



## REPORT – INDIGENOUS HUMAN RIGHTS

Report prepared by the Articulation of Indigenous Peoples of Brazil – APIB, in partnership with its regional organisations, as a contribution to the Fourth Cycle of monitoring of Brazil in the Universal Periodic Review mechanism of the UN Human Rights Council.

### Articulation of Indigenous Peoples of Brazil

The Articulation of Indigenous Peoples of Brazil (APIB)<sup>1</sup> is an organisation representing and defending the rights of indigenous peoples, created by the indigenous movement at the Free Land Encampment (*Acampamento Terra Livre*: ATL) in 2005. The ATL is a yearly national mobilization held since 2004 to make visible the situation of indigenous people in Brazil, exposing and discussing violations of their rights, and pressing the Brazilian State to meet their demands and claims.

APIB unites regional indigenous organisations and was created with the purpose of strengthening the union of indigenous peoples, the articulation between different regions and indigenous organisations in the country, and the mobilization of peoples and organisations against the threats to and assaults on indigenous rights.

Currently, APIB is composed of the following regional indigenous organisations<sup>2</sup>:

- Articulation of Indigenous Peoples of the Northeast, Minas Gerais and Espírito Santo (APOINME);
- Terena People Council;
- Articulation of Indigenous Peoples of the Southeast (ARPINSUDESTE);

<sup>1</sup> TN: In Portuguese, Articulação dos Povos Indígenas do Brasil.

<sup>2</sup> Each of APIB's base organisations works in a regional area representative of determined peoples without necessarily coinciding with the geographic division of the Brazilian State into its official regions. The regions are defined primarily by the biome in which the peoples are located. For more information on APIB's base organisations, see <https://apiboficial.org/sobre/>.

- Articulation of Indigenous Peoples of the South (ARPINSUL);
- Grand Assembly of Guarani Kaiowá Peoples (ATY GUASU);
- Coordination of the Indigenous Organisations of Brazilian Amazonia (COIAB);
- Guarani Yvyrupa Commission.

Over its 17 years of existence, APIB has become consolidated as Brazil's principal indigenous organisation, leading national-level protests and political lobbying of major significance, helping place indigenous issues on the national and international agendas. In 2021, it was at the front of the largest indigenous mobilization since, at least, the promulgation of Brazil's Federal Constitution in 1988. Also in the last year, it led the largest Brazilian indigenous delegation to take part in a United Nations Climate Conference, taking more than 40 leaders to Glasgow in Scotland.

### **Methodology used in the construction of the report**

This document was prepared by compiling denunciations and alerts sent to APIB by its regional organisations and other indigenous institutions. As the principal national organisation of Brazil's indigenous movement, APIB has established itself as a reference point for forwarding and publishing cases involving indigenous rights across the country.

APIB has also worked in association with national and international partners in the preparation of data and information that help support the fight of the indigenous movement. Reports and compilations made previously by APIB were also used as a source for this document, therefore, along with data contained in studies by other indigenous and non-indigenous organisations. The themes listed in the report were proposed by its Executive Coordination Team, which has approved the final report.

### **Introduction – Brazilian State under Bolsonaro imposes regressions in rights and encourages violence and attacks against Brazil's Indigenous Peoples**

The current cycle of the Universal Periodic Review mechanism is taking place during one of the most serious and threatening historical periods for human rights ever experienced by Brazil.

In 2016, the country was subject to a constitutional coup that culminated in the impeachment of a president elected by popular vote. This process imposed a profound democratic rupture, which resulted, in 2018, in the election of the current President of the Republic, Jair Bolsonaro.

Since the completion of the coup, the situation of human rights in Brazil has worsened in plain sight. The effects have been felt by the bulk of Brazilian society

and even more acutely by indigenous and traditional peoples, especially after Bolsonaro's arrival in office.

This report, produced by APIB in association with its 7 regional organisations, is an attempt to produce a narrative capable of explaining what has happened in our territories, with our peoples, against our rights.

Producing an exhaustive report, including case-by-case everything we have faced over the last four-and-a-half years, the period covered by the Fourth Cycle of the UPR mechanism, would be difficult. We have, though, sought to narrate the mean threats and forms of violence systematically manifested against Brazil's indigenous peoples.

In APIB's assessment, none of the recommendations on the rights of indigenous peoples received by Brazil during the Third Cycle of the UPR were met by the Brazilian State. Moreover, in relation to many of them, there has been a clear regression, showing a profound disrespect and failure to comply with the commitments voluntarily assumed in the international system for promoting human rights.

We have organised this report around two central axes, each of which groups together repeated behaviours that violate our rights: Citizenship under threat: persecution, criminalisation and racism; and Dismantling the State: public policy regressions and legislative threats. For each axis, we assess the recommendations of the Third Cycle, then provide a brief contextualisation of the related violations and threats, and address specific questions, identifying paradigmatic facts that demonstrate what has happened in Brazil over the last four-and-a-half years.

## **Citizenship under threat: persecution, criminalisation and racism**

**In APIB's assessment, recommendations 3, 5 and 121, which address the protection of human rights defenders and prevention of violence, and recommendations 35, 46, 47, 224, 225, 228 and 242, which address combatting racism and discrimination against indigenous peoples, have not been met by the Brazilian State.**

Not only territorial conflicts have increased appreciably during Jair Bolsonaro's presidency. As part of the policy of weakening the indigenous movement and attacking indigenous peoples, over the last few years a considerable increase has been observed in cases of violence against indigenous persons, the persecution and criminalisation of leaders, and racism.

It is important to remember that the lives of indigenous peoples are deeply rooted in and connected to their territories. It is unsurprising, therefore, that the escalation of cases of invasion and territorial conflicts have a direct impact through an increase in

violence and threats against indigenous persons.

CIMI's report "Violence against Indigenous Peoples" was able to identify the following cases, interpreted as "Violence against the Person": abuse of power (14); death threats (17); diverse threats (34); murders (182); manslaughter (16); wilful bodily harm (8); ethnic-cultural racism and discrimination (15); attempted murder (13); and sexual violence (5). The registers total 304 cases of violence perpetrated against indigenous people in 2020. This total is higher than the amount registered in 2019 when 277 cases were identified.<sup>3</sup>

Among the emblematic cases of violence against indigenous persons was the death in July 2021, in Homoxi, of Edgar Yanomami, aged 25. The young man was killed after being run over by an airplane belonging to the illegal mining operation located close to an airstrip in the middle of his community. According to information from the Yanomami and Ye'kuana Indigenous Health Council (Condisi-YY), the miners took the young man's body to the Yamasipiu community, around 15km away, in an attempt to conceal what had happened. The airstrip is currently used by illegal mining<sup>4</sup>.

In mid-August 2021, two indigenous people from the isolated Moxihatëtëma community in the Yanomami IL were killed by goldminers, which became public knowledge only on 2 November through an official announcement from Hutukara.<sup>5</sup> The deaths occurred in the region of the Upper Apiaú River, in Mucajaí, southern Roraima. According to the community's accounts, the indigenous victims had approached a group belonging to an illegal mining operation called 'Faixa Preta' in order to expel the invaders from their territory when they were attacked.

### *Persecution of indigenous leaders*

In discussing the persecution suffered by indigenous leaders, we highlight the murder of Paulino Guajajara. This is an emblematic case that demonstrates the accentuated level of violence aimed at those who fight for the rights of indigenous peoples.

In 2019, Paulino Guajajara, an indigenous leader who worked as a Forest Guardian, was shot dead.<sup>6</sup> His work involved precisely monitoring the invasion of the Guajajara territory in the Araribóia Indigenous Land in the state of Maranhão, as well as combatting illegal deforestation.

---

<sup>3</sup> Reference: <https://cimi.org.br/wp-content/uploads/2021/11/relatorio-violencia-povos-indigenas-2020-cimi.pdf>

<sup>4</sup> Report available at: <https://apiboficial.org/2021/07/30/urgente-indigena-yanomami-morre-ao-ser-atropelado-por-aviao-de-garimpeiros-no-meio-da-floresta/>

<sup>5</sup> Report available at: <https://apiboficial.org/2021/11/03/dois-indigenas-isolados-sao-mortos-a-tiros-por-garimpeiros-na-terra-yanomami/>

<sup>6</sup> Report published by *El País*: [https://brasil.elpais.com/brasil/2019/11/02/politica/1572726281\\_632337.html](https://brasil.elpais.com/brasil/2019/11/02/politica/1572726281_632337.html)

Also as the result of the persecution of indigenous organisations, in March 2021 the Munduruku Wakoborun Women’s Association, in the municipality of Jacareacanga, in Pará, was the target of an attack carried out by goldminers and their allies, who ransacked and set fire to their headquarters.

In April 2021, APIB and Indigenous Peoples Rights International (IPRI) launched a report, “An Anatomy of Practices of Indigenous Silencing,” which examines the scenario of persecution and criminalisation of indigenous leaders in Brazil. Cases involving 10 leaders from Indigenous Lands throughout Brazil are related in detail. The report demonstrates the technologies of persecution and criminalisation used by the state power to try to silence the struggle of indigenous peoples, including practices like: imprisonment, coercive conduct, home invasions, physical and political persecution, threats made on social media, exposure of family members, police and judicial harassment, persecution by local political leaders, and many other methods.<sup>7</sup>

On 2 July 2021, civil society entities brought to the attention of the United Nations, during an event on Interactive Dialogue with Irene Khan, the UN Special Rapporteur for Freedom of Expression and Opinion, the fact that the indigenous leaders Sonia Guajajara and Almir Suruí were notified by the Federal Police for criticizing the treatment given by Bolsonaro to indigenist policies, especially during the Covid-19 pandemic. The Brazilian State itself uses institutional prerogatives to malign indigenous rights and intimidate leaders. FUNAI, the indigenist agency supposedly responsible for protecting indigenous rights, asked the Federal Police to open a police inquiry to investigate the leaders and APIB after the production of the web series Maracá – Indigenous Emergency,<sup>8</sup> which denounced the federal government’s failures to act in combatting Covid-19. The federal courts fortunately blocked the authoritarian delirium of the FUNAI president.

COP26 received the largest indigenous delegation in the history of its meetings. With Brazil’s federal government working in complicity with climate imbalance, as proven by its omission of the data on deforestation for 2020/2021 during the conference,<sup>9</sup> indigenous peoples went to show the international community the systematic attacks on environmental policies in Brazil. In reprisal, three indigenous female leaders were subject to retaliations: Alessandra Munduruku; Txai Suruí; and Glicéria Tupinambá.

On 12 November 2021, Alessandra Munduruku was at home in the city of Santarém, in Pará state. In the morning, a man identifying himself as a technician for the local

---

<sup>7</sup> Available at: <https://apiboficial.org/files/2021/05/UMA-ANATOMIA-DAS-PRA%CC%81TICAS-DE-SILENCIAMENTO-INDI%CC%81GENA-1.pdf>

<sup>8</sup> TN: In Portuguese, Maracá - Emergência Indígena. Available at: <http://emergenciaindigena.apiboficial.org/maraca/>

<sup>9</sup> Report available at: <https://www1.folha.uol.com.br/ambiente/2021/11/governo-bolsonaro-segurou-divulgacao-de-dados-de-desmatamento-antes-da-cop26.shtml#:~:text=Na%20Confer%3%AAncia%20das%20Na%3%A7%C3%B5es%20Unidas,sistema%20do%20Inpe%2C%20o%20Deter>

electric company, told her that it would be necessary to disconnect the home from the electric supply briefly for maintenance purposes. Around midday, she asked her husband to phone the company to know what time the supply would be switched back on. They were then informed that there was no maintenance work scheduled for the local network. In response to the indication of fraud and not knowing what threat this might signify, given that Alessandra Munduruku had already been included in the Human Rights Defenders Protection Program after receiving death threats, she and her family left the house to spend the night elsewhere. On the morning of 13 November, her husband went to the house to find the gate forced open. On entering, he verified that the house had been invaded. Taken from the location were: i) a folder full of documents, ii) approximately R\$ 4,000 that had been raised to hold the assembly of the Munduruku people, and iii) the memory card in a security camera. Alessandra Munduruku immediately registered the burglary at the police state and the Inter-American Commission for Human Rights was also notified.

On 1 November 2021, Txai Suruí of the Paiter Suruí people was the only Brazilian woman to talk at the opening of COP26. In her speech, she appealed to the international community to commit itself immediately to fighting climate change. As a result, President Jair Bolsonaro, without naming her specifically, disdained her speech. Txai Suruí later reported that she began to suffer many attacks by virtual activists in support of Bolsonaro. Still during COP26, Txai Suruí and other indigenous leaders received messages that “they should not speak ill of Brazil” from official representatives of the Brazilian State.

On 12 November 2021, Glicéria Tupinambá, leader of the Tupinambá people of Olivença, in the state of Bahia, was returning to her territory via the BR-101 highway. A car travelling at high speed made a dangerous overtake and then braked suddenly, forcing the driver of the car in which she was travelling to brake immediately too, almost causing an accident. The car then sped off. A few kilometres ahead, in a nearby municipality, the car was found abandoned. There are indications that it was an act of intimidation.

Observed as a whole, these acts seem to indicate a systematic attempt to repress the human rights defenders who took part in COP26, in favour of climate rights. Such intimidation is a violation of the principles of international cooperation that guarantee the free participation of activists working to promote internationally protected human rights.

It should be emphasized that it is this conjuncture of criminalisation of the indigenous struggle by the Brazilian State that creates fertile terrain for other human rights violations like the arson attack on Maria Leusa Munduruku’s house, cited earlier.

*Institutional and religious racism*

The demonstrations of institutional and religious racism against indigenous peoples takes place in various forms, spanning from official regulations and decisions, which prevent or limit indigenous people's access to rights, to acts of direct violence.

As an example of institutional racism, the National Indian Foundation (FUNAI) published Resolution no. 4/2021, which sets out to "define new specific criteria for hetero-identification to be observed by FUNAI in the execution of public policies, aiming to improve the protection of indigenous peoples and individuals." FUNAI's proposed "definition of new specific criteria for hetero-identification" would contravene the pluralism and rights inscribed both in the Brazilian Constitution and in international treaties and would create space for the Brazilian State, headed by President Jair Bolsonaro, to cause indigenous peoples to disappear under the homogenous unity craved for in his populist nationalist rhetoric. APIB therefore responded and the resolution was suspended by decision of the Federal Supreme Court.

Another fact calling attention that demonstrates mechanisms of persecution and institutional racism against indigenous persons was the disqualification from taking office of the chief Marcos Xukuru<sup>10</sup>, elected mayor of Pesqueira municipality in Pernambuco, in 2018, by around 18,000 voters with 51.6% of the valid votes. After the election result, the chief's candidacy was invalidated due to an attack in which he himself and his security guards had been the victims in 2003. Accused of damaging private property, the victim was transformed into the accused on this occasion. As a consequence, with his candidacy sub judice, Marcos Xukuru is racing against time to persuade the Supreme Court to recognise his right to be Pesqueira's mayor.

As another consequence of State violence, we can also cite the arson attacks on the prayer houses of the Guarani Kaiowá people, frequent victims of racist attacks over recent years, which have grown in strength in a Brazil in which diversity is combatted with the authoritarian power of a federal government that dreams of a police state<sup>11</sup>.

## **Dismantling the State: public policy regressions and legislative threats**

**In APIB's assessment, recommendations 102, 229, 230, 231, 232, 233, 240 and 241, which address institutional guarantees and processes to safeguard indigenous rights, and recommendations 217, 218, 222 and 223, which address indigenous public polices, have not been met.**

---

<sup>10</sup> Statement of solidarity with chief Marcos Xukuru published by APIB: <https://apiboficial.org/2020/12/07/apoiocaciquemarcos/>

<sup>11</sup> Report on the repeated arson attacks on Guarani Kaiowá prayer houses: <https://cimi.org.br/2021/10/mais-uma-casa-de-reza-guarani-e-kaiowa-e-alvo-de-ataques-em-mato-grosso-do-sul/>

To complete this picture of disrespect for indigenous rights in Brazil, we turn to describe the dismantling of public policies and institutions intended to assist indigenous peoples in Brazil. The discourse of the current President of the Republic has transformed into state policy, imposing the dismantling of agencies historically responsible for indigenist policies like FUNAI (National Indian Foundation).

### *FUNAI*

On the first day of President Jair Bolsonaro's administration, 1 January 2019, the federal government presented Provisional Measure 870 to National Congress<sup>12</sup>, removing responsibility for the demarcation of indigenous lands from the National Indian Foundation (FUNAI) and transferring it to the Ministry of Agriculture, Livestock and Supply, as well as removing FUNAI, the indigenist agency, from subordination to the Ministry of Justice. This latter act was also made possible by Decree no. 9,673/19, while the transfer of responsibility for land regularisation of indigenous lands was enabled by Decree no. 9.667/19. The demarcation of indigenous lands is a condition for indigenous existence as such, as the President of the Republic is well aware.

The same act of President Jair Bolsonaro transferred FUNAI to the tutelage of the Ministry of Women, Family and Human Rights (MMFDH), headed by Damares Alves, a minister with an openly assimilationist position<sup>13</sup>. In the Brazilian legal structure, state ministers work by delegation of the President of the Republic and under his strict control. As mentioned above, the National Indian Foundation (FUNAI) was transformed from an agency protecting indigenous rights to an agency for persecuting indigenous peoples, central to the execution of Jair Bolsonaro's anti-indigenous policy.

Still in 2019, the National Indian Foundation (FUNAI) issued normative directives<sup>14</sup> prohibiting its employees from working in non-regularised indigenous lands. This

---

<sup>12</sup> Provisional Measure 870 determined that it would be the responsibility of the Ministry of Agriculture, Livestock and Supply to deal with "agrarian reform, land regularisation in rural areas, Legal Amazonia, indigenous lands and quilombolas." In the framework of the Brazilian State, this is the same ministry that promotes the interests of agribusiness, which conflict directly with socioenvironmental and indigenous rights. To head the ministry, Jair Bolsonaro appointed Tereza Cristina Corrêa da Costa Dias, former leader of the ruralist lobby in the National Congress. Nabhan Garcia was appointed to the specific portfolio responsible for land regularisation, former president of the Ruralist Democratic Union, an entity which is a sworn enemy of indigenous peoples and their rights, especially their territorial rights. National Congress changed the text of Provisional Measure 870, maintaining the demarcation of lands with FUNAI and the Ministry of Justice. President Jair Bolsonaro, after the political defeat in Congress, issued a new provisional measure (866/2019), aiming once again to transfer the demarcation of indigenous lands to the Ministry of Agriculture, Livestock and Supply, but was prevented from doing so by the Federal Supreme Court. The full text can be read at [https://www.in.gov.br/materia/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/57510830](https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/57510830) and is also available at <https://www12.senado.leg.br/noticias/materias/2019/06/19/mp-volta-a-transferir-demarcacao-de-terras-indigenas-para-o-ministerio-da-agricultura>.

<sup>13</sup> The profile and positions of Minister Damares Alves have been covered by articles in the Brazilian press. See: [https://brasil.elpais.com/brasil/2019/01/31/politica/1548946667\\_235014.html](https://brasil.elpais.com/brasil/2019/01/31/politica/1548946667_235014.html).

<sup>14</sup> Dispatch SEAV/COGAB/PRES/2019, 25 November 2019, issued by the cabinet of the Presidency of FUNAI.



norm placed at risk tens of thousands of indigenous people living in extreme vulnerability in terms of their social welfare, including the risk of food insecurity.<sup>15</sup>

In January 2020, then Minister of Justice, Sérgio Moro, ordered, at the behest of President Jair Bolsonaro, the devolution to FUNAI of 17 administrative demarcation processes<sup>16</sup> that had been awaiting the final signature on the declaratory directive for a long time. This devolution was made in an attempt to annul these processes, based on the government's narrow understanding that only lands occupied by indigenous peoples at the time of promulgation of the 1988 Constitution should be demarcated. In other words, it was an attempt to validate, in practice, the theory of the so-called 'time limit,' which is strongly rejected by the indigenous movement, technical staff and researchers.

Transformed into an entity for the persecution of indigenous people and the implementation of President Jair Bolsonaro's anti-indigenous policy, FUNAI has been adopting a stance through its withdrawal of legal actions filed by the agency itself and abandoning the defence of indigenous communities. Legal representation of indigenous peoples is one of the agency's responsibilities.<sup>17</sup>

On 22 April 2020, FUNAI published Normative Instruction no. 09/2020<sup>18</sup>, which regulates the request, analysis and emission of the "Declaration of Recognition of Limits in relation to private properties." This norm revoked Normative Instruction no. 03, issued 20 April 2012, promoting a significant administrative change and affecting the rights and interests of Brazil's indigenous peoples.

The first paragraph of Article 1 of Normative Instruction no. 09/2020 provides that the "Declaration of Recognition of Limits" (DRL) is intended to provide private owners or tenure holders with certification that the limits of their property respect the limits of homologated indigenous lands, indigenous reserves and fully regularized lands

---

<sup>15</sup> Dispatch SEAV/COGAB/PRES/2019, 25 November 2019, issued by the cabinet of the Presidency of FUNAI, was challenged by the Federal Public Prosecutor's Office and by the Federal Public Defender's Office. See: [http://www.mpf.mp.br/atuacao-tematica/ccr6/documentos-e-publicacoes/recomendacoes-2017/recomendacoes-6ccr/recomendacao-conjunta-no-01\\_2019\\_6ccr\\_dpu-pgr-00544301-2019.pdf](http://www.mpf.mp.br/atuacao-tematica/ccr6/documentos-e-publicacoes/recomendacoes-2017/recomendacoes-6ccr/recomendacao-conjunta-no-01_2019_6ccr_dpu-pgr-00544301-2019.pdf)

<sup>16</sup> It should be recalled that the processes for demarcation of indigenous lands involve three phases: identification by FUNAI; emission of a declaratory directive by the Ministry of Justice; and homologation of the demarcation by the President of the Republic. The 17 processes devolved to FUNAI were the following: Vista Alegre (AM); Tuwa Apekuokawera (PA); Sambaqui (PR); Marú (PA); Pindory/Araçá-Mirim (SP); Guaviraty (SP); Kanela Memortumré (MA); Cobra Grande (PA); Barra Velha do Monte Pascoal (BA); Tupinambá de Olivença (BA); Wassú-Cocal (AL); and Paukalirajausu (MT).

<sup>17</sup> A study conducted by the Getúlio Vargas Foundation, in partnership with WWF Brasil, produced an inventory of all the socioenvironmental litigation – including the demarcation of indigenous lands – in the Federal Supreme Court, where the central role played by FUNAI becomes clearly evident. The process of demarcation of indigenous lands is contested judicially by the invaders of these lands at every stage (identification, declaration and homologation) and the absence of any defence by FUNAI may be decisive. "Agenda of socioenvironmental rights at the Federal Supreme Court," full text available at: <http://bibliotecadigital.fgv.br/dspace/handle/10438/29798>

<sup>18</sup> Available at: <https://www.in.gov.br/web/dou/-/instrucao-normativa-n-9-de-16-de-abril-de-2020-253343033>

under indigenous domain.

Hence, in deciding that a Declaration of Recognition of Limits (DRL: a document that attests that the property does not overlap an Indigenous Land) may be issued to any tenure (without a deed) or property that does not overlap an indigenous land, indigenous reserve or lands under indigenous domain, FUNAI can now liberate for purchase, sale and occupation any lands under study, delimited by FUNAI, or declared indigenous land by the Ministry of Justice, or areas under restriction of use directives. In addition, it allows the emission of the DRL in areas barred to study due to the presence of isolated indigenous groups. There are at least 246 indigenous lands still pending homologation. Invaders of Indigenous Lands can request a DRL from FUNAI and, armed with this document, request the legalisation of these invaded areas from INCRA through a self-declaration process of registration.

Finally, in 2022, FUNAI tried to avoid providing assistance to indigenous peoples in non-homologated lands. This fact received coverage in the national media when the newspaper *O Globo* published a report entitled “Government bars FUNAI from operating in non-homologated indigenous lands”<sup>19</sup>. According the survey by the Instituto Socioambiental (ISA), there are 726 indigenous lands in the country at different stages of the demarcation process: 122 under identification, 43 identified, 74 declared lands and just 487 homologated lands. In other words, by following this new guideline, FUNAI would be waiving its responsibility for the control and monitoring of at least 239 indigenous lands. APIB persuaded the Federal Public Prosecutor’s Office to oppose this measure<sup>20</sup>, and successfully obtained its reversal in the courts.

### *Indigenous health and Covid-19*

In March 2019, indigenous health policies came under attack. Since the beginning of the twenty-first century, there have been special public policies aimed at providing indigenous healthcare. The Indigenous Healthcare Subsystem (SASI/SUS) is one of the branches of the Unified Health System (*Sistema Único de Saúde*: SUS), under the responsibility of the Special Secretariat for Indigenous Health (SESAI). Following the orders of President Jair Bolsonaro, SESAI sought to dismantle the National Healthcare Policy for Indigenous Peoples (PNASPI). After months of mobilization of indigenous peoples, the continuation of specific indigenous health policies was ensured, but with a deficit in the care given to indigenous peoples, which would be later felt in the precariousness of the response to the Covid-19 pandemic.

The year 2020 was a public health emergency of international magnitude, declared in response to the outbreak of the new coronavirus. Even in the face of their obvious vulnerability, there was no plan to confront the pandemic for indigenous peoples. On

---

<sup>19</sup> Report published in *O Globo* available at: <https://blogs.oglobo.globo.com/lauro-jardim/post/governo-desautoriza-acoes-da-funai-em-terras-indigenas-nao-homologadas.html>

<sup>20</sup> Legal representation prepared by APIB: <https://apiboficial.org/files/2022/01/REPRESENTA%C3%87%C3%83O-APIB-contra-parecer-da-Funai.pdf>

the contrary, the Covid-19 pandemic proved to be an opportunity for President Jair Bolsonaro to continue with his anti-indigenous policy. Meanwhile, by 30 June 2021, according to data compiled by APIB, 56,174 indigenous people had been infected and 1,126 had died, with the virus already affecting 163 different indigenous peoples<sup>21</sup>.

This situation led APIB to file a legal action at the Federal Supreme Court, Brazil's constitutional court, an Action for Breach of a Constitutional Precept, to force the State to act with the implementation of urgent measures to prevent the advance of Covid-19 in indigenous territories. As part of the action, APIB is demanding the vaccination of all indigenous peoples, the removal of invaders from their territories, and attention to the very special situation of isolated indigenous peoples. APIB has obtained favourable decisions from the Supreme Court in this action, which is still under way.

### *Legislative threats*

The contours of the anti-indigenist policy became even clearer in the second year of President Jair Bolsonaro's mandate. On 3 February 2020, he submitted to the presidents of the Chamber of Deputies and the Federal Senate his list of legislative priorities for approval, which included diverse anti-indigenist measures.

On 6 February 2020, President Jair Bolsonaro presented Law Bill no. 191/2020<sup>22</sup>, which sets out to regulate the research and mining of mineral and hydrocarbon resources in indigenous lands, as well as the use of water resources for electricity generation, despite the protests of indigenous organisations, who do not want these economic activities on their lands. This Law Bill was processed rapidly with a declaration of urgency from the National Congress. President Bolsonaro took part in the decision under the justification that the increase in the prices of potassium-based fertilisers, due to the war between Russia and Ukraine, obliged Brazil to open up its Indigenous Lands to potassium mining, especially in Amazonia. President Jair Bolsonaro is threatening to denounce Convention 169 of the International Labour Organisation (ILO). The threat was made in response to the proposal of a plan to increase the ILO's participation in the interpretation of Convention 169 in Brazil. The president sees the convention as an obstacle to the federal government's plans to relax controls on economic exploitation in indigenous lands. The proposed denunciation is currently under study in the Brazilian Congress under Legislative Decree Bill 177/2021<sup>23</sup>.

---

<sup>21</sup> APIB, in partnership with other organisations who support indigenous rights, organised an observatory to monitor the impact of Covid-19 on indigenous peoples. This can be accessed at the following address: <https://emergenciaindigena.apiboficial.org/>

<sup>22</sup> APIB technical note on PL 191 2020: <https://apiboficial.org/2022/03/18/nota-tecnica-sobre-o-pl-1912020/>

<sup>23</sup> Processing of PDL 188 2021: <https://www.camara.leg.br/propostas-legislativas/2279486>

In June and July 2021, President Jair Bolsonaro's allies in the legislature began to analyse PL 490/2007, which seeks to alter the rules for demarcating indigenous lands, adopting as a legislative parameter the concept of the time limit (ceasing to recognise indigenous lands unoccupied by indigenous peoples on 5 October 1988, the date of the promulgation of the 1988 Constitution), banning the amplification of indigenous lands already demarcated, relaxing the controls on contact with isolated or recently-contacted indigenous populations, and allowing artisanal goldmining on indigenous lands. APIB led protests against voting for PL 490/2007 and indigenous peoples were repressed violently by the police in Brasília (Federal District) with some of them injured.

## **Conclusion and recommendations**

Practically the entire period assessed by the Fourth Cycle of the Universal Periodic Review for Brazil was spent under the mandate of Jair Bolsonaro as President of the Republic. In this period, indigenous peoples have been a preferential target of the president, who frequently manifests his ignorance, racism and violence when discussing indigenous peoples. His discourse was converted into State practice, leading the institutions and public policies designated for indigenous peoples to be systematically dismantled. The cases of violence against indigenous persons and invasions of their territories have increased significantly as a direct result of the anti-indigenous agenda implemented by the federal government.

In view of the cases compiled by us in this report, it can be affirmed that, in all areas relating to indigenous rights, there has been a severe regression in the last few years. The recommendations issued in the last cycles of the Universal Periodic Review for Brazil, with respect to the indigenous rights, have not been met. Going further, it could be said that they were completely ignored.

All the indigenous rights inscribed in Brazil's Federal Constitution and in international norms already internalized in the country's legal system, especially ILO Convention 169, were repeatedly disrespected by the Brazilian State. The legislative initiatives that violate indigenous rights infringe, even before their final approval, the right to free, prior and informed consultation, since they are not supported by mechanisms for dialogue and the participation of indigenous peoples, who will be directly harmed if these law bills are approved.

If there is not a drastic and urgent alteration in this anti-indigenous escalation observed during the Bolsonaro government, the outcomes for indigenous peoples will be even more serious. The plundering of the lands that they originally occupied is a process unfolding at an alarming rate that may lead to the extermination of entire peoples, especially in the case of isolated groups.

APIB has been making its presence felt in all the national and international institutional bodies to denounce this project of death and destruction aimed at the

indigenous peoples of Brazil. On this point, it is important to remember the action proposed by APIB at the International Criminal Court, denouncing Bolsonaro for the crimes of genocide and ecocide.

We have also striven to produce reference documents that address the attacks and threats experienced by Brazil's indigenous peoples. These documents have been used as sources for the preparation of this report. In 2020, we published a report on the Covid-19 situation among the indigenous population<sup>24</sup>; in 2021, we prepared an International Dossier of Denunciations<sup>25</sup>; also in 2021, we produced the report An Anatomy of Practices of Indigenous Silencing, in partnership with Indigenous Peoples International Rights<sup>26</sup>; and more recently, in 2022, we published the fourth edition of the report Complicity in Destruction, in partnership with Amazon Watch<sup>27</sup>. Our website ([www.apiboficial.org](http://www.apiboficial.org)) and our social networks have served as a repository of denunciations, notes and news reports concerning indigenous human rights.

APIB also places itself on the frontline of popular mobilizations that seek to denounce and influence the national and international public debate in defence of indigenous rights.

We believe that this report is part of this set of efforts to call the attention of the global community to the seriousness and urgency of the situation of indigenous peoples in Brazil. Based on what we have narrated in this document, we outline the following recommendations for the Brazilian State:

1. Restructure the institutions responsible for the implementation of indigenous public policies, especially FUNAI, with a budget allocation congruent with the requirements of the actions needed to promote indigenous rights.
2. Promote actions that prevent and punish racism, discrimination and violence against indigenous peoples.
3. Create specific mechanisms to protect indigenous defenders of human rights with adequate financial resources and administrative structures.
4. Create mechanisms to encourage political participation of indigenous people as a form of overcoming barriers to the access to power and decision-making spaces;
5. Promote full healthcare for indigenous people and bilingual education respecting the cultural and social specificities of indigenous peoples.

---

<sup>24</sup> Report on the impacts of Covid-19 on indigenous peoples: [https://emergenciaindigena.apiboficial.org/files/2020/12/APIB\\_relatoriocovid\\_v7EN.pdf](https://emergenciaindigena.apiboficial.org/files/2020/12/APIB_relatoriocovid_v7EN.pdf)

<sup>25</sup> International Complaints Dossier of Brazil's Indigenous Peoples, in English: [https://apiboficial.org/files/2021/08/DOSSIE\\_en\\_v3web.pdf](https://apiboficial.org/files/2021/08/DOSSIE_en_v3web.pdf)

<sup>26</sup> Anatomy of Indigenous Silencing Practices Report, in Portuguese: <https://apiboficial.org/files/2021/05/UMA-ANATOMIA-DAS-PRA%CC%81TICAS-DE-SILENCIAMENTO-INDI%CC%81GENA-1.pdf>

<sup>27</sup> Complicity in Destruction IV Report, in English: <https://apiboficial.org/files/2022/03/2022-Complicity-in-destruction-IV.pdf>

6. Reactivate the National Indigenist Policy Council (CNPI); reactivate the Food Security Council (CONSEA); recompose the National Council for the Environment with broad participation of civil society; strengthen the Unified Health System (SUS) and the Indigenous Health Subsystem (SASI/SUS).
7. Resume policies and mechanisms for social participation and oversight in the elaboration, monitoring and assessment of public policies for indigenous peoples, reactivating committees and commissions that have been abolished or deactivated.