



Universiteit
Leiden
The Netherlands

We are still here: Eunice Paiva and the rule of law

Pinto E Netto, L.C.

Citation

Pinto E Netto, L. C. (2025). We are still here: Eunice Paiva and the rule of law. *Verfassungsblog*. doi:10.59704/4f3f4e49b369bd66

Version: Publisher's Version

License: [Creative Commons CC BY-SA 4.0 license](#)

Downloaded from: <https://hdl.handle.net/1887/4245766>

Note: To cite this publication please use the final published version (if applicable).

Eunice Paiva and the Rule of Law

VB verfassungsblog.de/eunice-paiva/

11 February 2025



Luísa Netto

This article belongs to the debate » Outstanding Women of International, European and Constitutional Law

11 February 2025

We Are Still Here

Eunice Paiva (1929-2018) was a prominent Brazilian lawyer and human rights defender. Married to Rubens Paiva, a congressman who disappeared during the Brazilian military dictatorship, Eunice transformed her grief into activism, denouncing the regime's violence.

The film *Ainda Estou Aqui* (I Am Still Here), based on the book of the same name written by her son, Marcelo Rubens Paiva, offers a unique opportunity to learn about her fight for the rule of law. Reflecting on his mother's story, Marcelo said:

“I realized that my mother was losing her memory while Brazil was debating its own memory.”

Walter Salles, the film's director, explained that they initially thought they were making a reflection on the past, but with the rise of the far right, it became clear that the film is also about the present.

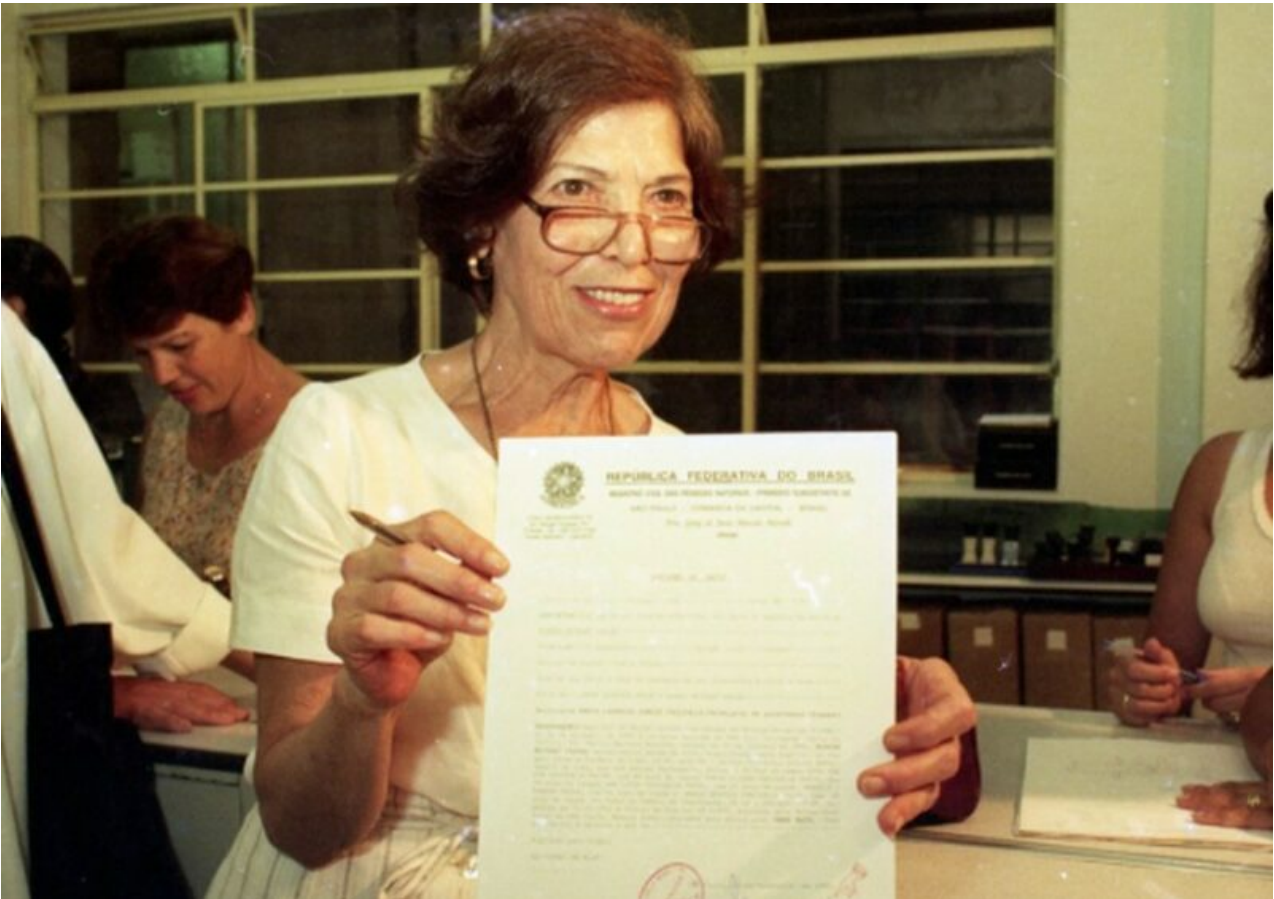
The Brazilian military dictatorship and the transformation of Eunice's life

The film depicts how Eunice lived with her family in Rio de Janeiro when, in 1971, the military came to their home, taking away her husband, and later, her and her daughter Eliana, to the army's Department of Operations and Information. Eliana, who was 15 at the time, was held for 24 hours. Eunice was imprisoned for 12 days. Rubens was never seen again.

Following these events, Eunice studied law and joined movements opposing the military regime. One of these initiatives led to the creation of Law no. 9.140/1995, which officially recognized that individuals who disappeared during the military dictatorship should be considered deceased. According to Eunice:

“Not acknowledging the death of Rubens Paiva was the most violent form of torture they (the military) could inflict on our family.”

After 25 years, she managed to have the state issue her husband's death certificate.



© Sérgio Andrade

Memory, truth, and civic engagement

Eunice's work was crucial in ensuring that the memory of the victims of the military regime was not erased. Through her political engagement, she contributed to the establishment of the Comissão da Verdade (National Truth Commission). This commission gathered 1,121 testimonies in 80 public hearings and, in 2014, delivered its final report to then-President Dilma Rousseff. The commission documented the dictatorship's crimes and human rights violations, but many wounds remain open. The amnesty law, enacted during the dictatorship, granted general pardons that allowed exiles to return and political prisoners to be released but also resulted in impunity for state-perpetrated crimes.

Advocate for indigenous rights

Ainda Estou Aqui also highlights another aspect of Eunice's work: she was a pioneer in defending the rights of Indigenous peoples. For her, this struggle was intrinsically linked to the fight for political victims of the dictatorship. The Truth Commission estimated that at least 8,350 Indigenous people were killed during this period, either directly by government action or due to negligence.



© Private

Eunice was involved in the Comissão Pró-Índio de São Paulo, founded in 1978 to resist the government's attempt to divide Indigenous peoples into those who preserved their culture and the "acculturated Indians" (considered civilized), with the aim of stripping the latter group of land rights. Furthermore, Indigenous people were classified as having "relative legal capacity" and had to be represented by the Serviço de Proteção ao Índio (Indigenous Protection Service) and later by the Fundação Nacional do Índio (National Indigenous Foundation), which was militarized during the dictatorship and did not act in favor of Indigenous communities.

In 1983, Eunice co-wrote the article Defendam os Pataxós (Defend the Pataxós) with anthropologist Manuela Carneiro da Cunha, a milestone in the struggle for Indigenous rights. In 1985, she published O Estado contra o Índio (The State Against the Indian) with Carmen Junqueira, addressing human rights violations against these peoples.

Eunice played a key role in the demarcation of the Zoró Indigenous territory. In 1986, in her report on the Polonoroeste program (a development initiative for Northwestern Brazil), she stated:

“The rights of the Indigenous people to their land are inalienable and non-negotiable, and no valid argument can annul, limit, nullify, or alter the Zoró community's right to the land that constitutes their natural habitat”.

In 1987, she founded the Institute for Anthropology and the Environment (IAMA), and in 1988, she worked as an advisor to the Assembleia Nacional Constituinte (National Constituent Assembly), where she helped draft Article 231 of the Constitution, which

introduced the concept of “original rights,” affirming that Indigenous land rights do not come from the state but are inherent to their status as pre-colonial peoples.

Art and collective memory

Eunice’s story can be told in many ways. Her mission remains relevant, as evidenced by ongoing discussions on forced disappearances – a topic now under investigation by a special United Nations working group – and the growing recognition of Indigenous rights.

I chose to share her story through the film *Ainda Estou Aqui*. Fernanda Torres, who plays Eunice, noted that Eunice did not cry, and I immediately thought of my own mother, who also does not cry. As the daughter of a father who was imprisoned during the military dictatorship and having spent two years of my childhood in exile, I now understand why my mother does not cry. The film provided me with an accessible way to tell the story of this woman who fought for the rule of law to a broader legal audience. Art allows us to transcend individual stories and, in the face of finite disappointments, find infinite hope.

Fernanda Torres was awarded a Golden Globe, a prestigious international award that brought greater visibility to this story beyond Brazil. Remarkably, the award ceremony took place in the United States – a country often seen as a defender of the rule of law but also a source of questionable political interference in Latin America. Art, whose relationship with fundamental rights and the rule of law should not be underestimated, plays a crucial role in preserving collective and historical memory and fostering critical reflection.

A lesson for the present and future

Four years after receiving the official confirmation of her husband’s fate and 14 years after being diagnosed with Alzheimer’s, Eunice passed away in 2018.

But she is still here. She remains with us through her lesson on the continuous defense of the rule of law and the need for civic engagement. In times of political polarization and attacks on human rights and democracy, it is essential to remember that every violation of rights, regardless of the social group affected, impacts society as a whole. May Eunice’s lesson inspire us to affirm: we are all still here, defending the rule of law, and we will continue to do so.

Further readings:

- Paiva, Eunice; Cunha, Manuela (October 10, 1983). “Defendam os Pataxós” (PDF). Folha de S. Paulo.
- Paiva, Eunice; Junqueira, Carmen (1085). O Estado contra o índio.
- Paiva, Marcelo Rubens (2016). *Ainda estou aqui*.
- Ferreira, Mariana Rodrigues Festucci (2016). “Eunice Paiva: uma Antígona brasileira na defesa dos direitos humanos para além da finda-linha”. *Analytica: Revista de Psicanálise* (in Portuguese). 7 (12): 22–40. ISSN 2316-5197.

- Maturana, João (September 22, 2024). “Quem foi Eunice Paiva, mulher que inspirou Ainda Estou Aqui e é interpretada por Fernanda Torres no filme?”. AdoroCinema (in Brazilian Portuguese).
- Carvalho, Priscila (September 27, 2024). “‘Ainda estou aqui’: por que caso de Rubens Paiva relatado no filme segue sem resolução no STF”. BBC News Brasil (in Brazilian Portuguese).
- “Filhos e mães na Comissão da Verdade”. al.sp.gov.br (in Brazilian Portuguese). Retrieved 2024-12-19.
- Gabriel, Ruan (November 7, 2024). “Eles ainda estão aqui: filhos de Eunice e Rubens Paiva falam sobre o filme que retrata a luta da mãe contra a ditadura”. O Globo (in Brazilian Portuguese).

Further sources:

- Film: I’m Still Here, Brazil, 2024.
 - Short film: Eunice, Clarice, Thereza, 1979.
-

LICENSED UNDER CC BY-SA 4.0

EXPORT METADATA

Marc21 XMLMODSDublin CoreOAI PMH 2.0

SUGGESTED CITATION Netto, Luísa: *We Are Still Here: Eunice Paiva and the Rule of Law*, *VerfBlog*, 2025/2/11, <https://verfassungsblog.de/eunice-paiva/>, DOI: [10.59704/4f3f4e49b369bd66](https://doi.org/10.59704/4f3f4e49b369bd66).

Explore posts related to this:

[Brazil](#), [indigenous rights](#)

LICENSED UNDER CC BY-SA 4.0