factors, such as trust, social inclusion and the healthy development of young people.'<sup>16</sup>

13. But despite a strong consensus amongst psychologists as to the conditions necessary for a high level of mental health, and amongst human rights law experts that enjoyment of these conditions is a human right, lawyers and human rights monitoring bodies rarely address states' collusion in or condonation of violence, or sustained discrimination and inequality in access to justice, or the rampant destruction of Indigenous and Quilombola territories in the Amazon and Amazon ecotone, as potential violations of the right to the social determinants of mental health.

14. Human rights are sometimes criticised for their global-north-inherited focus on individual rights, for demarcating humans from their communities and environment, and for failing to address the impact of colonialism. Former UNSR on contemporary racism, Tendayi Achiume, stated that this has resulted in racially marginalised communities living '[below the level of human rights](#)'.<sup>17</sup> Because mental health is to a large extent socially and environmentally created, the right to the social determinants of mental health cannot be separated in this way. We propose that the social, political and *environmental* determinants of mental health should be regarded as indivisible and interdependent in a similar way to the interdependency of all human rights,

which were once viewed in two distinct categories - civil and political; economic, social and cultural - but today are viewed as one whole.

15. It would be helpful if the Committee would draw the attention of Brazil's government to its obligations to respect, protect and fulfil the rights of all children within its jurisdiction to enjoy the full human rights to which they are entitled and in particular to the social and environmental conditions necessary for the realisation of a high level of physical and mental health. For Indigenous and Quilombola communities based in the Amazon and Amazon-Cerrado ecotone, the community's relationship with the forest, coconut trees, rivers and the animals that live there are critical to the well-being of the whole community, especially their children, whose right to development in accordance with their culture and identity is highly vulnerable to the violence to which they are exposed. We recommend that you request the government:

- To significantly speed up the process of granting Quilombola communities' title to their territories. The formal granting of title as provided for under Brazil's Constitution significantly reduces a community's exposure to ecowar violence since the aim of ecowar invasions by landgrabbers is to claim the land for agribusiness before the community has secured their title. Once a community's territory is recognised as Quilombola territory it is removed from the market and cannot be sold or taken over. However, the process of confirming Quilombola title is very slow; in general, it is currently taking at least 2 years for each community to secure their title, leaving hundreds of small communities highly exposed to ecowar invasions.
- To monitor the impact of the ecowar in Brazil's North-East on the right to health of children of directly impacted communities; to produce disaggregated data on the impact of this violence on different communities, genders and ages; and commit to developing policies in response aimed at respecting, protecting and fulfilling the rights of children in Quilombola, Indigenous and other traditional communities.
- To engage with Quilombola and Indigenous communities on how best to respect, protect and fulfil the human rights of their children, including their right to the social determinants of mental health and to respect their spiritual, religious and cultural beliefs and practices.
- To take urgent action to strengthen the resilience of Quilombola and Indigenous rural communities to resist violent incursions.

16. Thank you for your attention. We would very much appreciate meeting with the Committee in person at the pre-sessional meeting in September in preparation for the review of Brazil's undertakings pursuant to its obligations under the Convention on the Rights of the Child. If invited to the pre-sessional meeting, we would also bring with us a community leader from one of the 217 communities in which FETAEMA has local representatives and which is currently experiencing the violations reported above.

Yours faithfully,

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<sup>1</sup> Brazilian Institute of Geography and Statistics (IBGE) 2023

<sup>2</sup> As reported by Brazil's National Institute for Space Research in 2021, 2022, and 2023 <https://g1.globo.com/ma/maranhao/noticia/2024/01/12/maranhao-e-o-estado-que-mais-desmatou-o-cerrado-em-2023-aponta-inpe.ghtml>; As of 1 February 2024, deforestation in the Amazon forest as a whole decreased by 50% as compared with 2022-2023 but deforestation in the Amazon-Cerrado transitional zone, which is dominated by coconut trees and is where many Quilombola communities live, increased by 40%. <https://www.wwf.org.br/?87782/Deter-says-deforestation-migrates-from-the-Amazon-to-the-Cerrado-in-2023>. Many Quilombola communities are coconut cutters (led by the women in the community), who rely on coconuts for food, oil and fuel – and for whom the coconut trees are 'their mother.'

<sup>3</sup> As recorded by FETAEMA which monitors incidents of ecoviolence against communities in Maranhão; see also Diogo Diniz Ribeiro Cabral, *Fincados Na Terra Como Um Bacuri: a luta da comunidade Carrancas pelo direito de existir*. Dissertação. Universidade Estadual do Maranhão. São Luís/MA, 2023.

<sup>4</sup> Committee on the Rights of the Child, General Comment 15 on the right of the child to the highest attainable standard of health, CRC/C/GC/15, 2013, para. 16

<sup>5</sup> Ibid, paras. 4 and 1

<sup>6</sup> Ibid, para. 2

<sup>7</sup> Ibid, para. 7

<sup>8</sup> Ibid, para. 17

<sup>9</sup> Ibid, paras. 17 and 64

<sup>10</sup> Ibid, para. 72

<sup>11</sup> Report by the UN Special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, CRC/C/GC/15, 19 February 2004 paras. 36 and 40

<sup>12</sup> Report by the UN Special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng A/HRC/47/28, 7 April 2021, para. 36

<sup>13</sup> Report by the UN Special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Puras, A/HRC/41/34, para.5

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<sup>14</sup> Ibid, para.67

<sup>15</sup> Ibid, para. 41

<sup>16</sup> Ibid, para. 41

<sup>17</sup> Interview with Tendayi Achiume, July 2022 <https://vimeo.com/742020736>