

Indigenous Peoples –BRAZIL

UPR - 4th Cycle 2022

Erileide, Kaiowá-Guarani People

The Great Guarani-Kaiowá Assembly

GUYRA ROKÁ Community – Aty Guasu

(Indigenous Peoples from Brazil)

Indigenous Peoples BRAZIL

Topics Discussed

- ▶ Demarcation of Territories
- ▶ Territorial Protection
- ▶ Self-Determination of Indigenous Peoples
- ▶ Specific and Differentiated Public Policies

1 - Demarcation of Territories

Recommendations made in 2017:

136,223 (Canada) / 136,230 (Germany) / 136,236
(Switzerland) / 136,237 (Peru) / 136,238 (France)
136,239 (Cape Verde) – ALL ACCEPTED

1 - Demarcation of Territories

Since 2016, **no territory** has been demarcated

1299 traditional lands in Brazil

- **2 out of 3 lands not regularized**
- **536 without any procedure initiated**
- 282 under demarcated process
- 422 demarcated

Problems INSIDE and OUTSIDE the Amazon

1 - Demarcation of Territories

Unconstitutional thesis of the Time Framework (**Marco Temporal**), **delay** for resolution by the Supreme Court
(Extraordinary Appeal 1.017.36)

Time Framework: right to land recognized only from
1988 (new Constitution)

1 - Demarcation of Territories

Recommendation:

Urgently resume the constitutional process of demarcation of indigenous traditional territories, with sufficient human and financial resources, setting a timetable in consultation with indigenous peoples, the results of which will be presented in the next UPR cycle.

2 - Territorial Protection

Recommendations made in 2017:

136.102 (**Austria**) / 136,223 (**Canada**) / 136,227 (**Maldives**)
/ 136,230 (**Germany**) / 136,234 (**Norway**)
136,238 (**France**) / 136,241 (**Moldova**) **ALL ACCEPTED**

2 - Territorial Protection

Exponential Increase since 2016 in Invasions of Indigenous Territories, even those demarcated

In 2021:

- **118** Territorial Conflicts
- **305** Illegal Invasions, Exploitation of Natural Resources and Various Asset Damages.
- **226** indigenous lands affected
- In 22 of 26 Federal States
- **Invasion of Isolated Peoples' Lands**

2 - Territorial Protection

Hostile legislation

Ordinance (IN) 09/2020 - certification of private property over traditional territories

BILL (PL) 191 - authorizes **mining** on indigenous lands

Institutional Dismantling – Budget Reduction of Indigenous (FUNAI) and Environment (IBAMA) agencies

2 - Territorial Protection

Examples of Attacks

- **Pesticide** Bath in indigenous children school - **Guarani and Kaiowá Peoples** Guyra Roká - on **Erileide's** land
- **Illegal Timber Trade** - **Munduruku People**
- **Hunting and Illegal Fishing** - **Massacre Rio Abacaxis** – **Maraguá and Munduruku Peoples**

2 - Territorial Protection

Recommendations:

Resume and improve the State mechanisms of indigenous territorial protection, with sufficient staff and funding, in consultation with indigenous peoples and present tangible results in the next cycle.

Investigate and hold accountable those public and private agents involved in crimes against indigenous peoples, leaders, environmental and land rights defenders.

3 - Self-determination of the peoples in their territories

Recommendations in 2017:

136,229 (**Moldova**) / 136,231 (**El Salvador**) / 136,232 (**Estonia**) /
136,237 (**Iceland**) / 136,240 (**Norway**) ALL ACCEPTED

3 - Self-determination of the peoples in their territories

Incentive by the State and rural sectors for the leasing of territories and the introduction of agribusiness

Agribusiness and Mining Lobbies in Congress: the most influential and hostile against indigenous peoples - conflict of interest with government authorities

3 - Self-determination of the people in their territories

- Reduction of space for autonomy, dialogue and participation of indigenous peoples

- Free, prior and informed consent/consultation (FPIC) denied on several fronts of Brazil

3 - Self-determination of the people in their territories

- **Legitimation/Incentive to violence** through hate speech from the highest government authorities, increasing impunity

Detachment from international law

- Bill # 177/2021 – Risk Withdrawal from ILO C169

- Itamaraty: Dissociated Brazil from UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

3 - Self-determination of the people in their territories

Recommendations:

- Remain State Party to ILO Convention 169 and resume support to the UNDRIP
- Effectively guarantee the right of indigenous peoples to free, prior and informed consent/consultation as an instrument to ensure, at the same time, their right to self-determination in their territories, including in infrastructure projects and legislative process.

3 - Self-determination of the people in their territories

Recommendations:

- Support through specific public policies the autonomous initiatives of indigenous communities and peoples on food sovereignty in their territories.

4 - Specific and differentiated public policies

- Dismantling of indigenous education and health policies since the last UPR cycle.

- Deterioration of health quality among indigenous peoples (COVID, malaria, malnutrition, pesticides, water, etc.)

- Illegal Mining - Yanomami People - Mercury contaminating 56% of the Yanomami population (FIOCRUZ)

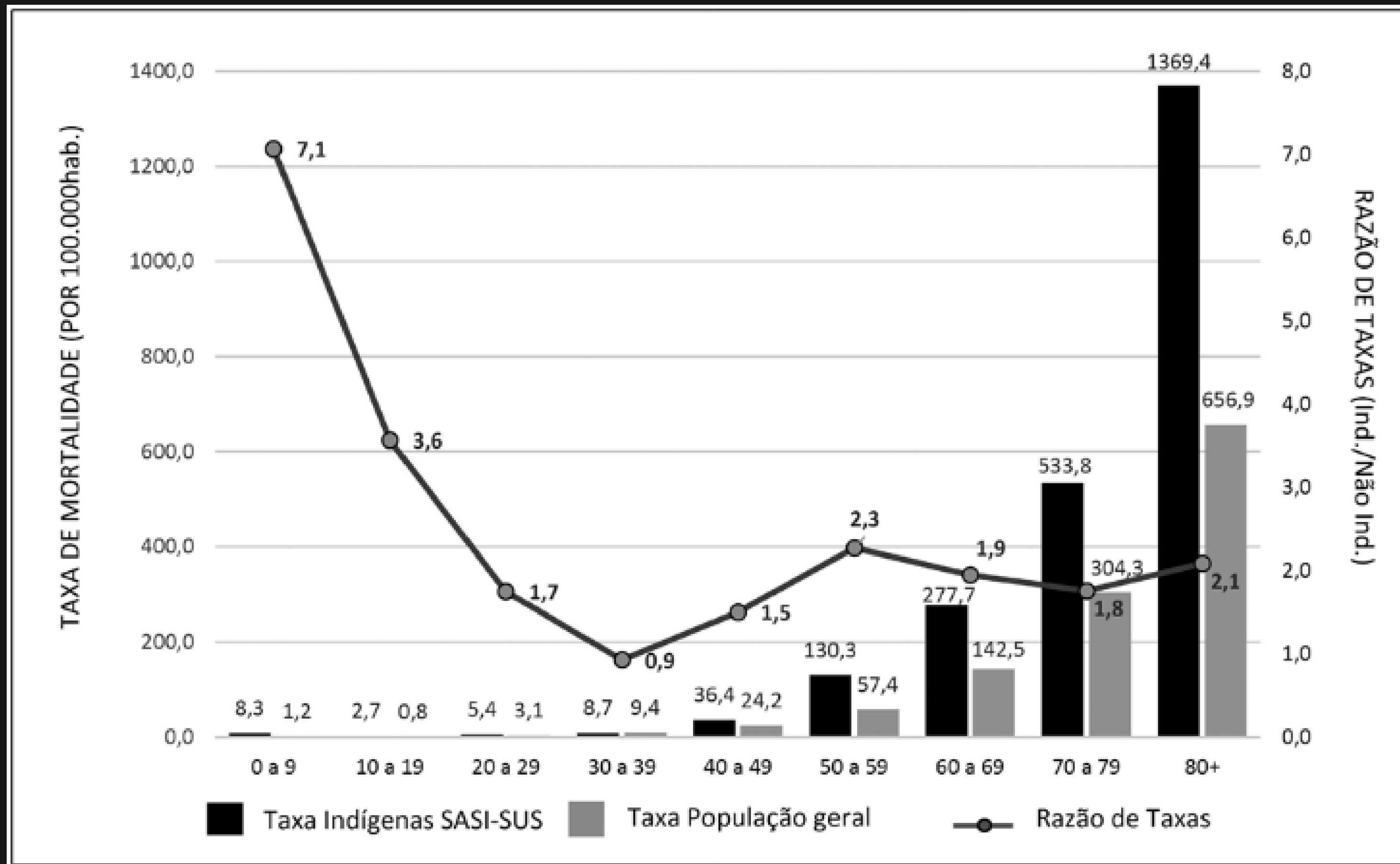
4 - Specific and differentiated public policies

COVID-19 pandemic in indigenous communities

GRAVE AND DISPROPORTIONAL IMPACT (Parliamentary Inquiry 2021)

- 43,000 infected Indigenous persons (CIMI)
- 17% of the death causes in 2020/2021 (SIM)
- 847 indigenous deaths by the pandemic - **double national average** (CIMI)
- Only 44% vaccinated with the 2 doses (Repórter Brasil) - 79% National Average
- Misinformation about vaccines, affecting 71% indigenous communities (CIMI)
- Deliberate lack of systematization of contagion and deaths
- Disobedience of orders of the Supreme Court and the IACHR - contingency plan

COVID-19 - Disproportionate Death Rates (2020)



4 - Specific and differentiated public policies

2020

- 10 cases of deaths from state negligence (CIMI 2020)
- 89 cases of negligence in the health area (CIMI 2020)
- Dismantling of SESAI - 14% reduction (2018-2020) in budget / low implementation (62%) (INESC)

4 - Specific and differentiated public policies

Recommendations

- Reinstate and improve the National Health Care Policy of Indigenous Peoples, valuing social control, community participation, the protagonist role of indigenous professionals, intercultural dialogue and decentralization
- Reinstate and improve the participatory processes of Indigenous School Education and public investment in this field, valuing social control, community participation, the protagonist role of indigenous professionals, intercultural dialogue and decentralization

*They are troughing poison on our
lands, while we fight for all forms of
life*

Erileide, indigenous spokesperson
(Kaiowá-Guarani People) Brazil

AGUYJEVETE

Thank you, in Guarani language