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**GENOCIDE OF INDIGENOUS PEOPLES THROUGH OMISSION IN  
BRAZIL**

**Research Report October 2019 – November 2020**

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## ABSTRACT

This report was authored by the *Development and Indigenous Peoples Law* research group (*Direito dos Povos Indígenas - DPI*), accredited by the Commission of Cultural and Extracurricular Activities of the Faculty of Law of the University of São Paulo (FDUSP). It was prepared at the request of the Articulation of Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil - APIB*) and coordinated with funding provided by the Global Law Institute (*Instituto de Direito Global*).

The DPI research group, led by Professor Carlos Portugal Gouvêa, an Associate Professor at the University of São Paulo, is coordinated by Daniel Pereira Campos, Erika Yamada, Luiz Eloy Terena, and Luiz Fernando Villares. The group comprises 55 researchers from across Brazil, representing a broad spectrum of perspectives and expertise.<sup>1</sup>

This report is the product of human rights litigation before the Supreme Federal Court (STF) and of the representation made by the Human Rights Advocacy Collective (*Coletivo de Advocacia em Direitos Humanos - CADHu*) and the Arns Commission before the International Criminal Court (ICC) prosecutor. Its aim is to defend the rights of Indigenous peoples and traditional communities to live in Brazil, amidst genocidal policies and systematic acts of extermination.

This report is divided into two sections. The first one identifies acts, omissions and discourses attributed to the Presidency that have put the lives of indigenous peoples at grave risk, from the perspective of (i) health and pandemics, (ii) indigenous lands, and (iii) biomes devastation by fire and deforestation.

The second section seeks to analyze the effects of these acts, omissions and discourses on indigenous communities. This second section is divided into (iv) an analysis of the growth of violence and repression against indigenous peoples and (v) its impact, considering the vulnerabilities and resistance of indigenous peoples.

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<sup>1</sup> From the states of Amazonas, Minas Gerais, Mato Grosso, Mato Grosso do Sul, Rondônia, Pará, Santa Catarina, Tocantins, Piauí, Ceará, Rio Grande do Sul, Rio de Janeiro and São Paulo. The group is composed of indigenous and non-indigenous jurists, social scientists, historians, anthropologists and biologists.

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## **PART I - ACTS, OMISSIONS AND DISCOURSES**

## 1. HEALTH, PANDEMIC AND INDIGENOUS PEOPLES

This section of the report aims to present the acts, omissions and discourses undertaken by the Federal Government of Brazil, currently under the command of President Jair Bolsonaro, regarding the health of indigenous peoples. In addition to this introduction, this section is subdivided into four parts: contexts of health policies, acts, omissions and discourses.

### a. Context of health policies in Brazil

Since the beginning of the pandemic, scientific institutions such as *Fundação Oswaldo Cruz* (Fiocruz)<sup>2</sup>, *Fundação Getúlio Vargas* (FGV), *Associação Brasileira de Saúde Coletiva* (ABRASCO)<sup>3</sup> and *Associação Brasileira de Antropologia* (ABA) have emphasized, through notes and reports, the high epidemiological vulnerability of indigenous peoples (mainly for socioeconomic, demographic and economic reasons) and have demanded more governmental actions to confront the virus. However, since the beginning of the COVID-19 pandemic, President Bolsonaro's acts have worked against the health of indigenous peoples. Federal agencies, such as the National Indian Foundation (Funai) and the Special Indigenous Health Secretariat (SESAI), the most critical agencies for public health policies of indigenous peoples, have also worked under the President's command.

Established under Law No. 12.314/2010 and linked to the Ministry of Health, SESAI is responsible for coordinating and executing the National Policy for the Health Care of Indigenous Peoples and the entire management process of the Indigenous Health Care Subsystem (SasiSUS) within the Unified Health System (SUS), Brazil's universal health care

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<sup>2</sup> "Globally, indigenous peoples are highly vulnerable to acute respiratory infections (La Ruche et al., 2009; Flint et al., 2010). In previous centuries, there are records that the introduction of different viruses, such as those of measles, smallpox, and influenza, led to major epidemics and even the extermination of some indigenous peoples in Brazil. Recent evidences confirm that the introduction of respiratory viruses in susceptible indigenous communities has a high spread potential, resulting in high rates of attacks and hospitalizations, with the potential to cause deaths, as was the case of Influenza A (H1N1) pdm09 and the Respiratory Syncytial Virus in 2016 (Cardoso et al., 2019)", p.4 In: PROCC/Fiocruz e EMAP/FGV et al.. *Risco de espalhamento da COVID-19 em populações indígenas: considerações preliminares sobre vulnerabilidade geográfica e sociodemográfica*. 4º relatório - segunda edição. Retrieved 4 November 2020 from: [https://gitlab.procc.fiocruz.br/mave/repo/-/blob/master/Relat%C3%B3rios%20t%C3%A9cnicos%20-%20COVID-19/procc-emap-ensp-COVID-19-report4\\_20200506-indigenas.pdf](https://gitlab.procc.fiocruz.br/mave/repo/-/blob/master/Relat%C3%B3rios%20t%C3%A9cnicos%20-%20COVID-19/procc-emap-ensp-COVID-19-report4_20200506-indigenas.pdf).

<sup>3</sup> ABRASCO. *A COVID-19 e os povos indígenas: desafios e medidas para controle do seu avanço*. Retrieved 3 November 2020 from: <https://www.abrasco.org.br/site/noticias/posicionamentos-oficiais-abrasco/a-COVID-19-e-os-povos-indigenas-desafios-e-medidas-para-controle-do-seu-avanco/45866/>.

system<sup>4</sup>. FUNAI, which lies under the Ministry of Justice hierarchy, is responsible for monitoring health care services and activities directed to indigenous peoples<sup>5</sup>. FUNAI is responsible for organizing and executing indigenous policy, as well as for promoting and protecting the rights of indigenous peoples as established in its statute<sup>6</sup>.

Furthermore, the Federal Supreme Court (STF) confirmed, in the judgment of the preliminary injunction in the Direct Action of Unconstitutionality (ADI) No. 6341, that there is concurrent jurisdiction between states, municipalities and the Union in combating the new coronavirus<sup>7</sup>. This ruling guaranteed that states could enact policies to confront the pandemic, but it did not exclude the competence of the Federal Government in the health matters of indigenous populations. However, the President has used this precedent to claim, without any legal basis, exclusive responsibility of governors and mayors for the pandemic mismanagement.

In addition, the Federal Government has disregarded international recommendations, such as the "*Directrices relativas a la COVID-19*" of the United Nations High Commissioner for Human Rights. It recommends that states, for example, take into consideration that indigenous peoples have a different concept of health, including their traditional medicine, and that they should be consulted in advance when developing preventive measures to COVID-19. It also emphasized the need to regulate the access to indigenous lands, in consultation and collaboration with the respective populations; and the need to establish barriers to prevent illegal entry into indigenous territories<sup>8</sup>.

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<sup>4</sup> BRASIL. MINISTÉRIO DA SAÚDE. *Sobre a SESAI*. Retrieved 17 November 2020 from: <https://antigo.saude.gov.br/saude-indigena/sobre-a-sesai>; BRASIL. *DECRETO Nº 9.795, DE 17 DE MAIO DE 2019*. "Aprova a Estrutura Regimental e o Quadro Demonstrativo dos Cargos em Comissão e das Funções de Confiança do Ministério da Saúde [...]". Retrieved 17 November 2020 from: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9795.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9795.htm).

<sup>5</sup> BRASIL. *DECRETO Nº 9.010, DE 23 DE MARÇO DE 2017*. "Aprova o Estatuto e o Quadro Demonstrativo dos Cargos em Comissão e das Funções de Confiança da Fundação Nacional do Índio - FUNAI [...]". Retrieved 17 November 2020 from: [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2017/Decreto/D9010.htm#art9](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2017/Decreto/D9010.htm#art9).

<sup>6</sup> Ibid.

<sup>7</sup> BRASIL. SUPREMO TRIBUNAL FEDERAL. *STF reconhece competência de estados e municípios em regras de isolamento*. Retrieved 19 November 2020 from: <https://www12.senado.leg.br/radio/1/noticia/stf-reconhece-competencia-concorrente-de-estados-df-municipios-e-uniao-no-combate-a-covid-19#:~:text=O%20STF%20confirmou%20compet%C3%Aancia%20concorrente,combater%20pandemia%20da%20covid%2D19.&text=A%20maioria%20dos%20ministros%20reconhece,a%20autonomia%20dos%20demais%20entes>.

<sup>8</sup> UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER. *Directrices relativas a la COVID-19*. Retrieved 3 November 2020 from: [https://www.ohchr.org/Documents/Events/COVID-19\\_Guidance\\_SP.pdf](https://www.ohchr.org/Documents/Events/COVID-19_Guidance_SP.pdf).

The same applies to the guidelines of the Inter-American Commission on Human Rights (IACHR) in the report "Pandemia y derechos humanos en las Américas"<sup>9</sup>, which also stresses the importance of: providing information in traditional languages; strengthening measures to protect the human rights of indigenous peoples in the context of COVID-19; the need to refrain from legislative initiatives and from the implementation of productive and/or extractive projects in indigenous territories during the pandemic period.

In light of the aforementioned, we have decided to give special attention to the situation of indigenous peoples in the context of the coronavirus pandemic, focusing on the acts, omissions and statements of the Federal Executive that have put at risk their survival. However, government's acts that put at risk the health of indigenous are not limited to the COVID-19 pandemic. They are, for example, related to the end of the program "*Mais Médicos*", which resulted in the dismissal (without equivalent substitution) of Cuban doctors, responsible for assisting about 56% of the health centers dedicated to indigenous peoples. Besides, they are associated with the attempt to municipalize indigenous health and the attempted extinction of SESAI and of the Forum of Presidents of the District Councils of Indigenous Health (Condisi) - all actions of the Federal Government carried out in 2019<sup>10</sup>. These past actions were further exacerbated by the COVID-19 pandemic and have put indigenous peoples in a dramatic context.

## b. Acts

When examining governmental measures related to the pandemic, one would expect to find a series of efforts to protect indigenous peoples. However, the narrow list of actions

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<sup>9</sup> COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS. *Resolução nº 1/2020 (Pandemia e Direitos Humanos nas Américas)*, de 10 de abril de 2020. "Dispõe sobre medidas de contenção para enfrentar e prevenir os efeitos da pandemia em comunidades indígenas". Retrieved 3 November 2020 from: <https://www.oas.org/pt/cidh/decisiones/pdf/Resolucao-1-20-pt.pdf>.

<sup>10</sup> INESC. *Mesmo com pandemia, governo gastou menos com saúde indígena em comparação a igual período de 2019*. Retrieved 28 October 2020 from: <https://www.inesc.org.br/mesmo-com-pandemia-governo-gastou-menos-com-saude-indigena-em-comparacao-a-igual-periodo-de-2019/>. The District Councils (Condisis) were recreated, together with other instances of indigenous participation, on November 4th, 2020, by the Ministry of Health, through Ordinance No. 3.021 - after more than a year and a half of extinction since Decree No. 9.759 of April 2019, published by President Bolsonaro. See COIAB. *Após pressão do movimento indígena, governo institui portaria de recriação do controle social na Saúde Indígena*. Retrieved 17 November 2020 from: <https://coiab.org.br/conteudo/ap%C3%B3s-press%C3%A3o-do-movimento-ind%C3%ADgena-governo-institui-portaria-de-recria%C3%A7%C3%A3o-1605294372616x905902513100423200>.



presented hereunder indicates, on the contrary, a deliberate action by the Federal Government to spread the virus among these communities.

As a framework to analyze the acts effectively taken by the Federal Government – we have divided our analysis in three separate sections: Executive Leadership, Funai and SESAI. In this sense, this report explores actions taken by the Government, which include the elaboration of laws, normative acts and other public policy measures.

#### i. Federal Government leadership

The pandemic caused by the coronavirus reached Brazil in February 2020. However, Law No. 14.021/2020, enacted to establish actions to combat the advance of COVID-19 among indigenous peoples, approved by Congress on June 16, 2020<sup>11</sup>, was sanctioned and published in the Federal Official Gazette only on July 8, 2020. While the Federal Government has the power to enact Provisional Measures (*Medidas Provisórias*), it has chosen not to use this constitutional remedy with respect to the healthcare of indigenous peoples.

In any case, besides the delay of the Federal Government to sanction the action plan for the indigenous communities, President Bolsonaro acted directly to obstruct the adoption of such measures.

This is because the President vetoed relevant points of the project. Specifically, Jair Bolsonaro refused to sanction provisions that forced the government (i) to guarantee the access to potable water to indigenous people; (ii) to distribute hygiene, cleaning and disinfection materials free of charge; (iii) to provide emergency hospital and intensive care beds; (iv) to purchase ventilators and blood oxygenation machines; (v) to release emergency funds for indigenous health; (vi) to install internet in indigenous villages; (vii) to distribute basic food supplies; (viii) to create a specific credit program through *Plano Safra 2020*<sup>12</sup>; and (ix) to facilitate access to the Emergency Aid<sup>13</sup> in remote areas<sup>14</sup>.

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<sup>11</sup> AGÊNCIA SENADO. *Desigualdade e abusos na pandemia impulsionam cobranças por Direitos Humanos*. Retrieved 25 November 2020 from: <https://www12.senado.leg.br/noticias/infomaterias/2020/08/desigualdade-e-abusos-na-pandemia-impulsionam-cobranças-por-direitos-humanos>.

<sup>12</sup> Plano Safra is a national campaign promoted by the Ministry of Agriculture, Livestock and Food Supply. Retrieved 15 December 2020 from: <https://www.gov.br/agricultura/pt-br/campanhas/plano-safra>.

<sup>13</sup> Emergency Aid is a financial benefit granted by the Federal Government to individual workers, individual microentrepreneurs (MEI), self-employed and unemployed, and aims to provide emergency protection during the period of facing the crisis caused by the Coronavirus pandemic - COVID 19. Retrieved 15 December 2020 from: <https://www.caixa.gov.br/auxilio/en/Paginas/default.aspx>

<sup>14</sup> CONJUR. *Sancionada lei que prevê ações para prevenir COVID-19 entre índios e quilombolas*. Retrieved 29 October 2020 from: <https://www.conjur.com.br/2020-jul-08/sancionada-lei-preve-acoes-prevenir-covid-19-entre-indios>.

The justification presented for such vetoes was the alleged creation of mandatory expenses for the Federal Executive without presenting the respective budgetary and financial impact of the actions. One month after the vetoes, on August 19, 2020, the National Congress overthrew 16 of the 22 vetoes made by the president<sup>15</sup>. Despite the advances made through the Legislative Branch, the vetoes related to the distribution of basic food supplies, seeds and agricultural tools for indigenous peoples, *quilombolas*<sup>16</sup>, artisan fishermen and other traditional communities were maintained, under the justification that the Government already had programs in progress for the solution of these demands. In the same way, the creation of a specific credit program for indigenous peoples and *quilombolas* did not reach enough votes to overrule the President's veto<sup>17</sup>.

In response to the Government's deliberate immobility under the advancement of COVID-19 in indigenous communities, the Federal Supreme Court (STF), in the scope of the Claim for Non-compliance with Fundamental Precepts No. 709/2020 (ADPF No. 709/2020), determined, on July 8/2020, that the Federal Government had to adopt effective measures to contain contagion and mortality by COVID-19 among indigenous peoples. Among other measures, Justice Barroso specifically referred to the installation and maintenance of sanitary barriers for the protection of indigenous lands of isolated peoples or those in recent contact. The action plan for the realization of these barriers, as well as the expenses for their execution, had to be presented within 10 days from the publication of the decision, in order to be duly homologated by the Court<sup>18</sup>. However, the "Plan of Sanitary Barriers for the Protection of Isolated and Recent Contact Indigenous Peoples" was ratified only on September 1st, after undergoing several adjustments required by Barroso<sup>19</sup>. Despite the homologation, the debate about this sanitary contingency plan has not ended, since a great part of the guidelines included in it have not yet been enacted by the Federal Executive Branch.

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<sup>15</sup> CONSELHO INDIGENISTA MISSIONÁRIO. *COVID-19: Congresso derruba vetos de Bolsonaro e garante acesso à água potável e materiais de higiene a indígenas e quilombolas*. Retrieved 29 October 2020 from: <https://cimi.org.br/2020/08/covid-19-congresso-derruba-vetos-bolsonaro-garante-acesso-agua-potavel-materiais-higiene-indigenas-quilombolas/>.

<sup>16</sup> Traditional Afro-Brazilian peoples.

<sup>17</sup> INSTITUTO SOCIOAMBIENTAL. *Congresso derruba vetos presidenciais a plano emergencial para indígenas e quilombolas*. Retrieved 17 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/congresso-derruba-vetos-presidenciais-a-plano-emergencial-para-indigenas-e-quilombolas>.

<sup>18</sup> JOTA. *MEDIDA CAUTELAR NA ARGUIÇÃO DE DESCUMPRIMENTO DE PRECEITO FUNDAMENTAL 709 DISTRITO FEDERAL*. 2020. Retrieved 29 October 2020 from: <https://www.jota.info/wp-content/uploads/2020/07/adpf-709-cautelar-1.pdf>.

<sup>19</sup> AGÊNCIA BRASIL. *Homologado plano de barreiras sanitárias para proteger povos indígenas*. Retrieved 29 October 2020 from: <https://agenciabrasil.ebc.com.br/radioagencia-nacional/direitos-humanos/audio/2020-09/homologado-plano-de-barreiras-sanitarias-para-protoger-povos-indigenas#:~:text=O%20ministro%20Lu%C3%ADs%20Roberto%20Barroso,da%20Covid%2D19%20nas%20a%20ldeias>.

In this manner, the acts undertaken by the Federal Government under the command of President Bolsonaro collaborated for the dissemination and aggravation of coronavirus among Brazilian original communities. The actions also included policies that disrespected the deceased and the funerary traditions of the indigenous peoples. Several reports indicated that deceased indigenous peoples were recorded as being "*pardos*"<sup>20</sup> and, for this reason, in addition to underreporting, they were buried with non-indigenous without following their specific traditions<sup>21</sup>. The disrespect of the rituals of passage is certainly a grave human rights violation of the indigenous peoples' rights. Although this type of violation has been reported since May 2020, only in September it was possible to verify a movement in the direction of protecting funerary rituals, through the actions of the Federal Public Prosecutor Office (MPF, in the original acronym), an independent branch of government in Brazil.

## ii. Funai

In direct disrespect of judicial and technical orientations, Several Funai representatives visited indigenous territories without proper care and reasonable objectives. The General-Coordinator of Isolated and Recent Contact Indigenous peoples of Funai, the missionary Ricardo Lopes Dias, and its team visited, last August, the Valley of the Javari with the objective to visit bases of protection of isolated indigenous peoples and villages of the region<sup>22</sup>. In September, the Ministry of Defense organized an entourage to visit the villages of the Guajajara people, in the state of Maranhão. Before the visit, a spokesperson of the Ministry called the press corps indicating they had to quarantine for only one day if they chose to accompany the visit, in direct disrespect of Law No. 14,021/2020 and the recommendations of the World

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<sup>20</sup> A skin color category used in official documents to refer to people with varied racial ancestries.

<sup>21</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "Ignored for the aboriginal State, peoples in Amazon and Roraima they count on solidarity to face covid-19. Retrieved 29 November 2020 from: <https://cimi.org.br/2020/09/ignorados-pelo-estado-povos-indigenas-no-amazonas-e-roraima-contam-com-solidariedade-para-enfrentar-covid-19/>

<sup>22</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS. "Funai descumpre decisão do Supremo Tribunal Federal e instiga conflitos entre indígena do Vale do Javari". Retrieved 29 October 2020 from: <https://apiboficial.org/2020/08/31/funai-descumpre-decisa%cc%83o-do-supremo-tribunal-federal-e-instiga-conflitos-entre-indigena-do-vale-do-javari>

Health Organization (WHO)<sup>23</sup>. Such measures also directly oppose Ordinance No 419/PRES/2020<sup>24</sup>, issued by Funai, with respect to policies for contact with isolated peoples.

Furthermore, from a budgetary perspective, at the beginning of April, 2020, Funai received additional R\$10.8 million in pandemic emergency resources. These funds had not been executed two weeks after its availability<sup>25</sup>, even after 9 confirmed cases and 3 deaths among indigenous peoples<sup>26</sup>. In the three first months of the pandemic (April to June), Funai spent R\$ 6.2 million out of R\$23 million available (approximately 27%)<sup>27</sup> - R\$ 18,3 million from emergency funds and R\$ 4,7 million from Funai's budget<sup>28</sup>.

However, following orders from its leadership (headed by an appointee of the President), Funai suspended the provision of basic food supplies for communities in territories not yet demarcated in the state of Mato Grosso do Sul, under allegation of lack of resources<sup>29,30</sup>. The measure effectively imposed hunger to the affected indigenous communities. More recently, the Avá Guarani peoples in the west region of the State of the Paraná<sup>31</sup> suffered with

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<sup>23</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS. “Governo Bolsonaro arrisca contaminar comunidades indígenas para “mostrar serviço” durante pandemia da COVID-19”. Retrieved 29 October 2020 from: <https://apiboficial.org/2020/09/30/governo-bolsonaro-arrisca-contaminar-comunidades-indigenas-para-mostrar-servico-durante-pandemia-da-COVID-19/>.

<sup>24</sup> BRASIL. PORTARIA Nº 419/PRES, de 17 de março de 2020. “Estabelece medidas temporárias de prevenção à infecção e propagação do novo Coronavírus (COVID-19) no âmbito da Fundação Nacional do Índio – FUNAI”.

<sup>25</sup> O ESTADO DE SÃO PAULO. “FUNAI recebe R\$ 11 milhões para proteger indígenas do coronavírus, mas não gastou nenhum centavo”. Retrieved 28 October 2020 from: <https://saude.estadao.com.br/noticias/geral,funai-recebe-r-11-milhoes-para-protetger-indigenas-do-coronavirus-mas-nao-gastou-nenhum-centavo,70003269873?fbclid=IwAR2p3vSLMGUU2tHPBVGNYUan81fXRa93FuXoh86KfSJcent,70003269873?fbclid=IwAR2p3vSLMGUU2tHPBVGNYUan81fXRa93FuXoh86KfSJ-VJDOzE0Fdi80hyg>

<sup>26</sup> BRASIL. MINISTÉRIO DA SAÚDE. “Boletim epidemiológico SESAI sobre COVID-19 - 12/04/20”, Retrieved 28 October 2020 from: [http://www.saudeindigena.net.br/coronavirus/pdf/12\\_04\\_2020\\_Boletim%20epidemiol%20C3%B3gico%20SESAI%20sobre%20COVID%2019.pdf](http://www.saudeindigena.net.br/coronavirus/pdf/12_04_2020_Boletim%20epidemiol%20C3%B3gico%20SESAI%20sobre%20COVID%2019.pdf).

<sup>27</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Com apenas 0,02% do orçamento da União, valor gasto pela Funai até junho é o mais baixo em dez anos”. Retrieved 28 October 2020 from: <https://cimi.org.br/2020/06/com- apenas-002-orcamento-uniao-valor-gasto-funai-junho-mais-baixo-dez-anos/>.

<sup>28</sup> Ibid.

<sup>29</sup> The Federal Public Prosecution Office presented recommendations to the FUNAI after the unfolding of the situation. Retrieved 28 October 2020 from: <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/por-ordem-de-brasilia-funai-interrompe-distribuicao-de-cestas-basicas-em-ms>.

<sup>30</sup> After great repercussion of such measures, the FUNAI informed that while there was a judicial decision determining that Mato Grosso do Sul state and the Union deliver essential food supplies, the Foundation is not part of the action”. Moreover, it informed that “there is no relation between the alleged lack of food distribution and non-demarcated lands in the Mato Grosso do Sul. The supply of food for the indigenous villages in the State remains active”. In the reality, such measures directly compel individuals to leave non-demarcated areas to escape hunger. *BBC BRASIL*. Retrieved 27 October 2020 from: <https://www.bbc.com/portuguese/brasil-51272231>.

<sup>31</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Sem água potável e com interrupção na entrega das cestas básicas, os Avá Guarani no oeste do Paraná lutam para sobreviver em meio à pandemia e disputas pelo território”. Retrieved 28 October 2020 from: <https://cimi.org.br/2020/10/sem-agua-potavel-e-com-interrupcao-na-entrega-das-cestas-basicas-os-ava-guarani-no-oeste-do-parana-lutam-para-sobreviver-em-meio-a-pandemia-e-disputas-pelo-territorio/>.

the lack of food and drinking water based on similar allegations. This context of hunger, thirst and land conflicts in the middle of a pandemic puts these communities at real risk of genocide.

Other acts that disrespect the integrity of the indigenous territories also contributed to pandemic aggravation among these communities. As we will further explain in section 3 of this report, Funai Normative Instruction No. 9/2020, enacted in April of 2020<sup>32</sup> sets forth the requirements for the emission of “Declaration of Recognition of private land limits” in indigenous lands. According to the NGO Conselho Indigenista Missionário (Cimi), such Normative Instruction intends to legitimize and allow for the emission of property documents for invaders of indigenous lands in an advanced phase of the administrative procedure of demarcation<sup>33</sup>. Therefore, Funai, the official indigenous policy agency in Brazil, issued a regulation to regularize invasions in indigenous lands during the worst pandemic in a century. Thus, besides legitimizing and stimulating illegal trespassing, it promotes further activities and contact within indigenous lands. Regardless of possible judicial review of this regulation<sup>34</sup>, we must stress that, in the midst of a sanitary emergency, the federal agency responsible for indigenous peoples interests deliberately acts to promote territorial invasions, and, consequently, to increase the risks of virus dissemination.

In this context, indigenous communities themselves have organized their own sanitary barriers. Notwithstanding their efforts, Funai has been issuing campaigns against such barriers, putting forth a marketing campaign with the slogan “Brazil cannot stop”, in which it demanded the end of the barriers, considering alleged risks to the economy.

### iii. SESAI

The delay in the fight against coronavirus has been a central aspect of SESAI throughout the pandemic, following the personal directions of the President. The first case of COVID-19, in Brazil was registered in February 26 of 2020. From that point on, SESAI has either taken

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<sup>32</sup> BRASIL. INSTRUÇÃO NORMATIVA Nº 9, DE 16 DE ABRIL DE 2020. Retrieved 29 October 2020 from: <https://www.in.gov.br/en/web/dou/-/instrucao-normativa-n-9-de-16-de-abril-de-2020-253343033>.

<sup>33</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Nota do Cimi contra a Instrução Normativa nº 09/2020 da Funai”. Retrieved 29 October 2020 from: <https://cimi.org.br/2020/04/nota-contra-a-instrucao-normativa-09-2020-funai/> >

<sup>34</sup> In August 2020, Federal courts determined the suspension of the effects of the Normative Instruction. With that decision, indigenous lands not yet homologated in the region of Altamira (Pará State) were re-included in the System of Agrarian Management (Sigef) and the System of Rural Environment (Sicar) and must not allow for private properties inside their limits. Retrieved 17 November 2020 from: <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/justica-federal-suspende-efeitos-da-instrucao-normativa-09-da-funai-na-regiao-de-altamira>.

ineffective actions or promoted policies that placed indigenous communities at risk, in what the NGO *Instituto Socioambiental* (ISA) has called “a government complicity with the indigenous plight”<sup>35</sup>.

For instance, the first technical guidance issued by SESAI, on March 16 of 2020, recommends domiciliary isolation for individuals who did not need hospitalization, ignoring that most indigenous communities share habitations among large groups. This policy, in that sense, put some indigenous communities at risk of contamination<sup>36</sup>. In addition, the “Plan of National Contingency for Infection Human being for new Coronavirus (COVID-19) in Aboriginal Peoples”, drafted by SESAI specialists alongside members of the Committee of Operations of Emergency (COE), was released March 17 (almost one month after the first case in Brazil) through the Ministry of Health website<sup>37</sup>. Such plan was considered generic by indigenous organizations and specialists, who pointed out it did not respect the indigenous peoples’ right to previous consultation<sup>38</sup>. Moreover, Technical Note No. 4/2020, of March 30, did not include massive testing as one of its policies for health agents treating respiratory syndromes in indigenous communities, also neglecting possibilities of communitarian transmission<sup>39</sup>. In addition, SESAI established its first COVID-19 response team as late as April 13.<sup>40</sup>

In that sense, there is the tragic example of the DSEI of Parintins and the peoples of Sataré-Mawé and Hixkaryana in the indigenous land of Andirá Marau, where there was a 120% increase in the number of coronavirus cases between September and October, one month after the sanitary barrier in the river Andirá had been removed. As of October 13, there are already 29 confirmed cases and one dead, the Tuxaua (chief) Plácido Dias de Oliveira, of the Boa Vista village.

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<sup>35</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Aboriginal Peoples strengthen sanitary barriers and charge to be able public while COVID-19 advances for villages. 2020”. Retrieved 29 October 2020 from: <https://cimi.org.br/2020/05/povos-indigenas-reforcaram-barreiras-sanitarias-cobram-poder-publico-covid-19-avanca/>

<sup>36</sup> Ibid; BRASIL. MINISTÉRIO DA SAÚDE. SESAI *Informe Técnico N. 4/2020*. Retrieved 17 November 2020 from: <https://drive.google.com/drive/folders/1NypkAgVkBQU5ztQ4yWVgh1bgxdiBIBhh>.

<sup>37</sup> BRASIL. MINISTÉRIO DA SAÚDE. “Ministério da Saúde lança medidas para prevenir Coronavírus em povos indígenas”. Retrieved 17 November 2020 from: [https://www.gov.br/saude/pt-br/assuntos/sesai\\_noticias/ministerio-da-saude-lanca-medidas-para-prevenir-coronavirus-em-povos-indigenas](https://www.gov.br/saude/pt-br/assuntos/sesai_noticias/ministerio-da-saude-lanca-medidas-para-prevenir-coronavirus-em-povos-indigenas).

<sup>38</sup> INSTITUTO SOCIOAMBIENTAL. *Linha do tempo: A omissão do governo na tragédia indígena*. Retrieved 3 November 2020 from: <https://covid19.socioambiental.org/>.

<sup>39</sup> Ibid; BRASIL. MINISTÉRIO DA SAÚDE BRASIL. MINISTÉRIO DA SAÚDE. SESAI *Informe Técnico N. 4/2020*. Retrieved 17 November 2020 from: <https://drive.google.com/drive/folders/1NypkAgVkBQU5ztQ4yWVgh1bgxdiBIBhh>.

<sup>40</sup> BRASIL. PORTARIA Nº 55, DE 13 DE ABRIL DE 2020. Retrieved 17 November 2020 from: <https://www.in.gov.br/en/web/dou/-/portaria-n-55-de-13-de-abril-de-2020-252281669>.

Unfortunately, this pattern repeated after SESAI abandoned the barrier in the river Marau in May 2020. Funai workers maintained the barrier until August, when, in spite of their requests to stay, they received administrative orders to leave. After that, the local indigenous communities mobilized to keep it operating<sup>41</sup>.

SESAI also promoted incursions into indigenous territory, putting several communities in danger. In June, “Operation COVID-19”, organized by the Ministries of Defense and Health, congregated doctors, military and journalists to distribute personal protective equipment (PPE) and non-effective treatments for the COVID-19, especially the President favorite chloroquine, in the Yanomami and East Roraima DSEIs, in the *Raposa Serra do Sol* region. The operation was not articulated with indigenous leadership and it did not follow the strict security protocols that must be adopted in case of contact with such peoples, representing one high risk of infection<sup>42</sup>.

Besides being involved in actions that may culminate in contagion of indigenous people by state agents, the Brazilian Army's activities in the DSEIs have enabled other vectors of transmission: illegal invaders and loggers. Since May 2020, the Armed Forces have been working on the “Green Brazil 2” operation, which has replaced the work carried out by IBAMA in preventing deforestation in the Amazon.

Under the rule of the military, the indigenous peoples of the Xingu Amazonian region have witnessed the destruction of the forest and the escalation of land conflicts, exposing them to the contagion of the disease and threatens their right to self-determination. The southern region of the Xikrin territory, where the invaders are closest to the villages, has the highest number of contaminated people. According to the DSEI Altamira, from August to September the number of cases increased more than 100%, reaching 110 cases<sup>43</sup>.

Other reports further corroborate the conscious choice of the Federal Government to adopt a policy of prioritizing death in the confrontation of COVID-19. One of the initiatives, headed by Terena leaders, was to contact the organization *Médecins Sans Frontières* (MSF), seeking help to manage the health collapse of seven villages in the interior of Mato Grosso do

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<sup>41</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Após período sem barreiras sanitárias, COVID-19 faz vítimas entre os Sateré-Mawé”. Retrieved 29 October 2020 from: <https://cimi.org.br/2020/10/apos-periodo-sem-barreiras-sanitarias-covid-19-faz-vitimas-entre-os-satere-mawe/>.

<sup>42</sup> AGÊNCIA PÚBLICA. “Não somos objeto de propaganda do governo”, diz liderança Yanomami sobre ação do Exército em Roraima”. Retrieved 29 October 2020 from: <https://apublica.org/2020/07/nao-somos-objeto-de-propaganda-do-governo-diz-lideranca-yanomami-sobre-acao-do-exercito-em-roraima/>.

<sup>43</sup> INSTITUTO SOCIOAMBIENTAL. “Floresta roubada: invasões ameaçam Terras Indígenas no Xingu”. 2020. Retrieved 29 October 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/floresta-roubada-invasoes-ameacam-terras-indigenas-no-xingu>.

Sul. Surprisingly, the Ministry of Health refused to allow MSF to carry out its work in the villages indicated by both the organization itself and indigenous people, villages that are difficult to access, far from urban centers and that have seen deaths among their members increase by 580% in just one month. SESAI, even without the means to guarantee access to health care for all indigenous people, proposed that care be provided only in the community of Aldeinha, which is close to two cities with infrastructure and has a much smaller number of residents than the other villages listed above.<sup>44</sup>

In this sense, in a study by the Institute of Socio-economic Studies (INESC)<sup>45</sup>, on the SESAI budget execution of the Protection, Promotion and Recovery of Indigenous Health program (20Y), points out to a reduction in the execution of funds spent on health care for indigenous people in the first half of 2020, compared to the previous year - when one would expect the exact opposite. Between 2019 and 2020, there was a 9% reduction in the authorized value of 20Y, which was R\$1.54 billion in 2019, while the authorized budget for 2020 was R\$1.38 billion, the lowest in eight years. The budget execution in the first half of 2020, compared to the same action in the first half of 2019, was considerably lower - even with the pandemic.

The amounts spent in April and May 2020 - R\$ 173.18 million and R\$ 53.70 million, respectively - when the pandemic was already devastating indigenous territories, was R\$ 100 million less comparing to the same period in 2019.

This amount only increased in June (R\$189.19 million liquidated), "which indicates a delay in the implementation of a robust action to contain the virus," according to the authors of the study. It is relevant to highlight the significant increase, from April to May, of the cases of indigenous people infected and deceased by COVID-19: 105 confirmed cases and 6 deaths, on April 30<sup>46</sup>, 1,312 confirmed cases and 51 deaths, on May 30<sup>47</sup>, according to SESAI itself. An

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<sup>44</sup>UOL, Notícias. "Governo restringe socorro a indígenas por Médicos Sem Fronteiras". 2020. Retrieved 30 November 2020 from: <https://noticias.uol.com.br/colunas/rubens-valente/2020/08/20/coronavirus-indigenas-medicos-sem-fronteiras.htm#:~:text=De%20acordo%20com%20os%20ind%C3%ADgenas,precisam%20ser%20autorizadas%20pela%20Uni%C3%A3o.>

<sup>45</sup> INESC. "Mesmo com pandemia, governo gastou menos com saúde indígena em comparação a igual período de 2019". Retrieved 28 October 2020 from: [https://www.inesc.org.br/mesmo-com-pandemia-governo-gastou-menos-com-saude-indigena-em-comparacao-a-igual-periodo-de-2019/.](https://www.inesc.org.br/mesmo-com-pandemia-governo-gastou-menos-com-saude-indigena-em-comparacao-a-igual-periodo-de-2019/)

<sup>46</sup> BRASIL. MINISTÉRIO DA SAÚDE. "Boletim epidemiológico SESAI sobre COVID-19 - 30/04/20". Retrieved 28 October 2020 from: [http://www.saudeindigena.net.br/coronavirus/pdf/30\\_04\\_2020\\_Boletim%20epidemiol%C3%B3gico%20SESAI%20sobre%20COVID%2019.pdf.](http://www.saudeindigena.net.br/coronavirus/pdf/30_04_2020_Boletim%20epidemiol%C3%B3gico%20SESAI%20sobre%20COVID%2019.pdf)

<sup>47</sup> Ibid



increase of 750% in the number of deaths and 1,149.5% in the number of confirmed cases, reflecting the low execution of the budget in these months.

The Federal Government actions facilitated the rapid increase in the numbers of indigenous people killed and infected by COVID-19 in the months following the first case of coronavirus among indigenous people on April 1, 2020, when a woman of the Kokama ethnic group, an indigenous health agent in Amazonas, had contact with an infected doctor.

SESAI registered 1,312 confirmed cases and 51 deaths on May 30<sup>48</sup>; 15,773 cases and 283 deaths on July 31<sup>49</sup>; 28,508 cases and 445 deaths on September 30<sup>50</sup>. Thus, only between the end of May and July, there was an increase of 1,102.2% in confirmed cases and 454.9% in the number of deaths, according to the data offered by SESAI. From the end of July to the end of September, there was an increase of 80.73% on confirmed cases and 57.24% in deaths from one month to the next.

In November 17, 2020, SESAI confirmed 33,695 cases and 486 deaths among indigenous people, numbers much lower than those indicated by the Apib on November 18: 39,592 cases, 161 affected peoples (of the 305 existing in Brazil) and 878 indigenous people killed by COVID-19<sup>51</sup>. Children, adults, elders and various historical leaders have died because of the disease in recent months: irreparable losses that disorganize these communities, threatening traditional languages and knowledge.

In spite of the declaration of the indigenous secretary of health, Robson da Silva Santos, who stated in press conference on June 9, 2020 that the lethality rate of the confirmed cases of coronavirus among indigenous people was 3.9%<sup>52</sup>, lower than the national rate (about 6% as

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<sup>48</sup> BRASIL MINISTÉRIO DA SAÚDE. “Boletim epidemiológico SESAI - 30/05/20”. Retrieved 02 November 2020 from: [http://www.saudeindigena.net.br/coronavirus/pdf/30\\_05\\_2020\\_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf](http://www.saudeindigena.net.br/coronavirus/pdf/30_05_2020_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf).

<sup>49</sup> BRASIL MINISTÉRIO DA SAÚDE. “Boletim epidemiológico SESAI - 30/05/20”. Retrieved 02 November 2020 from: [http://www.saudeindigena.net.br/coronavirus/pdf/30\\_05\\_2020\\_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf](http://www.saudeindigena.net.br/coronavirus/pdf/30_05_2020_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf).

<sup>50</sup> BRASIL MINISTÉRIO DA SAÚDE. “Boletim epidemiológico SESAI - 30/05/20”. Retrieved 02 November 2020 from: [http://www.saudeindigena.net.br/coronavirus/pdf/30\\_05\\_2020\\_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf](http://www.saudeindigena.net.br/coronavirus/pdf/30_05_2020_Boletim%20epidemiologico%20SESAI%20sobre%20COVID%2019.pdf).

<sup>51</sup> INSTITUTO SOCIOAMBIENTAL. “COVID-19 e os Povos Indígenas”. Retrieved 3 November 2020 from: <https://covid19.socioambiental.org/>.

<sup>52</sup> BRASIL. MINISTÉRIO DA SAÚDE. “Sesai apresenta dados sobre COVID-19 em coletiva de imprensa”. Retrieved 04 November 2020 from: [https://www.gov.br/saude/pt-br/assuntos/sesai\\_noticias/sesai-apresenta-dados-sobre-COVID-19-em-coletiva-de-imprensa](https://www.gov.br/saude/pt-br/assuntos/sesai_noticias/sesai-apresenta-dados-sobre-COVID-19-em-coletiva-de-imprensa).

of June 5<sup>53</sup>), Apib pointed out in the same day that the rate was in fact 9.6%, including in its numbers under notified deaths for incorrect ethnicity filling<sup>54</sup>. Covering the same period, a study of the Center for Epidemiological Research of the Federal University of Pelotas (UFPEL) demonstrated the vulnerability of indigenous people living in urban areas, which are not covered by SESAI policies. It points out that "the prevalence of coronavirus among the urban indigenous population (5.4%) is five times that found in the white population (1.1%)". Furthermore, it identifies that the proportion of positive tests for blacks and browns, in relation to whites, was 2.5% and 3.1%, respectively<sup>55</sup>. Thus, the governmental actions led to indigenous people having the highest rate of infection among urban populations.

### c. Omissions

In addition to their harmful actions, the Federal Executive, SESAI and Funai have omitted themselves in face advancement of COVID-19 over indigenous peoples. For the purposes of this report, we define omissions as the failure to carry out actions for the protection of indigenous peoples that were under the Federal Government jurisdiction.

Some of the omissions analyzed hereunder involve SESAI's failure to assist indigenous people outside demarcated lands; absence of adequate tracking of COVID-19 cases; the noncompliance and slowness in the execution of judicial determinations under case ADPF No. 709/2020 and noncompliance with international guidelines for the protection of indigenous peoples in the COVID-19 pandemic.

The impacts of Funai and SESAI's omissions can be seen throughout the country. In September, the newspaper "*Folha de São Paulo*", published a report in which it presented that the DSEI that assists the Guató people, which live in a region that had already lost about 83% of its traditional territory due to the Pantanal fires, had no light, stored water in buckets, had no

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<sup>53</sup> NEXO JORNAL. "Por que indígenas acusam o governo de subnotificar a COVID-19". Retrieved 04 November 2020 from: <https://www.nexojornal.com.br/expresso/2020/06/09/Por-que-ind%C3%ADgenas-acusam-o-governo-de-subnotificar-a-COVID-19>.

<sup>54</sup> Ibid.

<sup>55</sup> G1. "Proporção de COVID-19 entre índios que vivem na cidade é 5 vezes a da população branca, aponta pesquisa. Retrieved 04 November 2020 from: <https://g1.globo.com/bemestar/coronavirus/noticia/2020/07/02/proporcao-de-COVID-19-entre-indios-que-vivem-na-cidade-e-5-vezes-a-da-populacao-branca-aponta-pesquisa.ghtml>.

available doctors or nurses, and technicians that did not have appropriate PPE<sup>56</sup>. In August, NGO Cimi's website reported on the precarious state of the DSEIs of Maranhão state, with no hygiene materials or available tests for local villages<sup>57</sup>. In May, the NGO *Centro de Trabalho Indigenista* (CTI) received a report from a Funai worker in Parintins (Amazonas state) stating that employees had to buy hygiene and PPDE on their own, since no resources or necessary equipment had been made available<sup>58</sup>. The absence of health professionals, the lack of PPE, the structural problems of the DSEIs, the lack of hygiene materials for indigenous people, as well as for Funai and SESAI workers, substantially increases the chances of contamination of the affected communities. There are several reported cases of indigenous people and villages infected by untrained and unassisted frontline health workers, leading to many deaths among indigenous health workers.<sup>59</sup>

Moreover, an extensive and detailed notification system of the cases and other characteristics related to them, involving the accuracy of the social groups addressed, is one of the essential elements in controlling the health of a population, especially in times of pandemic. This type of data enables tailor-made public policies focused on the needs of each group, based on specific epidemiological data<sup>60</sup>.

On this matter, the federal government has been omissive concerning the notification of coronavirus cases among indigenous peoples in Brazil. First, the Ministry of Health, the Department of Informatics of the Unified Health System (Datusus) and the local health surveillance secretariats do not require the completion of the field “race/color” in admission forms, and there is no indication of the field “ethnicity” in the e-SUS Notifies (e-SUS-VE) systems and in the Information System of Aggravates Notification (Sinan)<sup>61</sup>. Even though

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<sup>56</sup> FOLHA DE SÃO PAULO. “Abandonados pelo poder público, primeiros habitantes do Pantanal perdem 83% do território para o fogo”. Retrieved 28 October 2020 from: <https://www1.folha.uol.com.br/ambiente/2020/09/abandonados-pelo-poder-publico-primeiros-habitantes-do-pantanal-perdem-83-do-territorio-para-o-fogo.shtml>.

<sup>57</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Os invasores e a COVID-19 não fazem home office”, denunciam indígenas no Maranhão. Retrieved 28 October 2020 from: <https://cimi.org.br/2020/08/os-invasores-e-a-covid-19-nao-fazem-home-office-denunciam-indigenas-no-maranhao/>.

<sup>58</sup> TRABALHO INDIGENISTA. “Sem apoio federal, Funai local e indígenas tentam evitar coronavírus na Terra Indígena Andirá-Marau. Retrieved 28 October 2020 from: <https://trabalhoindigenista.org.br/sem-apoio-federal-funai-local-e-indigenas-tentam-evitar-coronavirus-na-terra-indigena-andira-marau/>.

<sup>59</sup> DE OLHO NOS RURALISTAS. “Mortes de agentes indígenas de saúde escancaram omissão do governo federal”. Retrieved 03 November 2020 from: <https://deolhonosruralistas.com.br/2020/05/24/mortes-de-agentes-indigenas-de-saude-escancaram-omissao-do-governo-federal/>.

<sup>60</sup> MINISTÉRIO PÚBLICO FEDERAL. “Para evitar subnotificação de casos de COVID-19 em indígenas, MPF recomenda obrigatoriedade do preenchimento de campos de raça/cor e etnia em sistemas do SUS”. Retrieved 25 November 2020 from: <http://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/para-evitar-subnotificacao-de-casos-de-covid-19-em-indigenas-mpf-recomenda-obrigatoriedade-do-preenchimento-de-campos-de-raca-cor-e-etnia-em-sistemas-do-sus>.

<sup>61</sup> Ibid

discussions with representatives of Datasus and SVS have already taken place, as well as other associations had already made this request, these management bodies have remained silent.

As a result, there has been an underreporting of COVID-19 cases among indigenous peoples. All that because the Ministry of Health, through SESAI, only accounts cases among indigenous people considered "villagers" (*aldeiados*) - that is, only those who live in demarcated communities, not adding those who live in cities or non-demarcated areas<sup>62</sup>. In this context, several organizations began to make their own survey of cases<sup>63</sup>, so that, by April 29 the *Coordenação das Organizações Indígenas da Amazônia Brasileira* (Coiab) had identified 16 deaths by COVID-19, while the reports of SESAI pointed to only 5<sup>64</sup>.

In addition, SESAI's current policy provides that the care of the indigenous population living in urban areas should be provided by SUS - contrary to the recommendations of the MPF and the demands of indigenous organizations, which demand that SESAI should enact health policies for all indigenous peoples, regardless of where they live<sup>65</sup>. Thus, for instance, in Manaus (state of Amazonas), one of the cities most affected by the pandemic, many indigenous communities in urban centers do not receive differentiated treatment by SESAI<sup>66</sup>.

As for the already mentioned ADPF No. 709/2020, Justice Luís Roberto Barroso ruled on, as measures to be implemented by the Union, the creation of sanitary barriers and a government "situation room" for indigenous people in isolation or who had recent contact, and, for indigenous peoples in general, the inclusion in the COVID-19 Facing and Monitoring Plan for Indigenous Peoples of an emergency measure of containment and isolation of the invaders of indigenous communities; the immediate extension of the services of the Indigenous Health Subsystem to the village located on non-homologated lands; the extension of the services of the Indigenous Health Subsystem to the non-villager indigenous peoples; and the elaboration

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<sup>62</sup> FOLHA DE SÃO PAULO. "COVID-19 continua a avançar em comunidades e mata dois índios por dia". Retrieved 17 November 2020 from: [https://www1.folha.uol.com.br/cotidiano/2020/08/covid-19-continua-a-avancar-em-comunidades-e-mata-dois-indios-por-dia.shtml#:~:text=Quase%20seis%20meses%20ap%C3%B3s%20a,decorr%C3%Aancia%20da%20doen%C3%A7a%20nas%20aldeias.&text=O%20%C3%ADndice%20brasileiro%20%C3%A9%20de,o%20dos%20ind%C3%ADgenas%2C%20de%20855.](https://www1.folha.uol.com.br/cotidiano/2020/08/covid-19-continua-a-avancar-em-comunidades-e-mata-dois-indios-por-dia.shtml#:~:text=Quase%20seis%20meses%20ap%C3%B3s%20a,decorr%C3%Aancia%20da%20doen%C3%A7a%20nas%20aldeias.&text=O%20%C3%ADndice%20brasileiro%20%C3%A9%20de,o%20dos%20ind%C3%ADgenas%2C%20de%20855.;); INSTITUTO SOCIOAMBIENTAL.

<sup>63</sup> Ibid

<sup>64</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "Aumenta o número de casos de COVID-19 entre povos indígenas na Amazônia, aponta Coiab; em Manaus, mortes são diárias". retrieved 17 November 2020 from: <https://cimi.org.br/2020/04/aumenta-o-numero-de-casos-de-covid-19-entre-povos-indigenas-na-amazonia-aponta-coiab-em-manaus-mortes-sao-diarias/>.

<sup>65</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "Casos indígenas de COVID-19 não registrados pela Sesai". Retrieved from: [https://cimi.org.br/2020/04/casos-covid-19-nao-registrados-sesai/#:~:text=A%20Sesai%20n%C3%A3o%20tem%20contabilizado,%C3%A9%20de%20Sa%C3%BAde%20\(SUS\).](https://cimi.org.br/2020/04/casos-covid-19-nao-registrados-sesai/#:~:text=A%20Sesai%20n%C3%A3o%20tem%20contabilizado,%C3%A9%20de%20Sa%C3%BAde%20(SUS).)

<sup>66</sup> AMAZÔNIA REAL. "Coronavírus: Indígenas que vivem na cidade são classificados como "brancos" no Amazonas" Retrieved 17 November 2020 from: <https://amazoniareal.com.br/coronavirus-indigenas-que-vivem-na-cidade-sao-classificados-como-brancos-no-amazonas/>.

and monitoring of a Confrontation Plan of COVID-19 for the Brazilian Indigenous Peoples by the Federal Government.

In spite of the approval of the plan by the STF, the omission of the Bolsonaro administration is evident in regard to the measures that should be taken as determined in this decision, not adopting essential measures for the survival of indigenous peoples<sup>67</sup>. In the matter of health barriers, the federal government admitted their lack in eight indigenous lands and, because of a conceptual confusion between health and physical barriers, the government inserted in its plan only eight indigenous lands, when in fact 31 barriers are needed in indigenous lands that have the presence of isolated indigenous<sup>68</sup>. Furthermore, not considering the lands with isolated peoples, only 163 of the 537 indigenous lands are benefited by the measures determined by the STF, according to the plan presented by the government. It is important to highlight that, out of the 274 barriers installed, only 9% are operated by government agents, while the other barriers are carried out by the indigenous themselves<sup>69</sup>.

Moreover, even though STF validated the health barriers plan, in which the implementation of barriers until September in the Javari Valley, Yanomami, Uru Eu Waw Waw and Arariboia lands was defined as priority, Bolsonaro's government did not act accordingly. According to Apib, the Federal Government did not implement the health barrier and quarantine camp for the Kanamari in the Jutai River and other important locations in the Javari Valley. As a result, in October the first case of COVID-19 was confirmed in the closest village to isolated communities of this region (Jarinal village)<sup>70</sup>.

The Executive's omission is also observed in the neglect of the vulnerability of indigenous peoples in the withdrawal of the Emergency Aid program. The President of the Republic sanctioned the Emergency Aid Law (Law No. 13,982 of April 2, 2020) as a response

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<sup>67</sup> G1. "A pandemia está em curso há aproximadamente sete meses e ainda não há um plano adequado para lidar com o problema, por meio do qual a União assuma compromissos mensuráveis e monitoráveis, situação que expõe a grave risco a saúde e a vida dos Povos Indígenas", afirmou Barroso. "Barroso rejeita plano federal de combate à COVID-19 entre indígenas e pede nova versão. Retrieved 17 November 2020 from: <https://g1.globo.com/politica/noticia/2020/10/22/barroso-nao-valida-plano-da-uniao-para-combate-a-covid-19-entre-indigenas-e-pede-nova-versao.ghtml>.

<sup>68</sup> FOLHA DE SÃO PAULO. "Governo admite falta de barreira sanitária contra a COVID-19 em 8 terras indígenas". Retrieved 17 November 2020 from: <https://www1.folha.uol.com.br/ambiente/2020/07/governo-admite-falta-de-barreira-sanitaria-contr-a-covid-19-em-8-terras-indigenas.shtml>.

<sup>69</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL. "Plano do governo contra COVID-19 nas aldeias deixa de fora 70% das terras indígenas". Retrieved 17 November 2020 from: <https://apiboficial.org/2020/08/18/plano-do-governo-contr-a-covid-19-nas-aldeias-deixa-de-fora-70-das-terras-indigenas/>.

<sup>70</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL. "Governo descumpe decisão do Supremo Tribunal e COVID-19 chega na aldeia mais próxima de índios isolados do Vale do Javari". Retrieved from: <https://apiboficial.org/2020/10/22/governo-descumpe-decisão-do-supremo-tribunal-e-covid-19-chega-na-aldeia-mais-proxima-de-indios-isolados-do-vale-do-javari/>

to the economic crisis deepened by the pandemic. However, although public policies of direct income transfer have been effective in combating poverty and promoting economic growth<sup>71</sup>, the Emergency Aid Law does not provide special sanitary measures for the registration and withdrawal of the Emergency Aid by indigenous people.

The need to go to cities to withdraw the Emergency Aid generated fear in government representatives, experts and indigenous leaders<sup>72</sup>. The *Conselho Distrital de Saúde Indígena* (Condisi) of Rondônia confirmed that three indigenous Karitians were infected when they went to Porto Velho to get Emergency Aid<sup>73</sup>. The new coronavirus also reached communities of the Kokama and Tikuna peoples through residents who had to go to urban centers to withdraw the Emergency Aid, resulting in deaths in these communities<sup>74</sup>.

Another relevant omission of the Federal Government in relation to the fight against the expansion of COVID-19 within indigenous communities concerns the noncompliance with international health guidelines. In this sense, it is worth highlighting the slowness in meeting the recommendations of the Pan American Health Organization<sup>75</sup> regarding the production and delivery of information material on COVID-19 to the communities, in order to adapt the necessary health interventions to the reality of different populations. Therefore, it is worth mentioning, among these measures, the translation of informative material into the local language and the production of culturally appropriate messages, considering the customs and lifestyles of each population. The IACHR<sup>76</sup> has also expressed its position in this regard,

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<sup>71</sup> Taking as an example the Bolsa Família Program, according to an analysis made by researchers from the *Instituto de Pesquisa Econômica Aplicada* (Ipea), such program managed to reduce extreme poverty by 25% and poverty by 15% in the country in its first 15 years, costing the federal government only 0.5% of Gross Domestic Product (GDP). In INSTITUTO DE PESQUISA ECONÔMICA APLICADA (IPEA). Os Efeitos do Programa Bolsa Família sobre a pobreza e a desigualdade: um balanço dos primeiros quinze anos. Ministério da Economia - IPEA, Rio de Janeiro, ago. 2019, p. 7. Retrieved 29 October 2020 from: <https://cutt.ly/jgYnnt7>.

<sup>72</sup> ÉPOCA. “Governo, lideranças e pesquisadores temem que auxílio faça indígenas se expor a risco”. Retrieved 29 October 2020: <https://cutt.ly/2gYm0Rk>.

<sup>73</sup> UOL, Notícias. “Primeiros indígenas com covid foram infectados ao sacar auxílio, diz TV”. Retrieved 29 October 2020 from: <https://cutt.ly/wgYQvbb>.

<sup>74</sup> REPÓRTER BRASIL. “Governo força indígenas a deixarem aldeias para receber auxílio e acelera propagação do coronavírus no AM”. Retrieved 29 October 2020 from: <https://cutt.ly/KgYWWqV>.

<sup>75</sup> ORGANIZAÇÃO PAN-AMERICANA DA SAÚDE. *Considerações sobre povos indígenas, afrodescendentes e outros grupos étnicos durante a pandemia de COVID-19, de 4 de junho de 2020*. “Dispõe sobre medidas específicas a serem consideradas durante a pandemia de COVID-19 para determinados grupos étnicos”. Retrieved 28 October 2020 from: [https://iris.paho.org/bitstream/handle/10665.2/52280/OPASBRAIMSPHECOVID19200030\\_por.pdf?sequence=5&isAllowed=y](https://iris.paho.org/bitstream/handle/10665.2/52280/OPASBRAIMSPHECOVID19200030_por.pdf?sequence=5&isAllowed=y).

<sup>76</sup> COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS. *Resolução n° 1/2020 (Pandemia e Direitos Humanos nas Américas), de 10 de abril de 2020*. “Dispõe sobre medidas de contenção para enfrentar e prevenir os efeitos da pandemia em comunidades indígenas”. Retrieved 28 October 2020 from: <https://www.oas.org/pt/cidh/decisiones/pdf/Resolucao-1-20-pt.pdf>.

reiterating, for example, the need for intercultural facilitators that allow villages to clearly understand the measures adopted by the State and the effects of the pandemic.

In this context, the government's disregard in relation to implementing an adequate response to COVID-19 in indigenous communities was crystal clear. Bolsonaro, for example, did not even meet with the Special Secretary for Indigenous Health, Robson Santos da Silva<sup>77</sup>. Facing government inertia, it was up to the indigenous communities themselves to act. Despite being SESAI's responsibility, the Wakoborun Association of Munduruku Women translated prevention newsletters into their native language and shared them via WhatsApp with their community, the Munduruku People<sup>78</sup>. Still in the wake of measures taken by the indigenous communities themselves to fill the vacuum of action left by the Federal Government, it is worth noting the preparation of the Plan of Confrontation of COVID-19 in Brazil by APIB, which seeks, for example, to expand and strengthen strategies for surveillance and diagnosis of COVID-19 of indigenous peoples and workers of the indigenous health subsystem, as well as to purchase and make available PPEs and hygiene material for affected communities<sup>79</sup>.

#### d. Discourses

A careful analysis of Bolsonaro's statements allows for the identification of the parameters that guided the political actions of the Federal Government in respect to indigenous health. We have analyzed the government's official propaganda, the president's speeches in his broadcasts on Facebook and news article published in multiple press vehicles.

On March 11 of 2020, the WHO declared the COVID-19 crisis a pandemic and several countries began to announce confinement measures to slow the progression of the contamination by the virus. Two days earlier, President Bolsonaro had gone to Miami (USA) to state that he believed that "the destructive power of this virus is overestimated, so perhaps

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<sup>77</sup> FOLHA DE SÃO PAULO. "Bolsonaro não se encontrou nenhuma vez durante a pandemia com secretário de políticas de saúde para os índios". Retrieved 28 October 2020 from: <https://www1.folha.uol.com.br/colunas/monicabergamo/2020/08/bolsonaro-nao-se-encontrou-nenhuma-vez-durante-a-pandemia-com-secretario-de-politicas-de-saude-para-os-indios.shtml>.

<sup>78</sup> INDIGENOUS MISSIONARY COUNCIL. "Povo Munduruku traduz informações sobre COVID-19 para língua nativa". Retrieved 28 October 2020 from: <https://cimi.org.br/2020/04/povo-munduruku-traduz-informacoes-sobre-COVID-19-para-lingua-nativa/>.

<sup>79</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS. Emergência Indígena: Plano de Enfrentamento da COVID-19 no Brasil, de 29 de jun. de 2020. Dispõe sobre o Plano Emergência Indígena para levantar fundos para promover ações diretas de cooperação para o enfrentamento da COVID-19. Retrieved 3 November 2020 from: <https://apiboficial.org/2020/06/29/apib-lanc%CC%A7a-plano-de-enfrentamento-a-COVID-19-emerge%CC%82ncia-indigena/>.

its effects are exaggerated for economic reasons". The concern with the economic sector, to the detriment of public health, became evident throughout the confrontation of the pandemic. In June, when Brazil registered 1,111,348 infected people and 51,407 deaths due to coronavirus, the president maintained his opposition to social distancing and declared: "The countryside has not stopped, but the cities and many states have stopped. It won't be easy to make this economy pick up again. So we call on the governors and mayors, obviously with responsibility, to begin to open up commerce"<sup>80</sup>.

In addition to putting the economy as the primary issue, all the speeches delivered by Bolsonaro on the pandemic attempted to produce a simulacrum: we have found a self-absorbed narrative on the virus, disconnected with the social diversity of the country. In this sense, we have identified speeches in which the president made use of concepts such as "reality", "fantasy", "life", "death", and "destiny" to speak about the pandemic:

March 10th: "Much of what is out there is just more fantasy, the coronavirus issue, which is not as much of a matter as the mainstream media propagates".<sup>81</sup>

March 24th: "In my particular case, due to my athletic past, if I was contaminated by the virus, I wouldn't have to worry. Either I wouldn't feel anything, or I would be, at most, affected by a tiny flu or have a tiny cold, as said so well by that well-known doctor of that well-known television channel".<sup>8283</sup>

March 29th: "This is a reality, the virus is out there. We will have to face it, but face it as a fucking man. Not as a kid. Let's face the virus with reality. It's life. We'll all die one day."<sup>84</sup>

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<sup>80</sup> METRO 1. "Bolsonaro critica 'exagero' no enfrentamento da pandemia e pede reabertura do comércio". Retrieved 7 October 2020 from:

<https://www.metro1.com.br/noticias/politica/93736,bolsonaro-critica-exagero-no-enfrentamento-da-pandemia-e-pede-reabertura-do-comercio>.

<sup>81</sup> O ESTADO DE SÃO PAULO. "'Muito do que falam é fantasia, isso não é crise', diz Bolsonaro". Retrieved 7 October 2020 from:

<https://economia.estadao.com.br/noticias/geral,muito-do-que-falam-e-fantasia-isso-nao-e-crise-diz-bolsonaro,70003227154>.

<sup>82</sup> UOL, Notícias. "'Gripezinha': leia a íntegra do pronunciamento de Bolsonaro sobre COVID-19". Retrieved 4 October 2020 from:

<https://noticias.uol.com.br/politica/ultimas-noticias/2020/03/24/leia-o-pronunciamento-do-presidente-jair-bolsonaro-na-integra.htm>.

<sup>83</sup> FOLHA DE SÃO PAULO. "Parlamentares se dizem perplexos e chamam Bolsonaro de irresponsável após pronunciamento". Retrieved 7 October 2020 from:

<https://www1.folha.uol.com.br/poder/2020/03/parlamentares-se-dizem-perplexos-e-chamam-bolsonaro-de-irresponsavel-apos-pronunciamento.shtml>.

<sup>84</sup> NEXO JORNAL. "Por que as redes sociais estão removendo posts de Bolsonaro". Retrieved November 6th 2020 from:

<https://www.nexojornal.com.br/expresso/2020/03/30/Por-que-as-redes-sociais-est%C3%A3o-removendo-posts-de-Bolsonaro>; CNN BRASIL. "Twitter apaga dois posts de Bolsonaro por 'violar as regras' da rede social". Retrieved 5 October 2020 from:

<https://www.cnnbrasil.com.br/politica/2020/03/30/twitter-apaga-dois-posts-de-bolsonaro-por-violar-as-regras-da-rede-social>.



April 1st: "The virus is like rain. It comes and you will get wet, but you will not drown."<sup>85</sup>

May 25th: "I'm sorry about the deaths, but that's the reality. Everyone will die here. There will be none left here. (...) And if you die in the middle of a field, you'll be eaten by vultures. (...) Why bring terror to the people? Everybody will die. Whoever is old and weak, if they get the virus, they will have difficulty. Whoever has diseases, comorbidities, will also have difficulties. These people who have to be isolated by their families, the State has no way to take care of everyone, no."<sup>86</sup>

June 2nd: "We regret all the dead, but it's everyone's destiny."<sup>87</sup>

June 15th: "The numbers aren't very precise and obviously do not match reality."<sup>88</sup>

Moreover, the president's speeches pushed for the reopening of commerce and for the end of social isolation. In its strategy against social distancing, the president found resistance in the state governors, who applied contingency measures against virus dissemination and criticized the lack of mobilization and strategic planning of the Federal Executive. When asked about the high number of deaths by a former supporter, he answered "blame your state governor, get out of here"<sup>89</sup>.

On April 8<sup>th</sup> 2020, Bolsonaro made a speech broadcast on national radio and television networks, in which he advocated for the use of hydroxychloroquine for the treatment of the disease. On the following day, the University of Campinas, a leading higher education and research institution in Brazil, issued a declaration informing there was no evidence to prove the effectiveness of hydroxychloroquine against the coronavirus and that, in fact, its use could be harmful. A few days later, Bolsonaro once again drew a crowd of supporters during a visit to a construction site of a field hospital and was criticized by the Minister of Health, who was then

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<sup>85</sup> UOL, Notícias. "Bolsonaro: Vírus é igual chuva; você vai se molhar, mas não morrer afogado. Retrieved 5 October 2020 from:

<https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2020/04/01/bolsonaro-virus-e-igual-chuva-voce-vai-se-molhar-mas-nao-morrer-afogado.htm>.

<sup>86</sup> BRASIL DE FATO. "Bolsonaro volta a minimizar mortes por coronavírus: 'É natural, é a vida'". Retrieved 7 October 2020 from:

<https://www.brasildefato.com.br/2020/05/22/bolsonaro-volta-a-minimizar-mortes-por-coronavirus-e-natural-e-a-vida>.

<sup>87</sup> CORREIO BRAZILIENSE. "'A gente lamenta todos os mortos, mas é o destino', diz Bolsonaro". Retrieved 5 October 2020 from:

[https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/02/interna\\_politica,860325/a-gente-lamenta-todos-os-mortos-mas-e-o-destino-diz-bolsonaro.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/02/interna_politica,860325/a-gente-lamenta-todos-os-mortos-mas-e-o-destino-diz-bolsonaro.shtml).

<sup>88</sup> CORREIO BRAZILIENSE. "Bolsonaro critica números da COVID-19: 'não condizem com a realidade'". Retrieved 8 October 2020 from:

[https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/15/interna\\_politica,864010/bolsonaro-critica-numeros-da-COVID-19-nao-condizem-com-a-realidade.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/15/interna_politica,864010/bolsonaro-critica-numeros-da-COVID-19-nao-condizem-com-a-realidade.shtml).

<sup>89</sup> G1. "Mulher cobra Bolsonaro sobre '38.406 mortos por Covid', e presidente responde: 'Sai daqui'". Retrieved 10 October 2020 from:

<https://g1.globo.com/politica/noticia/2020/06/10/mulher-cobra-bolsonaro-sobre-37-mil-familias-que-perderam-pecoas-e-presidente-responde-sai-daqui.ghtml>.

exonerated. He also talked to supporters at demonstrations in favor of military intervention and against social isolation.

On April 20<sup>th</sup> 2020, when Brazil registered 2,575 deaths and 40,581 confirmed cases, the president delivered one of his most shocking statements. During a press conference at the Palácio da Alvorada, the official residence of the President of the Republic, he was asked by a journalist about the high number of deaths caused by the coronavirus in the country. His answer was "Oh, man, who talks about... I'm not a gravedigger, okay?" and he repeated: "I'm not a gravedigger, okay?" A week later, when 5,017 deaths were added, Bolsonaro was questioned again and, in a reference to his middle name (Messias), answered: "So what? I'm sorry. What do you want me to do? I am Messiah, but I don't perform miracles."<sup>90</sup>.

His contempt towards the health crisis is also evident when he minimizes the deaths caused by the virus, expressing concern for the economic sector without presenting concrete solutions to reduce the spread of the virus. In his speech on August 6<sup>th</sup>, in a live broadcast on Facebook, he said: "We regret all the deaths, it is reaching 100,000, let's get on with our lives and find a way to get out of this problem". In line with this speech, on August 7<sup>th</sup>, the president proclaimed himself to have a "clear conscience" regarding his performance during the pandemic.

As previously mentioned, Bolsonaro vetoed fundamental articles of (such as guarantees of access to potable water) bill of law number 14.021/2020<sup>91</sup>, which aimed to create an emergency plan to confront COVID-19 in indigenous territories. Faced with the negative repercussion, the Vice-President and also president of the National Council of the Legal Amazon (CNAL), Hamilton Mourão, spoke in defense of the vetoes, justifying that "in relation to potable water, the indigenous are supplied with water from the rivers that are in their region. If, perhaps, one of those rivers were to be contaminated by illegal activity, notably mining, with the use of mercury, then water would be taken to those groups"<sup>92</sup>. Therefore, not only the president, but the members of the top echelon of the Federal Executive reinforce stereotypes,

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<sup>90</sup>G1. "E daí? Lamento. Quer que eu faça o quê?", diz Bolsonaro sobre mortes por coronavírus; 'Sou Messias, mas não faço milagre'. Retrieved 2 November 2020 from: <https://g1.globo.com/politica/noticia/2020/04/28/e-dai-lamento-quer-que-eu-faca-o-que-diz-bolsonaro-sobre-mortes-por-coronavirus-no-brasil.ghtml>.

<sup>91</sup> BRASIL. *LEI Nº 14.021, DE 7 DE JULHO DE 2020*. Retrieved 10 September 2020 from: <https://www.in.gov.br/en/web/dou/-/lei-n-14.021-de-7-de-julho-de-2020-265632745>.

<sup>92</sup> O GLOBO. "Mourão minimiza vetos: 'indígena se abastece dos rios', diz sobre garantia à água potável". Retrieved 20 September 2020 from: <https://oglobo.globo.com/brasil/mourao-minimiza-vetos-indigena-se-abastece-dos-rios-diz-sobre-garantia-agua-potavel-24523785>.

manifestations of hatred and discrimination, which directly affect the lives of indigenous peoples.

At the 75th General Assembly of the United Nations (UN), on September 22nd, Jair Bolsonaro, in his opening speech, emphasized the Emergency Aid policy, but stated a higher amount given (roughly US\$ 300). He said:

Our government has boldly implemented several economic measures that have prevented the greatest evil: it has granted emergency aid in installments totaling approximately US\$ 1,000 to 65 million people, the largest program of assistance to the poorest in Brazil and perhaps one of the largest in the world.<sup>93</sup>

Then, he falsely stated that:

there was no lack of means in hospitals to assist COVID patients. (...) By judicial decision, all measures of isolation and restrictions of freedom were delegated to each of the 27 governors of the Federation units. The President was responsible for sending resources and means to the entire country.<sup>94</sup>

The president's statement to the United Nations occurred one month after the Ministry of Health admitted to the lack of basic medications, sedatives, diagnostic kits and PPE for the treatment of COVID-19.<sup>95</sup>

In October 2020, after the worldwide race of laboratories for the development of the coronavirus vaccine<sup>96</sup>, again a political dispute led by President Bolsonaro brought insecurity to the Brazilian population. While the State of São Paulo advanced in the negotiations for the purchase of raw material from the Chinese laboratory Sinovac Biotech to produce the vaccine at the Butantan Institute, Bolsonaro overruled the Minister of Health and denied<sup>97</sup> the partnership between Brazil and China: "I do not give up my authority", he justified. In spite of

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<sup>93</sup> CATRACA LIVRE. "Bolsonaro diz na ONU que auxílio no Brasil foi de mil dólares e revolta web". Retrieved 23 September 2020 from:

<https://catracalivre.com.br/cidadania/bolsonaro-diz-que-auxilio-no-brasil-foi-de-mil-dolares-e-revolta-web/>;

<sup>94</sup> CATRACA LIVRE. "Bolsonaro diz na ONU que auxílio no Brasil foi de mil dólares e revolta web". Retrieved 23 September 2020 from:

<https://catracalivre.com.br/cidadania/bolsonaro-diz-que-auxilio-no-brasil-foi-de-mil-dolares-e-revolta-web/>;

<sup>95</sup> UOL, Notícias. "Ministério da Saúde admite falta de remédios para intubação por coronavírus". Retrieved 23 August 2020 from:

<https://noticias.uol.com.br/colunas/constanca-rezende/2020/07/21/ministerio-da-saude-admite-falta-de-remedios-para-intubacao-por-coronavirus.htm>.

<sup>96</sup> EL PAÍS. "Nove laboratórios se comprometem a garantir a segurança da vacina para a COVID-19". Retrieved 10 September 2020:

<https://brasil.elpais.com/brasil/2020-09-09/nove-laboratorios-se-comprometem-a-garantir-a-seguranca-da-vacina-para-a-covid.html>.

<sup>97</sup> METRÓPOLES. "'Não será comprada', diz Bolsonaro sobre a vacina chinesa". Retrieved 22 October 2020: <https://www.metropoles.com/brasil/politica-brasil/nao-sera-comprada-diz-bolsonaro-sobre-a-vacina-chinesa>.

several critics<sup>98</sup>, he maintained this position, largely influenced by a diplomatic crisis between Brazil and China, provoked by xenophobic statements<sup>99</sup> made by the president's son, the federal congressman Eduardo Bolsonaro, and by the past Minister of Education, Abraham Weintraub.

#### e. Conclusion

This analysis demonstrates how the pandemic caused by the coronavirus served as another tool used by the Federal Government to violate the human rights of Brazilian indigenous communities. Faced with the health emergency, the Federal Government (and Bolsonaro in particular) acted deliberately with the intention of promoting contact - and consequent contagion - not only among communities that already coexist with non-indigenous society, but also among fully and partially isolated groups.

On the other hand, Bolsonaro's omissions also played a role in the real and ever closer threat of indigenous genocide. There was an omissive delay in resource allocation to fight the disease among indigenous communities. There were also budget cuts for indigenous health in relation to 2019 - a year in which, evidently, there was no pandemic.

Moreover, the government did not install and maintain appropriate sanitary barriers, did not correctly identify indigenous individuals among the diseased and did not produce informative material accessible to indigenous communities.

In conclusion, Federal Government officials' (and Bolsonaro's in particular) statements contributed to virus' consequences generated in Brazil. Rather than providing informative speeches that actually contributed towards confronting the problem, the President repeatedly minimized the effects of the pandemic, taking a stand against the health measures necessary to fight the disease and even indicating purported medical cures without any scientific evidence. Specifically, in relation to indigenous peoples, the President reinforced stereotypes in his statements as justification for his vetoes, notably the ban on the delivery of potable water.

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<sup>98</sup> UOL, Notícias. "Bolsonaro desautoriza acordo de Pazuello e diz que não comprará CoronaVac". Retrieved 25 October 2020: <https://noticias.uol.com.br/politica/ultimas-noticias/2020/10/21/bolsonaro-responde-a-criticas-sobre-vacina-chinesa-nao-sera-comprada.html>.

<sup>99</sup> ESTADO DE MINAS GERAIS. "Xenofobia, uma outra doença que veio com o coronavírus". Retrieved 19 October 2020 from: [https://www.em.com.br/app/noticia/gerais/2020/04/27/interna\\_gerais,1142295/xenofobia-uma-outra-doenca-que-veio-com-o-coronavirus.shtml](https://www.em.com.br/app/noticia/gerais/2020/04/27/interna_gerais,1142295/xenofobia-uma-outra-doenca-que-veio-com-o-coronavirus.shtml).

## 2. INDIGENOUS LANDS

This section of the report aims to present the acts, omissions and discourses of the leadership of the Brazilian Federal Government, regarding Indigenous Lands (IL) in Brazil. In addition to this introduction and a brief conclusion, this section is divided into four parts: indigenous lands, acts, omissions and discourses.

### a. Indigenous Lands in Brazil

There are currently 487 regularized indigenous lands in Brazil, comprising around 12.2% of the national territory.<sup>100</sup> There are also 724 areas in different phases of the demarcation procedure: 120 in study by a working group appointed by Funai; 43 identified through a report approved by the presidency of Funai; and 74 declared by the Ministry of Justice.<sup>101</sup>

Despite this scenario, President Bolsonaro and his administration's adverse posture regarding continuity of land demarcations resulted in the paralysis of these procedures as well as in the encouragement of recurrent invasions in territories throughout the country. From the institutional weakening of Funai to the President's public statements contributed to the current situation of threat to indigenous lands in Brazil.

As evidence of this reality, we present the acts, omissions and discourses linked to the dismantling of indigenist policies responsible for the protection of lands and their invasions.

### b. Acts

Since the beginning of his administration, President Bolsonaro has pursued a policy of setbacks in relation to the territorial rights of Brazil's indigenous peoples. The government's

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<sup>100</sup> BRASIL. FUNAI. *Demarcação de Terras*. Retrieved 23 November 2020 from: <http://www.funai.gov.br/index.php/nossas-acoas/demarcacao-de-terras-indigenas>.

<sup>101</sup> INSTITUTO SOCIOAMBIENTAL. *Terras Indígenas no Brasil*. Retrieved 23 November 2020 from <https://terrasindigenas.org.br/>.

policies have been marked by the institutional weakening of Funai, which is also responsible for technical demarcation criteria, as well as the militarization of key offices, budget restrictions, and unilateral measures in favor of economic exploitation in indigenous territories

In the period covered by this analysis, we have identified a deliberate policy of institutional weakening of Funai.<sup>102</sup> This policy undermined the functioning of Funai and the consequent unfulfillment of the demands to guarantee the indigenous territories inviolability. Funai leadership fired key officials without prior consultation with local indigenous leaders and in some cases, people appointed people that were not qualified for the required activities. In the 37 regional superintendencies, 19 are already under the command of Army officers, marines and paratroopers, that is more than half of these positions, whose appointments traditionally occurred without political interference, are now occupied by military officers<sup>103</sup>. In this period, at least ten regional coordination positions were replaced<sup>104</sup>

In Bonito (Mato Grosso do Sul), the resignation of Miguel Jordão and the appointment of Fabio Lemes to the Local Technical Coordination (CTL) resulted in protests from indigenous peoples<sup>105</sup>. Similarly, Valmir Rocha's resignation from the post of CLT Corumbá and the appointment of Ércio de Oliveira also occurred amidst protests from local indigenous peoples under allegations of Olivera's disqualification for the position<sup>106</sup>. The episodes

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<sup>102</sup> BRASIL. FUNAI. Retrieved 23 November 2020 from <http://www.funai.gov.br/index.php/a-funai#:~:text=A%20Funda%C3%A7%C3%A3o%20Nacional%20do%20%C3%8Dndio,indigenista%20official%20do%20Estado%20brasileiro.&text=A%20FUNAI%20tamb%C3%A9m%20coordena%20e,desenvolviment%20sustent%C3%A1vel%20das%20popula%C3%A7%C3%B5es%20ind%C3%ADgenas> Access on: 11/23/2020

<sup>103</sup> WEISSHEIMER, Marco. "Mais da metade das coordenadorias regionais da Funai já estão sob comando de militares". September 10, 2020. *Sul21*. Retrieved 23 November 2020 from <https://www.sul21.com.br/ultimas-noticias/politica/2020/09/mais-da-metade-das-coordenadorias-regionais-da-funai-ja-estao-sob-comando-de-militares/>.

<sup>104</sup> LEITÃO, Matheus. "Indigenistas da Funai esperam troca dos 39 coordenadores regionais até janeiro". December 12, 2019. *Gl*. Retrieved 25 October 2020 from <https://g1.globo.com/politica/blog/matheus-leitao/noticia/2019/12/12/indigenistas-da-funai-esperam-troca-dos-39-coordenadores-regionais-ate-janeiro.ghtml>. ; VALENTE, Rubens. "Neto de Raoni é exonerado da Funai após cacique organizar carta crítica a Bolsonaro". February 07, 2020. *GZH Política*. Retrieved 23 November 2020 from <https://gauchazh.clicrbs.com.br/politica/noticia/2020/02/neto-de-raoni-e-exonerado-da-funai-apos-cacique-organizar-carta-critica-a-bolsonaro-ck6cshfb30hfv01qdv4gmf5tq.html>. ; ZUKKA BRASIL. "O coordenador regional da Funai MS, José Magalhães Filho, foi exonerado!" August 25, 2020. *Zukka Brasil*. Retrieved 23 November 2020 from <https://zukka.com.br/o-coordenador-regional-da-funai-ms-jose-magalhaes-filho-foi-exonerado/>.

<sup>105</sup> CAVALCANTE, Guilherme. "Lideranças questionam coordenador da Funai sobre nomeação de chefe local sem qualificação". March 16, 2020. *Midiamax*. Retrieved 23 November 2020 from <https://www.midiamax.com.br/cotidiano/2020/liderancas-questionam-coordenador-da-funai-sobre-nomeacao-de-chefe-local-sem-qualificacao>.

<sup>106</sup> *Ibid.* Loc. Cit.

illustrate a policy change, which now disregards the voice of indigenous peoples in changes that directly affect them.

In addition, Funai's president, Marcelo Augusto Xavier da Silva, appointed by the President and aligned with his interests, has replaced qualified employees of Technical Groups (TG) that deal with specific cases of identification and demarcation of indigenous lands, putting in their places employees ideologically aligned with their administration.

In December 2019, MPF recommended that the president of Funai pull back from putting professionals without adequate training and qualification to coordinate studies of identification, delimitation, and demarcation of indigenous lands. It also recommended that these positions should not be given to collaborators who have worked, whether remunerated or not, for political movements whose views are contradictory to the interests of indigenous peoples, as had been happening repeatedly. The document specifically dealt with the substitution of Technical Groups coordinators responsible for identifying and delimiting the areas claimed by the Pankará and Tuxi population, in Pernambuco, and Guarani Mbya, in Santa Catarina (Cambirela Indigenous Land). In responding to the recommendation, Funai stated that the profession of anthropologist is not regulated in Brazil, which justifies why the new replacements do not have expertise in the field.<sup>107</sup>

In the same sense, in November 2019, Funai prevented the institution's workers from making technical visits to lands in the demarcation process.<sup>108</sup> According to Funai, there are 117 lands in homologation or under regularization studies, 118 in delimitation or declaration procedures, and about 500 areas waiting for recognition as indigenous lands -- all of these suspended due to the paralysis of the recognition procedures.<sup>109</sup> Not only that, Funai suspended technical visits in at least 10 indigenous lands with isolated indigenous populations.<sup>110</sup> In December 2019, MPF and the Public Defender's Office (DPU) recommended that Funai

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<sup>107</sup> MINISTÉRIO PÚBLICO FEDERAL. "Estudos para identificação e delimitação de terras indígenas devem ser coordenados por antropólogos, cobra MPF. December 17, 2019. *MPF - Ministério Público Federal*. Retrieved 23 November 2020 from <http://www.mpf.mp.br/pgr/noticias-pgr/estudos-para-identificacao-e-delimitacao-de-terras-indigenas-devem-ser-coordenados-por-antropologos-cobra-mpf>.

<sup>108</sup> BORGES, André. "Sem recursos Funai deixa de usar mais de R\$ 8 milhões em 2019". January 24, 2020. *Estadão Política*. Retrieved 23 October 2020 from <https://politica.estadao.com.br/noticias/geral,sem-recursos-funai-deixa-de-usar-mais-de-r-8-milhoes-em-2019,70003171993>.

<sup>109</sup> BIASETTO, Daniel. "Funai proíbe viagens de servidores a terras indígenas em processo de demarcação". November 29, 2019. *O Globo*. Retrieved 23 October 2020 from: <https://oglobo.globo.com/brasil/funai-proibe-viagens-de-servidores-terras-indigenas-em-processo-de-demarcacao-24108494>.

<sup>110</sup> O GLOBO. Dez Terras Indígenas com isolados ficam sem supervisão após nova determinação da Funai. December 02, 2019. Retrieved 23 November 2020 from: <https://oglobo.globo.com/brasil/dez-terras-indigenas-com-isolados-ficam-sem-supervisao-apos-nova-determinacao-da-funai-24112168>.

immediately nullify the new directive. However, the deadline for response ran out without any type of explanation.<sup>111</sup>

In parallel, as already indicated, an ordinance signed by the president of Funai, at the end of January 2020, changed the criteria for the occupation of the position of general Coordinator of isolated indigenous populations and of recent contact, a key position in indigenist policies. Previously, the position could be held exclusively by career officials. The relaxation of the rule was motivated by the intention to appoint theologian and missionary Ricardo Lopes Dias, a member of the U.S.A-based evangelical organization Mission New Tribes of Brazil (MNTB), to the General Coordination of Isolated and Recent Contact Peoples (CGIRC).<sup>112113</sup> In February 2020, a Public Civil Action (ACP) barred the appointment of the missionary under allegations of religious discrimination and the crimes against different religions.<sup>114</sup> However, the theologian and missionary took office in June 2020, when the Superior Court of Justice rejected the decision.<sup>115</sup>

Additionally, as mentioned in section I, Funai's Normative Instruction No. 9/2020, of April 2020, changed the procedure for analyzing and issuing the Declaration of Recognition of Limits, a document used to certify that rural properties do not affect areas with indigenous presence registered in the Land Management System (Sigef), a platform managed by the National Institute for Colonization and Agrarian Reform (INCRA).<sup>116</sup> As per the new Normative Instruction, only the IL with indigenous populations that have already been ratified

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<sup>111</sup> BIASETTO, Daniel. "MPF pede à Funai 'imediate' anulação da diretriz que proíbe viagens de servidores a terras". December 3, 2019. O Globo. Retrieved 23 November 2020 from <https://oglobo.globo.com/brasil/mpf-pede-funai-imediata-anulacao-da-diretriz-que-proibe-viagens-de-servidores-terras-indigenas-em-demarcacao-24114679>. .

<sup>112</sup> PRAZERES, Leandro. "Entidades criticam Funai por abrir brecha a indicação política na proteção de índios isolados". January 30, 2020. O Globo. Retrieved 23 November 2020 from <https://oglobo.globo.com/brasil/entidades-criticam-funai-por-abrir-brecha-indicacao-politica-na-protecao-de-indios-isolados-24219661>.

<sup>113</sup> VALENTE, Rubens. "Funai planeja colocar evangelizador de indígenas na chefia de Índios isolados". January 31, 2020. Folha de São Paulo; UOL. Retrieved 23 November 2020 from <https://www1.folha.uol.com.br/poder/2020/01/funai-planeja-colocar-evangelizador-de-indigenas-na-chefia-de-indios-isolados.shtml>.

<sup>114</sup> FREIRE, Sabrina. "MPF tenta barrar nomeação de missionário à Funai por 'risco de retrocesso'". February 11, 2020. PODER 360. Retrieved 23 November 2020 from <https://www.poder360.com.br/justica/mpf-tenta-barrar-nomeacao-de-missionario-a-funai-por-risco-de-retrocesso/>.

<sup>115</sup> BRASIL. FUNAI. "TJ autoriza retorno de Ricardo Lopes Dias à Coordenação-Geral de Índios Isolados da Funai". June 10th, 2020. FUNAI. Retrieved 23 November 2020 from <https://www.gov.br/funai/pt-br/assuntos/noticias/2020/stj-autoriza-retorno-de-ricardo-lobes-dias-ao-cargo-de-coordenador-geral-de-indios-isolados-e-de-recente-contato-da-funai>.

<sup>116</sup> BRASIL. INSTRUÇÃO NORMATIVA Nº 9, DE 16 DE ABRIL DE 2020. Imprensa Nacional. Retrieved 23 October 2020 from <https://www.in.gov.br/en/web/dou/-/instrucao-normativa-n-9-de-16-de-abril-de-2020-253343033>.



by presidential decree will be recognized in Sigef. In this way, 237 territories that still go through a demarcation process are subject to occupation, sale and allotment.<sup>117</sup>

In June 2020, an ACP filed by the MPF against Funai and INCRA argued the unconstitutionality of this normative instruction, for contradicting indigenous peoples' rights to land, considering demarcation and homologation procedures are simple *declaratory* in nature. The MPF also argued that IN No. 9/2020, by reducing the monitoring of indigenous lands in the process of demarcation would encourage land invasions and land conflicts, increasing the vulnerability of indigenous peoples, especially in the face of the COVID-19 pandemic.<sup>118</sup> A few days after the ACP proposal, the MPF released a survey identifying almost 10,000 properties registered in the *Cadastro Ambiental Rural* (CAR) overlapping indigenous lands in different phases of regularization, as well as areas with use restrictions.<sup>119</sup>

Also, in the context of the demarcation of indigenous lands, indigenous peoples face much more aggravated conditions due to the budget cuts promoted by the Federal Government. In October 2019, Federal Government made a 42% in resources allocated to indigenous policy programs linked to Funai. Besides the budget cuts reduction, the proposal changed the scope of some Funai policies. The measure implied that the resources destined to the execution of the indigenist policies were from that point on under the supervision of the Ministry of Women, Family and Human Rights, and not of the Ministry of Justice and Public Security, to which Funai is institutionally linked.<sup>120</sup>

Parallel to the paralysis and regression in the processes of demarcation of indigenous lands, the Provisional Measure No. 910/2019, known as "*MP da Grilagem*", came into force in December 2019.<sup>121</sup> The measure altered previous laws that dispose about the occupation of

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<sup>117</sup> BASSI, Bruno Stankevicius. "Medida que reduz proteção a terras indígenas foi articulada por Nabhan Garcia". April 28, 2020. De olho nos Ruralistas. Retrieved 23 November 2020 from <https://deolhonosruralistas.com.br/2020/04/28/medida-que-reduz-protecao-a-terras-indigenas-foi-articulada-por-nabhan-garcia/>.

<sup>118</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "MPF ajuíza ação civil pública contra Funai e Incra por normativa que permite grilagem em terras indígenas". June 3, 2020. CIMI. Retrieved 23 November 2020 from <https://cimi.org.br/2020/06/mpf-acao-funai-incra-normativa-grilagem-terras-indigenas/>.

<sup>119</sup> *Idem*. "MPF identifica quase 10 mil registros de proprietários privados no Cadastro Ambiental Rural em áreas destinadas a povos indígenas". June 9, 2020. CIMI. Retrieved 23 November 2020 from <https://cimi.org.br/2020/06/mpf-identifica-quase-10-mil-registros-proprietarios-privados-car-terras-indigenas/>.

<sup>120</sup> CARDOSO, Maurício. "Pela via orçamentária, governo tenta aniquilar política de proteção aos índios". October 25, 2019. Legal Advisor. Retrieved 23 November 2020 from <https://www.conjur.com.br/2019-out-25/governo-tenta-aniquilar-politica-protecao-aos-indios>.

<sup>121</sup> BRASIL. MEDIDA PROVISÓRIA Nº 910, DE 10 DE DEZEMBRO DE 2019. "Altera a Lei nº 11.952, de 25 de junho de 2009, que dispõe sobre a regularização fundiária das ocupações incidentes em terras situadas em áreas da União, a Lei nº 8.666, de 21 de junho de 1993, que institui normas para licitações e contratos da administração pública, e a Lei nº 6.015, de 31 de dezembro de 1973, que dispõe sobre os registros públicos". Brasília. December 10, 2019. Retrieved 23 November 2020 from [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-](http://www.planalto.gov.br/ccivil_03/_ato2019-)

areas that belong to the Federal Government or to INCRA, facilitating the obtainment of title of domain to invaders, creating space for environmental crimes and recognizing as legal invasions on indigenous territories. The MP allowed for the regularization of invasions that occurred until December 2018, and for those that occurred until May 2014, there was the so-called "*desconto*": invaders had to pay only 10 to 50% of the market value for the land.

The MP also expanded the scope of the previous laws: previously restricted to the states within the Legal Amazon<sup>122</sup>, such norms of land regularization began to cover the entire national territory. According to the MP, the entire regularization procedure would be free of charge for lands of up to 440 hectares based on self-declaration of land holders, without inspection even to find out if it is a conflict area and indigenous land, or even if there was deforestation or slave labor. Thus, Bolsonaro paralyzed the recognition of the right to land to indigenous people, while also facilitating the issuance of property titles to invaders.<sup>123</sup> In May 2020, the "*MP da Grilagem*" scheduled for a vote of the Chamber of Deputies, but the vote did not occur due to civil society mobilization. The measure had its term of validity ended on the 19th of the same month, without its effects reversed or mitigated during its term of validity<sup>124</sup>.

In addition, in February 2020, the Federal Government introduced Bill of Law No. 191/2020 in an attempt to open the indigenous lands for economic exploration such as mining, oil and gas extraction, construction of hydroelectric plants, agriculture and livestock.<sup>125</sup> The proposal, called by the president a "project to create the Amazon of our dreams", would promote evident risk to the lives of indigenous populations in Brazil<sup>126</sup>, including one of the issues raised at the 43<sup>rd</sup> Session of the UN Human Rights Council in Geneva, Switzerland.<sup>127</sup>

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2022/2019/Mpv/mpv910.htm#:~:text=Altera%20a%20Lei%20n%C2%BA%2011.952,de%20dezembro%20de%201973%2C%20que

122 For more information on the definition of the Legal Amazon:

<https://www.ibge.gov.br/en/geosciences/maps/regional-maps/17927-legal-amazon.html>.

<sup>123</sup> PRIZIBISCZKI, Cristiane. "MP da regularização fundiária anistia grilagem de terras públicas até 2018". December 11, 2019. *ECO*. Retrieved 23 November 2020 from <https://www.oeco.org.br/reportagens/mp-da-regularizacao-fundiaria-anistia-grilagem-de-terras-publicas-ate-2018/>.

<sup>124</sup> SAMPAIO, Cristiane. "Sob forte pressão, Câmara adia votação da 'MP da Grilagem', que pode virar PL". May 13, 2020. *RBA - Rede Brasil Atual*. Retrieved 23 November 2020 from <https://www.redebrasilatual.com.br/politica/2020/05/votaca-mp-910-grilagem-adiada/>.

<sup>125</sup> BRASIL. Congresso Nacional. Projeto de Lei nº 191/2020. "Regulamenta o § 1º do art. 176 e o § 3º do art. 231 da Constituição para estabelecer as condições específicas para a realização da pesquisa e da lavra de recursos minerais e hidrocarbonetos e para o aproveitamento de recursos hídricos para geração de energia elétrica em terras indígenas e institui a indenização pela restrição do usufruto de terras indígenas". Retrieved 23 November 2020 from [http://www.planalto.gov.br/CCIVIL\\_03/Projetos/PL/2020/msg33-fevereiro2020.htm](http://www.planalto.gov.br/CCIVIL_03/Projetos/PL/2020/msg33-fevereiro2020.htm).

<sup>126</sup> AFP. Bolsonaro abre terras indígenas à mineração para criar Amazônia 'dos sonhos'. February 6, 2020. Istoé. Retrieved 23 November 2020 from <https://istoe.com.br/bolsonaro-abre-terras-indigenas-a-mineracao-para-criar-amazonia-dos-sonhos/>.

<sup>127</sup> CONSELHO INDIGENISTA MISSIONÁRIO. Na ONU, mineração em terras indígenas é apontada como 'política que coloca risco à vida dos povos indígenas'. March 2, 2020. Retrieved 23 November 2020 from

Following this act, President Bolsonaro reconfigured the CNA, removing it from the Ministry of the Environment and linking it to the vice-presidency.<sup>128</sup> He also withdrew the participation of the governors of states located in the Amazon, civil society, Funai, the Brazilian Institute of Environment and Renewable Natural Resources (Ibama) and the Chico Mendes Institute for Biodiversity Conservation (ICMBio). From this point on, the Council became mostly composed by military officers.<sup>129</sup>

### c. Omissions

The President's omissions refer to indigenous territories in all regions of the country. In many cases, despite of civil society complaints, the irregular actions are facilitated by the inaction of the federal agencies responsible for the security of these territories. There are many causes for this inaction, but among other thing, the dismantling of the federal agencies responsible for protecting these territories stands out. As, for example, the case of Funai, evidenced in the previous session.

In this sense, in October 2019, at least two attacks by illegal hunters and fishermen were made against Funai's ethno-environmental protection base at indigenous land of Vale do Javari (Amazonas), putting at risk the population in the region, including indigenous populations in voluntary isolation. According to the leadership of the Marubo people, the attacks that have taken place since 2018 have become worse soon after the election of Jair Bolsonaro and the following institutional weakening of Funai.<sup>130</sup> MPF representatives reiterated their concern about the vulnerability of the protection base<sup>131</sup> and the Federal Courts determined that the

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<https://cimi.org.br/2020/03/na-onu-mineracao-em-terras-indigenas-e-apontada-como-politica-de-compensacao-colonialista/>. .

<sup>128</sup> BRASIL. DECRETO Nº 10.239, DE 11 DE FEVEREIRO DE 2020. "Dispõe sobre o Conselho Nacional da Amazônia Legal". February 12, 2020. Retrieved 23 November 2020 from <https://www.in.gov.br/en/web/dou/-/decreto-n-10.239-de-11-de-fevereiro-de-2020-242820142>.

<sup>129</sup> SOARES, Ingrid; DIANNI, Cláudia. Legal Amazon Council does not include governors and civil society. February 11, 2020. Correio Braziliense. Retrieved 23 November 2020 from [https://www.correiobraziliense.com.br/app/noticia/politica/2020/02/11/interna\\_politica,827359/conselho-da-amazonia-legal-nao-inclui-governadores-e-sociedade-civil.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/02/11/interna_politica,827359/conselho-da-amazonia-legal-nao-inclui-governadores-e-sociedade-civil.shtml).

<sup>130</sup> FARIAS. Elaíze. "Base de índios isolados do Vale do Javari, no Amazonas, sofre novo ataque na madrugada deste domingo". November 3, 2019. Real Amazon. Retrieved 23 November 2020 from : <https://amazoniareal.com.br/base-de-indios-isolados-do-vale-do-javari-no-amazonas-sofre-novo-ataque-na-madrugada-deste-domingo/>. .

<sup>131</sup> MINISTÉRIO PÚBLICO FEDERAL. "MPF cobra providências do governo para retomada das atividades em base de proteção indígena no Vale do Javari (AM)". December 5, 2019. MPF - Ministério Público Federal. Retrieved 23 November 2020 from <http://www.mpf.mp.br/pgr/noticias-pgr/mpf-cobra-providencias-do-governo-para-retomada-das-atividades-em-base-de-protecao-indigena-no-vale-do-javari>.

Federal Government should provide security and allocate resources to support protection activities.<sup>132</sup> Funai informed that the Brazilian Army was responsible for the security of the area until December 6 and that the National Public Security Force should assume the function for six months, according to a Minister of Justice ordinance.<sup>133</sup>

During this same period, the Karipuna people (Rondonia) had their lands invaded by loggers<sup>134</sup> and the Funai checkpoint destroyed.<sup>135</sup> Because of that, the MPF recommended that IBAMA inspects the invasions of the TI Kayabi (Pará), pointing out that the omission of the environmental agency favors the invaders.<sup>136</sup>

In November 2019, the leaders of the Munduruku people denounced the actions of illegal invaders in their territory (Pará) and the omission of the responsible public organizations.<sup>137</sup> A year later, an operation by the Federal Police found two thousand invaders in the territory, but the police did not request any arrest warrants.<sup>138</sup> In December 2020, representatives of the Xerente and Krahô indigenous peoples (Tocantins) went to MPF Regional Attorney's Office to notify irregular actions by loggers, landowners and miners in their territory. Despite the denunciations, federal agencies responsible did not pursue any

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<sup>132</sup> FARIAS, Elaíze. “Justiça Federal determina que governo Bolsonaro preste segurança às bases do Vale do Javari, no Amazonas”. November 7, 2019. *Amazônia Real*. Retrieved 23 November 2020 from <https://amazoniareal.com.br/justica-federal-determina-que-governo-bolsonaro-preste-seguranca-as-bases-do-vale-do-javari-no-amazonas/>.

<sup>133</sup> MINISTÉRIO PÚBLICO FEDERAL. “MPF cobra providências do governo para retomada das atividades em base de proteção indígena no Vale do Javari (AM)”. December 5, 2019. *MPF - Ministério Público Federal*. Retrieved 23 November 2020 from <http://www.mpf.mp.br/pgr/noticias-pgr/mpf-cobra-providencias-do-governo-para-retomada-das-atividades-em-base-de-protecao-indigena-no-vale-do-javari>.

<sup>134</sup> GLOBO RURAL. “Madeireiras funcionavam para explorar ilegalmente árvores da terra indígena Karipuna, diz investigação”. October 20, 2019. *GI*. Retrieved 23 November 2020 from <https://g1.globo.com/economia/agronegocios/globo-rural/noticia/2019/10/20/madeireiras-funcionavam-para-explorar-ilegalmente-arvores-da-terra-indigena-karipuna-diz-investigacao.ghtml>.

<sup>135</sup> DANTAS, Carolina; TITO, Fábio. “Na terra indígena mais ameaçada do Brasil, base da Funai é destruída, e ninguém sabe quem cometeu o crime”. October 10, 2019. *GI*. Retrieved 23 November 2020 from <https://g1.globo.com/natureza/desafio-natureza/noticia/2019/10/10/na-terra-indigena-mais-ameacada-do-brasil-base-da-funai-e-destruida-e-ninguem-sabe-quem-cometeu-o-crime.ghtml>.

<sup>136</sup> MINISTÉRIO PÚBLICO FEDERAL. MPF recomenda ao Ibama no PA que promova fiscalizações de invasores na Terra Indígena Kayabi. October 17, 2019. *MPF - Ministério Público Federal*. Retrieved 23 November 2020 from: <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/mpf-recomenda-ao-ibama-no-pa-que-promova-fiscalizacoes-contra-invasores-na-terra-indigena-kayabi>.

<sup>137</sup> CAMARGO, Marcelo. “Indígenas Munduruku denunciam garimpo ilegal em seu território”. December 2, 2019. Retrieved 23 November 2020 from <https://www.survivalbrasil.org/ultimas-noticias/12289>.

<sup>138</sup> BARBIERI, Caio. “Polícia Federal encontra 2 mil garimpeiros ilegais em área indígena do Pará”. October 1, 2020. *Metropoles*. Retrieved 23 November 2020 from <https://www.metropoles.com/colunas-blogs/janela-indiscreta/policia-federal-encontra-2-mil-garimpeiros-ilegais-em-area-indigena-do-para>.

investigations.<sup>139</sup> During this period, the Guarani Kaiowá people also suffered attacks in the Ñu Vera (Mato Grosso) recovery territory.<sup>140</sup>

A Cimi report of 2019 identified 1,120 cases of violence against indigenous peoples qualified in: omission and slowness in regularizing indigenous lands, conflicts over territorial rights and invasions.<sup>141</sup> Invasions of indigenous lands grew 135% under the government of Jair Bolsonaro, in relation to the previous year<sup>142</sup>, configuring an existential threat to indigenous peoples, as will be seen in section IV of this Report.

The omissions of the Federal Government followed. In January 2020, despite notification to Funai of the invasion of the territory of the Miranha people (Amazonas), nothing was done and the conflict ended up resulting in three deaths.<sup>143</sup> In March 2020, the Bororo Tugo Baigare Association filed a request with the MPF for legal actions regarding the negligence of the inspection agencies on the installation of a Small Hydroelectric Plant in Teresa Cristina (Mato Grosso), about which local indigenous peoples were not consulted.<sup>144</sup>

The omissions of Funai also span across the financial area, due to the non-execution of the budget made available for its activities. The budget for demarcation and regularization of indigenous lands in 2020 was the lowest in the 10 years, with the lowest recorded execution between January and May 2020. Only 1.18% of the already-low amount was executed.<sup>145</sup> This context not only makes the demarcation processes more difficult, but also encourages invasions

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<sup>139</sup> MINISTÉRIO PÚBLICO FEDERAL. “Povos indígenas Xerente e Kraho reclamam ao MPF sobre extração ilegal de madeira”. December, 06, 2019. MPF - Ministério Público Federal. Retrieved 23 November 2020 from <http://www.mpf.mp.br/regiao1/sala-de-imprensa/noticias-r1/povos-indigenas-xerente-e-kraho-reclamam-ao-mpf-sobre-extracao-ilegal-de-madeira>.

<sup>140</sup> MAGIOLI, Matheus. “MS: Ataque criminoso ao território indígena Ñu Vera”, em Dourados. November, 06, 2019. *A Nova Democracia*. Retrieved 23 November 2020 from <https://anovademocracia.com.br/noticias/12286-ms-ataque-criminoso-ao-territorio-indigena-nu-vera-em-dourados>.

<sup>141</sup> CONSELHO INDIGENISTA MISSIONÁRIO. “Em 2019, terras indígenas foram invadidas de modo ostensivo de norte a sul do Brasil”. February 29, 2020. Retrieved 23 November 2020 from : <https://cimi.org.br/2020/09/em-2019-terras-indigenas-invadidas-modo-ostensivo-brasil/>.

<sup>142</sup> BORGES, André. Invasões em terras indígenas crescem 135% no governo Bolsonaro. September 30, 2020. *Estado de S. Paulo*. Retrieved 23 November 2020 from [https://politica.estadao.com.br/noticias/geral,invacoes-em-terras-indigenas-crescem-135-em-governo-bolsonaro,70003457377?fbclid=IwAR2fDjQDhyqK\\_56nb6wC-rAanwOCHEHULUSoIxp0LEyh2GwSi1P9FR8dM0](https://politica.estadao.com.br/noticias/geral,invacoes-em-terras-indigenas-crescem-135-em-governo-bolsonaro,70003457377?fbclid=IwAR2fDjQDhyqK_56nb6wC-rAanwOCHEHULUSoIxp0LEyh2GwSi1P9FR8dM0).

<sup>143</sup> SANTANA, Renato. Cacica Miranha diz que Funai foi alertada sobre conflito que resultou em três mortes em Coari (AM). January 16, 2020. *Conselho Indigenista Missionário (CIMI)*. Retrieved 23 November 2020 from <https://cimi.org.br/2020/01/cacica-miranha-diz-que-funai-foi-alertada-sobre-conflito-que-resultou-em-tres-mortes-em-coari-am/print/>.

<sup>144</sup> SOUZA, André. “Índigenas alegam negligência e cobram providências sobre obra de PCH”. March 02, 2020. *Livre*. Retrieved 23 November 2020 from <https://olivire.com.br/indigenas-alegam-negligencia-e-cobram-providencias-sobre-obra-de-pch>.

<sup>145</sup> SANTANA, Renato; MIOTTO, Tiago. “Com apenas 0,02% do orçamento da União, valor gasto pela Funai até junho é o mais baixo em dez anos”. June 23, 2020. *Conselho Indigenista Missionário (CIMI)*. Retrieved 23 November 2020 from <https://cimi.org.br/2020/06/com-apenas-002-orcamento-uniao-valor-gasto-funai-junho-mais-baixo-dez-anos/>.

and illegal actions on indigenous lands. In addition to the budget cuts, IBAMA has drastically reduced fines, despite the increase in the number of invasions and environmental crimes.<sup>146</sup> The consequence is that in 2019 the invaders produced the largest deforestation in indigenous lands recorded in eleven years.<sup>147</sup>

In January 2020, Ibama and MPF officials went to Altamira (Pará), to deal with the pressure of *grileiros* (land invaders), miners and lumbermen on indigenous lands Ituna-Itatá<sup>148</sup> and Koatinemo, with whom it borders.<sup>149</sup> According to Greenpeace, Ituna-Itatá is the most deforested indigenous land in the country, with 94% of its area taken by *grileiros*.<sup>150</sup> Ibama also identified illegal logging in the indigenous land Arara do Laranjal, in southwest Pará.<sup>151</sup>

In March 2020, hundreds of prospectors invaded the indigenous land of Raposa Serra do Sol (Roraima), the first large-scale invasion since the demarcation. According to the Indigenous Council of Roraima, the action was motivated by the expectation of legalization of the activity. Because it is a border area, the Army is the main official agent in the region. Despite several denunciations, authorities did not respond. This indigenous land was demarcated eleven years ago, and at the time, the then-Congressman Bolsonaro was contrary to the measure, also stating more recently (December 2018) that he would review the demarcation.<sup>152</sup>

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<sup>146</sup> ALMEIDA, Emily; ROSSI, Amanda; BUONO, Renata. “Ibama multa cada vez menos”. November 11, 2019. *UOL*. Retrieved 23 November 2020 from: <https://piaui.folha.uol.com.br/ibama-multa-cada-vez-menos/>.

<sup>147</sup> INSTITUTO SOCIOAMBIENTAL. “Invasores produzem maior desmatamento em Terras Indígenas em 11 anos”. December 13, 2019. Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/invasores-produzem-maior-desmatamento-em-terras-indigenas-em-11-anos/>; SOUZA, Oswaldo Braga; OVIEDO, Antonio; MOREIRA, Tiago. “Invasores produzem maior desmatamento em Terras Indígenas em 11 anos”. December 14, 2019. *Amazônia - notícia e informação*. Retrieved 23 November 2020 from: <https://amazonia.org.br/2019/12/invasores-produzem-maior-desmatamento-em-terras-indigenas-em-11-anos/>.

<sup>148</sup> MINISTÉRIO PÚBLICO FEDERAL. “Invasões e desmatamento na terra indígena mais desmatada do Brasil preocupam Ibama e MPF, no Pará”. 22 January 2020. *MPF - Ministério Público Federal*. Retrieved 23 November 2020 from <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/invasoes-e-desmatamento-na-terra-indigena-mais-desmatada-do-brasil-preocupam-ibama-e-mpf-no-para>.

<sup>149</sup> CARNEIRO, Taymã. “Ibama flagra 76 hectares de desmatamento ilegal na Terra Indígena Koatinemo, no sudoeste do PA”. 27 January, 2020. G1 PA. Retrieved 23 November 2020 from: <https://g1.globo.com/pa/para/noticia/2020/01/27/ibama-flagra-76-hectares-de-desmatamento-ilegal-na-terra-indigena-koatinemo-no-sudoeste-do-pa.ghtml>.

<sup>150</sup> G1. “No Pará, grileiros declaram ao governo terras indígenas como sendo deles”. December 12, 2019. *Jornal Nacional*. Retrieved 23 November 2020 from: <https://g1.globo.com/jornal-nacional/noticia/2019/12/12/no-para-grileiros-declaram-ao-governo-terras-indigenas-como-sendo-deles.ghtml>.

<sup>151</sup> G1. “Ibama flagra extração ilegal em Terra Indígena Arara do Laranjal, no Pará”. January 30, 2020. G1 PA. Retrieved 23 November 2020 from: <https://g1.globo.com/pa/para/noticia/2020/01/30/ibama-flagra-extracao-ilegal-em-terra-indigena-arara-do-laranjal-no-para.ghtml>.

<sup>152</sup> REDE BRASIL ATUAL. “Terra Indígena Raposa Serra do Sol é invadida por garimpeiros”. March 02, 2020. *Amazônia - notícia e informação*. Retrieved 23 November 2020 from: <https://amazonia.org.br/2020/03/terra-indigena-raposa-serra-do-sol-e-invadida-por-garimpeiros/>. [com/pa/para/noticia/2020/01/30/ibama-flagra-extracao-ilegal-em-terra-indigena-arara-do-laranjal-no-para.ghtml](https://g1.globo.com/pa/para/noticia/2020/01/30/ibama-flagra-extracao-ilegal-em-terra-indigena-arara-do-laranjal-no-para.ghtml).

Also, in March 2020, a report by the ISA indicated that deforestation in lands with isolated peoples was 113% greater in 2019 than in 2018 and 363% greater than 2017. According to the report, the main sources of deforestation are illegal activities of livestock, mining and timber extraction, in addition to the opening of new areas for infrastructure works.<sup>153</sup>

Even after the pandemic outbreak, the intrusions did not cease. In April 2020, the Mura people denounced the onslaught of invaders and lumbermen on the IL Capanã Lake (Amazonas).<sup>154</sup> That same month, the Uru-Eu-Wau-Wau (Rondônia) was invaded the day after the assassination of an indigenous man who was part of the group monitoring the territory, disturbing the funeral ritual. The indigenous land has been the target of constant invasions.<sup>155</sup> In May, the Waimiri-Atroari Indians located illegal activity in the indigenous land Pirititi (Roraima).<sup>156</sup>

The indigenous populations were also target by religious missionaries, reinforced by the convergent action of the current Minister of Justice and Public Security, and pastor at the Presbyterian Alliance Church in Brasília, André Mendonça. The minister's position against the rights of indigenous populations dates back to his work as a General Attorney of the Union, being one of the defenders of the "timeframe" thesis in an opinion Advocacy General of the Union (AGU), which maintains that the original indigenous rights on land should observe the timeframe of 1988, the year of promulgation of the Constitution. STF was set to vote this case by October 2020, but the president of the Court, Luiz Fux, withdrew the trial from the Court's schedule.<sup>157</sup>

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<sup>153</sup> REUTERS. "Desmatamento em áreas com tribos indígenas isoladas cresceu 113% em 2019". March 03, 2020. *Exame*. Retrieved 23 November 2020 from: <https://exame.com/brasil/desmatamento-em-areas-com-tribos-indigenas-isoladas-cresceu-113-em-2019/>. com/pa/para/noticia/2020/01/30/ibama-flagra-extracao-ilegal-em-terra-indigena-arara-do-laranjal-no-para.ghtml.

<sup>154</sup> PAES, Caio de Freitas. "Invasão de madeireiros no "arco do desmatamento" aumenta risco de contágio na Amazônia". April 5, 2020. *De olho nos Ruralistas*. Retrieved 23 November 2020 from: <https://deolhonosruralistas.com.br/2020/04/05/invasao-de-madeireiros-no-arco-do-desmatamento-aumenta-risco-de-contagio-na-amazonia/>. com/pa/para/noticia/2020/01/30/ibama-flagra-extracao-ilegal-em-terra-indigena-arara-do-laranjal-no-para.ghtml.

<sup>155</sup> RIBEIRO, Maria Fernanda. "Presença de invasores interrompe ritual funerário de Uru-eu-wau-wau assassinado em Rondônia". 21 April 2020. *De olho nos Ruralistas*. Retrieved 23 November 2020 from: : <https://deolhonosruralistas.com.br/2020/04/21/presenca-de-invasores-interrompe-ritual-funerario-de-uru-eu-wau-wau-assassinado-em-rondonia/>

<sup>156</sup> VALENTE, Rubens. "Índigenas localizam garimpo que ameaça grupo de índios isolados na Amazônia". 26 May 2020. *UOL*. Retrieved 23 November 2020 from: <https://noticias.uol.com.br/colunas/rubens-valente/2020/05/26/indigenas-amazonas-coronavirus.htm>.

<sup>157</sup> BRASIL. Supremo Tribunal Federal (Supreme Court). RE 1017365 - SC. Rapporteur Minister Edson Fachin. Brasília. January 16, 2017. Retrieved 23 November 2020 from: <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5109720>.

In June 2020, ISA reported that the Hutukara Yanomami Association and the National Human Rights Council (CNDH) filed a petition for a precautionary measure with the IACHR due to the widespread invasion of the Yanomami IL (Amazonas and Roraima) by unauthorized miners.<sup>158</sup> Although the Federal Court ordered the illegal *garimpeiros* to be removed from the territory, nothing substantial was done to prevent or expel invaders<sup>159</sup>.

In August 2020, Justice Luís Roberto Barroso of the Supreme Court, within the scope of ADPF No. 709, ruled that the Federal Government should establish a plan for the withdrawal of invaders from indigenous territories, stating that the inaction of the Brazilian State is unacceptable, also because the invasions are usually associated with other environmental crimes.<sup>160</sup> After all, not protecting the right of indigenous populations to their lands also violates the right to the environment.

Despite court orders, conflicts continued. Recently, families of the Tikuna people (Amazonas), who occupied a disputed area, were threatened by a pastor of a Presbyterian church and expelled from their land. In addition, families of the Kambeba people (Amazonas) had their farms destroyed and equipment stolen, allegedly for the cleaning of new lots of land.<sup>161</sup>

#### d. Discourses

From the beginning of his presidential campaign, President Jair Bolsonaro's speeches are flagrantly contrary to the demarcations of indigenous lands and the preservation of demarcated lands and their ecosystems. Bolsonaro is openly opposed to the ways of life of the traditional populations of Brazil.

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<sup>158</sup> INSTITUTO SOCIOAMBIENTAL. “Lideranças Yanomami e Ye'kwana lançam campanha #ForaGarimpoForaCovid”. 02 June 2020. Retrieved 23 November 2020 from: : <https://www.socioambiental.org/pt-br/noticias-socioambientais/liderancas-yanomami-e-yekwana-lancam-campanha-foragarimpoforacovid>.

<sup>159</sup> MAISONNAVE, Fabiano. “Justiça determina retirada de garimpeiros de território ianomâmi”. July 3, 2020. *Folha de S. Paulo*. Retrieved 23 November 2020 from: : <https://www1.folha.uol.com.br/ambiente/2020/07/justica-determina-retirada-de-garimpeiros-de-territorio-ianomami.shtml>.

<sup>160</sup> SOUZA, Renato; VASCONCELLOS, Jorge. “Barroso cobra do governo remoção de invasores de terras indígenas”. August 3, 2020. *Correio Braziliense*. Retrieved 23 November 2020 from: : [https://www.correiobraziliense.com.br/app/noticia/politica/2020/08/03/interna\\_politica,878153/barroso-cobra-do-governo-remocao-de-invasores-de-terras-indigenas.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/08/03/interna_politica,878153/barroso-cobra-do-governo-remocao-de-invasores-de-terras-indigenas.shtml)

<sup>161</sup> ROCHA, J. “Amazonas: indígenas Tikuna e Kambeba denunciam ameaças, invasões e tentativa de despejo”. October 9, 2020. *Conselho Indigenista Missionário (CIMI)*. Retrieved 23 November 2020 from: : [https://cimi.org.br/2020/10/amazonas-indigenas-tikuna-e-kambeba-denunciam-ameacas-invasoes-e-tentativa-de-despejo/?fbclid=IwAR0KGXS\\_O3NqPdVAuA\\_PfLPRwAVRRFHgSf5q3\\_APsEKSSirXGynhhufr3W0](https://cimi.org.br/2020/10/amazonas-indigenas-tikuna-e-kambeba-denunciam-ameacas-invasoes-e-tentativa-de-despejo/?fbclid=IwAR0KGXS_O3NqPdVAuA_PfLPRwAVRRFHgSf5q3_APsEKSSirXGynhhufr3W0).



In the speeches of the president and his team, we have identified arguments of two categories in relation to indigenous territories: (i) an argument that is prejudiced and indifferent to indigenous peoples based on the idea that their ways of life are “backward “ and that their relation with land is one of the factors in this regression; (ii) an economic argument in defense of a primary goods export model, in which GDP growth is driven by the exploitation and export of commodities – all economic activities with high demand for land. In that sense, indigenous lands are an obstacle to the economic model supported by the government. The indigenous way of dealing with land is intensely attacked in arguments contrary to any type of multiculturalism.

In October 2020, in a speech given by the President on an official visit to Manaus, capital of Amazonas, the state with the largest self-declared indigenous population in Brazil, Bolsonaro referred to indigenous people as inferior and used pejorative terms when referencing the traditional ways to use lands, as described below:

Our Indians, most of them, are condemned to live as prehistoric men within our own country. This has to change. The Indian wants to produce, to plant, and the benefits and wonders of science, technology. We are all Brazilians" [...] "Why reserve a space on a land where you can do nothing about it? We want the Indian doing on his land exactly what the farmer does next door. We can even dig.<sup>162</sup>

In addition, the President defined the indigenous peoples as sub-humans, in a process of de-humanization: "increasingly, the Indian is a human being just like us. So, let's make the Indian integrate into society and really own his Indian land, that's what we want here"<sup>163</sup>.

Public officials close to the President usually convey the same ideas about indigenous populations. In April 2020, STF ordered the release of the recordings of an official ministerial meeting. On that meeting, numerous pejorative remarks were made to the indigenous populations. President Bolsonaro referred to Brazil's archaeological heritage as "petrified Indian poop," while Minister Ricardo Salles suggested taking advantage of the pandemic to relax environmental licensing and "*passar a boiada*"<sup>164</sup>, indicating that they should change things while the population was “distracted” with the pandemic. At the same meeting the then-

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<sup>162</sup> SOARES, Ingrid. “Bolsonaro diz que indígenas ‘são condenados a viver como pré-históricos’”. November 27, 2019. Correio Braziliense. Retrieved 23 November 2020 from: <https://www.correiobraziliense.com.br/app/noticia/brasil/2019/11/27/interna-brasil,809695/bolsonaro-diz-que-indigenas-sao-condenados-a-viver-como-pre-histori.shtml>.

<sup>163</sup> G1. “Cada vez mais, o índio é um ser humano igual a nós”, diz Bolsonaro em transmissão nas redes sociais”. January 24, 2020. G1. Retrieved 23 November 2020 from: <https://g1.globo.com/politica/noticia/2020/01/24/cada-vez-mais-o-indio-e-um-ser-humano-igual-a-nos-diz-bolsonaro-em-transmissao-nas-redes-sociais.ghtml>.

<sup>164</sup> “Let the cattle pass”.

Minister of Education, Abraham Weintraub, said he hated the term "indigenous peoples".<sup>165</sup> The "anti -indigenous people" argument and the use of offensive terms are common in the Bolsonaro Administration. Even Funai has adopted a speech against indigenous peoples: in an official document, it referred to peoples who seek to demarcate their territories as invaders<sup>166</sup>.

Under the pretext of guaranteeing progress, Jair Bolsonaro defends the regularization and liberation of economic activities on indigenous lands and opposes the demarcation and preservation of territories. In a speech given in Roraima, when referring to the need to build an energy line in the state, the President stated that indigenous territories are impediments to the infrastructure necessary for regional development. According to MPF Prosecutor Júlio Araújo, coordinator of the working group "Indigenous Peoples and the Dictatorship (1964-1985)" of the MPF, this statement of Bolsonaro is dangerous because it incites conflict.<sup>167</sup> The President conveyed similar ideas again Pará, blaming the indigenous territories for the precariousness of the electrical infrastructure, low economic development and quality of life.<sup>168</sup>

The President also considered indigenous lands an obstacle to food security, referring to the rising price of meat. He said: "We have to raise cattle on indigenous land to reduce the price of meat".<sup>169</sup> At that time, Bolsonaro was not only defending the regulation of commercial agriculture and livestock on indigenous lands but also the liberation of non-regulated mining activity.

Still defending economic interests linked to the liberation of *garimpo* (non-regulated mining activities), transgenic organisms, and cattle breeding on indigenous lands, the President referred to the demarcations carried out by previous governments as a "land demarcation industry," delegitimizing the declaratory acts of recognition of indigenous peoples' original rights. He said:

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<sup>165</sup> ESTADO DE MINAS. "Bolsonaro chama patrimônio arqueológico brasileiro de 'cocô de índio' e choca estudiosos". 23 May, 2020. Estado de Minas. Retrieved 23 November 2020 from: : [https://www.em.com.br/app/noticia/nacional/2020/05/23/interna\\_nacional,1150054/bolsonaro-chama-patrimonio-arqueologico-brasileiro-de-coco-de-indio.shtml](https://www.em.com.br/app/noticia/nacional/2020/05/23/interna_nacional,1150054/bolsonaro-chama-patrimonio-arqueologico-brasileiro-de-coco-de-indio.shtml).

<sup>166</sup> MURAKAWA, Fabio." Documento da Funai cita Marx e Trotski e trata índios como 'invasores'". February 04, 2020. *Valor Econômico Política*. Retrieved 23 November 2020 from: : <https://valor.globo.com/politica/noticia/2020/02/04/documento-da-funai-cita-marx-e-trotski-e-trata-indios-como-invasores.ghtml>.

<sup>167</sup> COSTA, Luciano. "CORREÇÃO-Bolsonaro tenta jogar população contra índios por linhão em Roraima, diz procurador". January 21, 2020. *Reuters*. Retrieved 23 November 2020 from: : <https://fr.reuters.com/article/energia-linhao-indios-idLTAKBN1ZK2LN>.

<sup>168</sup> MILITAN, Eduardo. "Bolsonaro culpa demarcações de terras por falta de energia na Amazônia". March 3, 2020. *UOL Política*. Retrieved 23 November 2020 from: <https://noticias.uol.com.br/politica/ultimas-noticias/2020/03/03/bolsonaro-culpa-demarcacoes-de-terras-por-falta-de-energia-na-amazonia.htm>.

<sup>169</sup> URIBE, Gustavo. "Temos que criar boi em terra indígena para reduzir preço da carne, diz Bolsonaro". December 19, 2019. *Folha de S. Paulo*. Retrieved 23 November 2020 from: <https://www1.folha.uol.com.br/mercado/2019/12/temos-que-criar-boi-em-terra-indigena-para-reduzir-preco-da-carne-diz-bolsonaro.shtml>.

In the last 13 months we have not demarcated a single indigenous land. We already have 14% of the national territory demarcated as indigenous land. They have created a real demarcation industry [...] we want that in this project, an Indian has the same right as his brother, the farmer next door. To dig, to cultivate, to lease their land, if it is the case of building PCHs (Small Hydroelectric Plants), to build hydroelectric plants. The Indian is our brother, we are trying to integrate him into society.<sup>170</sup>

At the official ceremony of the presentation of Bill of Law No. 191/2020, which intends to regularize economic activities on indigenous lands, the President summarized the arguments of multiculturalism intolerance to defend his proposal of development: "I hope that this dream (...) comes true. The Indian is a human being exactly like us. He has a heart, he has feelings, he has a soul, he has desires, he has needs and he is as Brazilian as we are".<sup>171</sup> After the Bill introduction, the President's attacks on indigenous territories and the demarcation policy intensified, which motivated a series of acts of individuals threatening the lives of indigenous peoples in various regions of Brazil.

It is important to note that there is a correlation between the Bolsonaro statements and the increase in invasions of indigenous lands and the associated environmental crimes. According to MPF Prosecutor Daniel Azeredo, current deforestation is linked to economic activities and the government's lenient statements, the acts and omissions of the Minister of the Environment Ricardo Salles, the Justice's slow response and the dismantling of inspection organizations all favor the invasions of indigenous lands and environmental crimes are. Due to the actions and omissions of the Federal Government in the fight against the, there have been conflicts arising from blockades of indigenous peoples to protect themselves from the virus. However, as the researcher of the National Research Institute of the Amazon (INPA), Lucas Ferran<sup>172</sup> pointed out, "each time the President says it is just a 'little flu', it increases the tension even more, because these people are in invaded areas."<sup>173</sup>

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<sup>170</sup> OLIVEIRA, Mayara. "Bolsonaro: gestões passadas eram 'indústrias de demarcação'". February 14, 2020. *Metrópoles*. Retrieved 23 November 2020 from: <https://www.metropoles.com/brasil/politica-brasil/bolsonaro-gestoes-passadas-eram-industrias-de-demarcacao>.

<sup>171</sup> AFP. "Bolsonaro abre terras indígenas à mineração para criar Amazônia 'dos sonhos'". February 06, 2020. *Isto é Dinheiro*. Retrieved 23 November 2020 from: <https://www.istoedinheiro.com.br/bolsonaro-abre-terras-indigenas-a-mineracao-para-criar-amazonia-dos-sonhos/>,

<sup>172</sup> MACHADO, Leandro; FELLETT, João. 'Amazônia é como a bolsa de valores: dependendo do sinal do governo, os crimes ambientais aumentam', diz procurador da força-tarefa. October 9, 2020. BBC NEWS. Retrieved 23 November 2020 from: <https://www.bbc.com/portuguese/brasil-54459038>.

<sup>173</sup> PAES, Caio de Freitas. Invasão de madeireiros no 'arco do desmatamento' aumenta risco de contágio na Amazônia. April 5, 2020. *De Olho nos Ruralistas*. Retrieved 23 November 2020 from: <https://deolhonosruralistas.com.br/2020/04/05/invasao-de-madeireiros-no-arco-do-desmatamento-aumenta-risco-de-contagio-na-amazonia/>.

## e. Conclusion

From this section of the report, we concluded that there is a relationship between the President's acts and omissions, resulting in the inertia of the State in protecting the rights of indigenous peoples. Furthermore, the President's statements ignite the political environment and the tensions between indigenous and non-indigenous groups. They encourage invasions, which are increasingly less restrained due to the acts and omissions that have guaranteed the inaction of federal agencies. Together, these facts result in an institutional framework that is totally contrary to the indigenous populations and to their right to land, which is being constantly threatened.<sup>174</sup>

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<sup>174</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL. AMAZON WATCH. “Cumplicidade na Destruição III: Como corporações globais contribuem para violações de Direitos dos povos indígenas da Amazônia brasileira. Cumplicidade de Destruição”. Retrieved 23 November 2020 from: <https://cumplicidadedestruicao.org/>.

### 3. BRAZIL IN FLAMES

#### a. Diversity and environment in Brazil

Brazil holds a biological and cultural megadiversity recognized by the 1992 Convention on Biological Diversity (CBD)<sup>175</sup>, whose commitment Brazil has taken since 1972, having signed all environmental agreements and protocols since then<sup>176</sup>. Nevertheless, the environmental policy headed by the current President of the Republic and his Minister of the Environment has contradicted the protection of our biodiversity and has put at risk the survival of indigenous populations, who have their livelihood, socialization, culture, history and land constitutionally guaranteed by Article 231 of the Brazilian Federal Constitution<sup>177</sup>.

In this sense, government acts and omissions led to the intensification of fires in the Amazon, the Cerrado and the Pantanal, three of the country's most important biomes, which, together, are home to most indigenous peoples. Only in the Amazon, fire increased 121% in one year, and in the Pantanal, with 2,856 hotspots registered, October 2020 was the worst month of fires ever recorded in the biome<sup>178</sup>.

In addition to the environmental contributions to the planet's climate, the Brazilian biomes are also recognized as spaces of socialization, history and livelihood to indigenous societies (Article 231 of the Federal Constitution). It is related to physical, political, cultural and symbolic survival, which encompasses practices, cosmologies, knowledge, techniques and specific forms of transmission and maintenance of knowledge.

As evidence of this reality, we present the acts, omissions and declarations linking the environmental catastrophe to the policy of attacks on native peoples and the specific impacts on the Cerrado, Pantanal and Amazon biomes - the main biomes affected by the environmental fire crisis.

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<sup>175</sup> Part of the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. Later ratified by the Brazilian National Congress in 1994.

<sup>176</sup> Stockholm Conference (1972), Montreal Protocol (1987), ECO-92 (1992), Kyoto Protocol (1997), Rio+10 (2002), Rio+20 (2012), Paris Agreement (2015).

<sup>177</sup> "Indigenous peoples are recognized for their social organization, customs, languages, beliefs and traditions, and for their original rights over the lands they traditionally occupy, and it is the Union's responsibility to demarcate them, protect them and ensure that all their assets are respected. (Art. 231)

<sup>178</sup> WATANABE, Phillipe. "Pantanal tem pior outubro de queimadas da história e fogo cresce 121% na Amazônia". *Folha de São Paulo*. Retrieved 02 November 2020 from <https://www1.folha.uol.com.br/ambiente/2020/11/pantanal-tem-pior-outubro-de-queimadas-da-historia-e-fogo-cresce-121-na-amazonia.shtml>.

i. Actions at national scale

MPF has classified the dismantling of public policies for environmental protection during Minister Ricardo Salles' management on four types: normative, budgetary, surveillance and transparency and participation.

Regarding normative “disintegration”, it consists of the edition of decrees, ordinances and dispatches. Budgetary “disintegration” is based on the reduction of resources for environmental inspection. In that sense, we highlight the standstill of the Amazon Fund, the resource blocking of \$ 187 million from the Ministry of Environment, the reduction of 24% in the annual Ibama budget. Despite having R\$ 66 million authorized for inspection activities in 2020, only 20.6% of this amount was spent, corresponding to the lowest execution in recent years.

With respect to the dismantling of surveillance policies, we mention the reduction of the number of inspectors, limitation of their hours in field, delays in defining positions, and when defined, they were commonly occupied by people with little knowledge about inspection activities. In addition, we have also identified budget reductions, lack of equipment to destroy deforesters' tools, reduction in 52.1% of the application of fines in 2020, compared to the period of January to July 2019 and replacement of its applications for conciliatory procedures.

The dismantling of key federal agencies, such as the Ibama and the ICMBio, is further exacerbated by the interference and constraint of the National Institute for Space Research (Inpe) - responsible for satellite monitoring of deforestation and fire outbreaks -, the concession of public forests to the Ministry of Agriculture and the militarization of environmental agencies. In this sense, the following acts demonstrate have enabled an enduring environmental crisis.

On April 10, 14 and 30, 2020, the Minister of the Environment dismissed four officials responsible for deforestation surveillance and was accused of retaliating actions<sup>179</sup>. Moreover, an official who sent a complaint against Minister Ricardo Salles to the Office of the Comptroller General (CGU) on July 13, 2020 was also fired by him<sup>180</sup>. The environmental

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<sup>179</sup> PRAZERES, Leandro. “Governo exonera chefes de fiscalização do Ibama após operações contra garimpeiros”. *O Globo*. Retrieved 25 November 2020 from: <https://oglobo.globo.com/brasil/governo-exonera-chefes-de-fiscalizacao-do-ibama-apos-operacoes-contragarimpeiros-1-24403219>.

<sup>180</sup> KRUSE, Tulio. “Salles destitui secretário de comissão que o denunciou à CGU”. *O Estado de São Paulo*. Retrieved 25 November 2020 from: <https://politica.estadao.com.br/noticias/geral,salles-destitui-secretario-de-comissao-que-o-denunciou-a-cgu,70003364919>.

body's officials reported a "gag rule", especially after the agency's ban on press interaction, effective since March 2020<sup>181</sup>.

On May 13, 2020, Decree No. 10,347/2020 transferred competencies regarding the concession of public forests from the Ministry of the Environment to the Ministry of Agriculture, giving greater room for the interests of the agricultural sector to interfere in such procedures<sup>182</sup>.

Decree No. 10,424/2020 prohibited man-made burning for 120 days in the entire country. However, the dismantling of environmental agencies such as Ibama and ICMBio, which had their budget reduced or blocked by the Ministry of the Environment, frustrated effective enforcement of criminal actions, as the rate of fire outbreaks continued to rise<sup>183</sup>.

According to data from the Federal Government's transparency portal, budget for hiring staff and daily brigades in 2020 was R\$ 9.99 million. It is the second year of reduction of the total budget for forest fire prevention in federal areas: in 2018 it was R\$ 53.8 million, reduced in 2019 to R\$ 45.5 million, and to R\$ 38.6 million in 2020<sup>184</sup>.

Decree 9,760/2019 (signed by Ricardo Salles with the President's endorsement) rendered ineffective Ibama's oversight policies, essentially barring the imposition of environmental fines (with more than 7,000 fines suspended as of 2020); thus, even when the offender is identified, there is no sanction.<sup>185</sup>

## ii. Omissions at national scale

The president's dismissive speech regarding global warming is correlated with the increased number of fires in the biomes. The constant decrease in the firefighting budget indicates that Bolsonaro ignores that there will be a greater recurrence of fires in the next few years, and that massive government intervention will be necessary in order to combat the environmental crisis.

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<sup>181</sup>KRUSE, Tulio. "Salles destitui secretário de comissão que o denunciou à CGU". *O Estado de São Paulo*. Retrieved 25 November 2020 from: <https://politica.estadao.com.br/noticias/geral,salles-destitui-secretario-de-comissao-que-o-denunciou-a-cgu,70003364919>.

<sup>182</sup>MPF. *Inquérito Civil nº 1.16.000.000912/2020-18*. PR-DF, Manifestação- 000016801/2020 Retrieved 25 November 2020 from: <http://www.mpf.mp.br/df/sala-de-imprensa/docs/aia-salles-1>.

<sup>183</sup>Ibid.

<sup>184</sup>BASSO, Gustavo. "Governo Bolsonaro corta verba para prevenção de incêndios florestais". *UOL*. Retrieved 25 November 2020 from: <https://noticias.uol.com.br/ultimas-noticias/deutschewelle/2020/09/12/em-um-ano-governo-bolsonaro-corta-verba-para-brigadistas-em-58.htm>.

<sup>185</sup>BARREIRA, Solange. "Partidos vão ao STF contra projeto 'Punição Zero' a crime ambiental". *Observatório do Clima*. Retrieved 25 November 2020 from: <http://www.observatoriodoclima.eco.br/partidos-vao-ao-stf-contra-projeto-punicao-zero-crime-ambiental/>.

In addition, the President neglects the relationship between deforestation in the Amazon and fires in other biomes. The strong interconnection between Brazilian biomes has led to the conclusion that deforestation, especially in the south of the Amazon, has reduced perspiration and the volume of "flying rivers" that carry rain, for example, to the Pantanal and Cerrado. The historical decrease in the water volume in both the flood and the drought seasons of the Pantanal is directly related to that scenario, having led to the devastating fires in 2020.

From a surveillance perspective, the crossing of data from fire outbreaks (from Inpe) with those from real estate in the Rural Environmental Register (CAR) - both official government data - allows rapid identification of the origin of the fire, a mechanism ignored by the government. Bolsonaro omitted to hold lawbreakers responsible for the fires, and Ibama was not able to charge owners for either deforestation or fires.

Such omissions run parallel to the connivance, almost an informal endorsement, of acts by third parties, fires, deforestation and invasions of Indigenous Lands and Conservation Units. This also leads to COVID-19 contagion and worsening of affected peoples' living conditions. As an example, ISA reports the increase in deforestation in several ILs, such as Trincheira-Bacajá, Kayapó and Mundurucu, in southwest Pará, respectively, 827%, 420% and 238%, between March and July 2020<sup>186</sup>.

Besides these, we list some of the main measures related to fire prevention and combat that could have been taken, most of them not executed by omission of the Federal Government<sup>187</sup> : (i) Increase in the number of fire brigades in the federal Conservation Units (UCs), which today are clearly insufficient; (ii) acquisition and operation of drones (VANTs: unmanned aerial vehicles) for monitoring natural areas and fires, making fire detection faster and more effective; (iii) promotion of cattle raising practices that eliminate the need for fire in pastures, to be carried out on farms around the federal protected areas; (iv) encouragement of meetings of farmers and ranchers in associations and cooperatives that allow technical assistance by technicians and the implementation of cattle raising practices that eliminate the need for fire in pastures, via the Ministry of Agriculture; (v) incorporation of educational practices that emphasize the social and economic importance of nature conservation units, to

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<sup>186</sup> INSTITUTO SOCIOAMBIENTAL. "Desmatamento e Covid-19 explodem em Terras Indígenas mais invadidas da Amazônia". Retrieved 25 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/desmatamento-e-COVID-19-explodem-em-terras-indigenas-mais-invadidas-da-amazonia#:~:text=Na%20pandemia%2C%20as%20invas%C3%B5es%20%C3%A0s,in%C3%ADcio%20da%20crise%20de%20sa%C3%BAde>.

<sup>187</sup> These measures were compiled from interviews with seven managers of Conservation Units in Cerrado areas and a researcher on the subject, whose names are kept confidential, as stated in a Term of Free and Informed Consent, signed by them.



be employed in schools in the communities surrounding the federal protected areas; (vi) training of fire brigades, skilled and well provided with equipment ("drones", vehicles, mufflers, coastal pumps, blowers, water pumps, portable water tanks, etc.); (vii) prompt and effective investigation of fires and arsonists by the Federal Police; (viii) accountability of arsonists by the Federal Justice, with the application of penalties that discourage the action of contumacious arsonists; (ix) perennialization of federal legislation that prohibits the use of fire for destruction of remains and for "cleaning" of pastures; (x) enforcement of this legislation; (xi) implementation and institutionalization of mapping of fire-sensitive areas in the federal units, prioritizing areas with especially rich forests and areas with rare, hyper-endemic and threatened species; (xii) carrying out research in and with traditional communities that already use and manage fire, to recognize and value the sustainability of their practices; (xiii) research, with traditional communities, on the perception of climate change and the adaptation of fire use and management practices to such changes; (xiv) expansion of federal protected areas, so that they cover areas of hillsides where fires are very rapid and difficult to extinguish (which facilitates the work of arsonists, if these hillsides are vacant or privately owned); and (xv) rapid incorporation into the conservation units of the vacant areas.

### iii. Discourses at national scale

Despite the evidence regarding the significant increase in environmental predatory actions, the federal representatives manifest themselves in the discursive realm by reducing the severity and extent of destruction, as well as the negligence towards biomes' integrity. They hold indigenous, caboclos, NGOs, responsible for the fires, without foundations. The denial of material reality, the blaming without evidence of others and the omission of combat measures generate incentives for environmental criminals to continue to act freely, with the certainty of impunity. The "Day of Fire" was an event organized by people linked to Brazilian agribusiness as an expression of approval of the established anti-environmental policy<sup>188</sup>. One year later, no one was indicted or punished.

Constantly, there is media exposure about the flames that reach the Brazilian biomes and, thus, it has come to worldwide knowledge the current situation of the country. However, President Jair Bolsonaro's speeches are in totally different directions from what is widely

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<sup>188</sup> 49.8% of the heat hotspots recorded on the day of the fire were on registered rural properties. Among the 478 properties identified, at least 66 had some kind of prior embargo for environmental crime. Of this total, 207 properties set fire to forest areas.

spread; his tendency is to deny the expansion of fires, to blame traditional peoples, and to falsely affirm that his government adopts the appropriate environmental protection policies.

Aside from official government acts, the President, his vice-president and his ministers deliver speeches<sup>189</sup> - a dimension that encompasses combinations of different ideologies, narratives, concepts and practices - in the press and social networks which express the poor treatment given to this socio-environmental issue.

On June 22, 2020, the president said "[o]urs is the country that preserves nature the most. Out there, there are countries that criticize us, but they don't have a single span of ciliary forest. Here, it is exactly the opposite". And he added: "We know that our image is not very good out there due to misinformation. And, in addition to the truth, we will show the world what we really are and what our potential is"<sup>190</sup>. This demonstrates the distortion of facts, seeking to deny without proof the alarming increase in deforestation and burning.

On September 30, 2020, Jair Bolsonaro addressed the UN biodiversity summit, stating that "[S]ince 2019, my government has been consciously adopting policies to protect the environment, knowing the double challenge we face [...]"<sup>191</sup>. This statement, however, is not supported by reality.

During one of his Facebook *lives*, the President accused the indigenous people of being responsible for the fires in the Brazilian biomes, because according to him: "[b]esides the impact, there is a regional culture, the indigenous who sets fire to the land, also the *caboclo*<sup>192</sup>, the small producer who sets fire to the land. Some think I should change their culture, I wish I could change many cultures from one hour to another, but those who say that have no idea what they are talking about here [...]"<sup>193</sup>

We notice that these contradictory statements are not exclusive to the President. In a public hearing held at the STF on September 21 and 22, 2020, with the purpose of debating funds for the National Fund on Climate Change (*Fundo do Clima*), the Minister of the

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<sup>189</sup> PEET, Richard; ROBBINS, Paul; WATTS, Michael (ed.). *Global political ecology*. Nova York: Routledge, 2011.

<sup>190</sup> SOARES, Ingrid. "Nossa imagem não está muito boa aí fora por desinformação", diz Bolsonaro". *Correio Braziliense*. Retrieved 25 November 2020 from: [https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/22/interna\\_politica,865861/nossa-imagem-nao-esta-muito-boa-ai-fora-por-desinformacao-bolsonaro.shtml](https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/22/interna_politica,865861/nossa-imagem-nao-esta-muito-boa-ai-fora-por-desinformacao-bolsonaro.shtml).

<sup>191</sup> UOL, Notícias. "Leia a íntegra do discurso de Bolsonaro na cúpula de diversidade da ONU". Retrieved 29 October 2020 from: <https://noticias.uol.com.br/meio-ambiente/ultimas-noticias/redacao/2020/09/30/leia-a-integra-do-discurso-de-bolsonaro-na-cupula-de-diversidade-da-onu.htm?cmpid=copiaecola>.

<sup>192</sup> Used to refer to an individual of mixed Indigenous and European ancestry.

<sup>193</sup> UOL, Notícias. "Sem provas, Bolsonaro volta a culpar índios; Salles nega desmatamento". Retrieved 29 October 2020 from: <https://noticias.uol.com.br/meio-ambiente/ultimas-noticias/redacao/2020/09/24/sem-provas-bolsonaro-volta-a-culpar-indios-por-fogo-salles-ve-perseguiacao.htm?cmpid=copiaecola>.

Environment, who was kept in the position by Bolsonaro despite internal and external pressure, rebutted criticism of his management claiming that the problems of illegal deforestation already existed. However, the minister did not comment on the fact that record fires in the Amazon and Pantanal were registered in the years of 2019 and 2020, corresponding to the first two years of his administration. Hereupon, a summary of acts and omissions of the President or his representatives, related to the main biomes affected by fire, will be presented.

## b. Cerrado

The Cerrado is the second largest biome in South America<sup>194</sup> and is considered one of the 35 global biodiversity<sup>195</sup><sup>196</sup> *hotspots*<sup>197</sup>. The social diversity of the Cerrado is equally rich and most of original peoples derive from the Macro-Jê peoples. The contact between indigenous, black and white people has engendered *mestizo* rural communities whose survival strategies have adapted to the dynamics of the Cerrado, which are reflected in their practices of cultivation, management and extractivism, transforming the so-called "Povos do Cerrado" into the main guardians of the biome<sup>198</sup>. The concept of the Cerrado as a fire-dependent biome has been distorted and today the biome<sup>199</sup> and its traditional peoples are at flagrant risk because of intensive uncontrolled fires.

### i. Acts

Contrary to the Brazilian president's speech at the UN Assembly opening on September 22, 2020, indigenous or traditional communities do not cause anthropogenic fires with strong destructive potential for biodiversity. A work that considered 37 years of monitoring and

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<sup>194</sup> BRASIL. Ministry of the Environment. "O Bioma Cerrado". Retrieved 23 October 2020 from: <http://www.mma.gov.br/biomas/cerrado>.

<sup>195</sup> MYERS, N.; MITTERMEIER, R. A.; MITTERMEIER, C. G.; FONSECA, G. A. B.; KENT, J. Biodiversity hotspots for conservation priorities. *Nature* 403 (6772): 853-858. doi:10.1038/35002501. 2000.

<sup>196</sup> MITTERMEIER, R. A.; ROBLES, P. G.; HOFFMANN, M.; PILGRIM, J.; BROOKS, T.; MITTERMEIER, C. G.; LAMOREUX, J. & FONSECA, G. A. B. *Hotspots Revisited. Earth's Biologically Richest and Most Endangered Terrestrial Ecoregions*. 392. ISBN 9686397779. 2004.

<sup>197</sup> An area that is home to great biological diversity and is strongly threatened with destruction.

<sup>198</sup> NOGUEIRA, M. & FLEISCHER, S. Entre tradição e modernidade: potenciais e contradições da cadeia produtiva agroextrativista no Cerrado. *Estudos Sociedade e Agricultura*, Rio de Janeiro, vol. 13, no. 1: 125-157. 2005.

<sup>199</sup> HARDESTY, J.; MYERS, R. & FULKS, W. Fire, *ecosystems, and people: a preliminary assessment of fire as a global conservation issue*. The George Wright Forum 22: 78-87. 2005.

analysis (from 1973 to 2010) demonstrated that the management techniques of the Xavante indigenous people were responsible for the ecological restoration and recovery of native vegetation coverage of the Cerrado in an area previously occupied by agribusiness<sup>200</sup>. There is much evidence that, both in the past and today, fire is used and managed in a biologically sustainable way by the different indigenous groups of the Cerrado<sup>201</sup>. The Kayapós, for example, recognize and manage more than 140 types of phytopharmaceuticals (forests, fields, savannas) in a sustainable way<sup>202</sup>.

With a production model that covers 50% of its area, cattle ranching is arguably the main cause of current uncontrolled burning in Cerrado<sup>203</sup>. Data from the Brazilian Institute of Geography and Statistics (IBGE) found that Brazil has already lost 40% of the original flora of this biome and that the destruction continues at an accelerated pace<sup>204</sup>. Data from Inpe reveal that between January 2019 and September 2020, the Cerrado dealt with record burnings: 93.9 thousand fires were recorded in the period<sup>205</sup>.

In this context, MapBiomas' Annual Report on Deforestation in Brazil<sup>206</sup> points to an important finding: the deforestation rates of the Cerrado mostly affected indigenous lands, *quilombola* areas, conservation units and settlements in the first year of President Jair Bolsonaro's mandate<sup>207</sup>.

Counting with 5% of indigenous lands and at least 636 traditional communities, such as *quilombolas* and other communities heavily dependent on the biome's conservation<sup>208</sup>, the Cerrado is the cradle of 22% of the biodiversity of the national territory and of diverse forms

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<sup>200</sup> WELCH, J. R.; BRONDÍZIO, E. S.; HETRICK, S. S. & COIMBRA JR., C. E. Indigenous burning as conservation practice: Neotropical savanna recovery amid agribusiness deforestation in Central Brazil. *PLoS One*. 8(12):e81226. doi:10.1371/journal.pone.0081226. 2013.

<sup>201</sup> PIVELLO, V. R. The use of fire in the Cerrado and Amazonian rainforests of Brazil: past and present. *Fire Ecology*, v. 7, p. 24-39, 2011.

<sup>202</sup> *id. ibid.*

<sup>203</sup> *id. ibid.*

<sup>204</sup> BARRETO, Marcelo Menna. "Brasil já perdeu 50% do Cerrado". *Extra Classes*, Oct. 05, 2020. Retrieved 28 October 2020 from: <https://www.extraclasse.org.br/ambiente/2020/10/brasil-ja-perdeu-50-do-cerrado/>.

<sup>205</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "Agro e fogo: queimadas criminosas". Retrieved 29 October 2020 from: <https://cimi.org.br/2020/10/agro-e-fogo-queimadas-criminosas/>.

<sup>206</sup> MapBiomas is an organization formed by NGOs, universities and technology companies that coordinates biomes and cross-cutting themes.

<sup>207</sup> AZEVEDO, Tasso Rezende de, *et al.* *Relatório Anual do Desmatamento no Brasil*. São Paulo: MapBiomas, 2020. Retrieved 28 October 2020 from: <https://s3.amazonaws.com/alerta.mapbiomas.org/relatorios/MBI-relatorio-desmatamento-2019-FINAL5.pdf>.

<sup>208</sup> REDE CERRADO. "Especialistas alertam sobre urgência para conservação do Cerrado". Retrieved 29 October 2020 from <https://redecerrado.org.br/especialistas-alertam-sobre-urgencia-para-conservacao-do-cerrado/>.

of human existence<sup>209</sup>. The burning that destroys the biome also destroys whoever belongs to it.

Between January 1 and October 13, 2020, the fire devastated more than 3 million hectares of conservation units and Indigenous Lands of the Cerrado<sup>210</sup>. Seven out of the ten protected areas that were burned are indigenous territories, such as the Araguaia Indigenous Land Park, in Tocantins with 483,000 hectares affected by fires – equivalent to 36% of the territory inhabited by the Ava-Canoeiro, Iny Karajá, Javaé and Tapirapé peoples. The Araguaia National Park occupies the second place in the infamous fire devastation ranking, with 31% of its territory burned (171,000 hectares). In the sequence, the Parabubure IL, where the Xavantes live, had 163 thousand hectares affected by fire, which corresponds to 72% of the territory<sup>211</sup>.

It should be noted that the month of September 2019 was especially difficult for the Apiãwa (Tapirapé) people of IL Urubu Branco IL, located in Mato Grosso, in the transition between the Cerrado and the Amazon. In 2019, 416 hotspots were recorded in the territory by the Aqua satellite and, in September only, 365 hotspots were recorded. 167,400 hectares of the Urubu Branco IL were destroyed by fire, an area equivalent to that deforested in the previous 30 years<sup>212</sup>. The chief-general of the Tapirapé people, Elber Kamoriwa'i Tapirapé, reports that "the cattle ranchers continue to burn the pastures and thus burn most of the territory. The fire comes mainly from the farms that are in the northern region [of the IL] and spreads. It is difficult for us to control it" <sup>213</sup>.

It is also important to point out that the effect of burning exceeds the local damage, because fires in areas of the Amazon and Cerrado are one of the main causes of greenhouse gas emissions in the country<sup>214</sup>. It is especially detrimental, considering the burning of biomass is one of the few parameters of global warming that can be directly controlled<sup>215</sup>. In addition, the Cerrado biome is home to areas of springs that supply six of the eight largest river basins

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<sup>209</sup>BRASIL DE FATO. "Com 12 mil focos de incêndio, desmatamento avança no Cerrado durante a pandemia": Retrieved 29 October 2020 from: <https://www.brasildefato.com.br/2020/08/02/com-12-mil-focos-de-incendio-desmatamento-avanca-no-cerrado-durante-a-pandemia>.

<sup>210</sup> Data from the Environmental Satellite Applications Laboratory (LASA) of the Federal University of Rio de Janeiro. Available at: <https://lasa.ufrj.br/noticias/area-queimada-cerrado-2020/>. Access on 29 Oct. 2020.

<sup>211</sup> O ECO. "Mais de 3 milhões de hectares já queimaram em áreas protegidas no Cerrado em 2020". Retrieved 29 October 2020 from: <https://www.oeco.org.br/reportagens/mais-de-3-milhoes-de-hectares-ja-queimaram-em-areas-protegidas-no-cerrado-em-2020/>.

<sup>212</sup> Data from the General Coordination of Earth Observation (PRODES), system of the National Institute for Space Research (INPE). Information available at: <https://cimi.org.br/2020/10/nao-veras-pais-nenhum-em-ano-marcado-por-queimadas-terras-indigenas-foram-devastadas-pelo-fogo/>. Access on 29 Oct. 2020.

<sup>213</sup> Ibid.

<sup>214</sup> PIVELLO, 2011 *op. cit.*

<sup>215</sup> BARLOW, J. & PERES, C.A. Fire-mediated dieback and compositional cascade in an Amazonian forest. *Philosophical Transactions of the Royal Society B* 363(1498): 1787-1794. doi: 10.1098/rstb.2007.0013. 2008.

in the country and all the water in the Pantanal, as well as housing the three largest and oldest aquifers on the planet. Only the Guarani aquifer is responsible for supplying part of Brazil, Paraguay, Argentina and Uruguay. Therefore, the environmental impacts on the Cerrado have impacts that go beyond national borders<sup>216</sup>.

As for the Cerrado springs, another worrying aspect is that the approval of recent laws allowing the use of pesticides banned from other countries and the European Union, which has increased the risk to the health of all human populations that depend on such springs, particularly those without adequate water treatment processes. For example, in one municipality in the state of Mato Grosso, traces of glyphosates, pyrethroids and organochlorines were found in the blood and urine of 88% of public-school teachers and in 100% of the milk of nursing mothers<sup>217</sup>. It is important to highlight that in early 2020 (February 21, 2020), the Ministry of Agriculture approved Ordinance 43, which allows the automatic release of new pesticides that are not analyzed within 60 days by the agency<sup>218</sup>.

## ii. Omissions

The Federal Constitution sets forth the protection of the genetic heritage, the native fauna and flora, prohibiting practices that jeopardize their ecological functions or cause the extinction of species. Nevertheless, the federal government has omitted information and data on such aspects. For example, data on endangered species for the year 2014 was disclosed in 2020<sup>219</sup>. In that report, data shows Cerrado is the second most endangered biome in the country, with about 20% of its species in danger of extinction.

The situation is aggravated if one considers that the Cerrado is the environment with the highest percentage of rare plant species in Brazil and there are practically no specific actions

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<sup>216</sup> REKOW, L. Socio-Ecological Implications of Soy in Brazilian Cerrado. *Challenges in Sustainability* 7(1): 7=29. 2019.

<sup>217</sup> Id. *ibid*.

<sup>218</sup> BRASIL. IMPRENSA NACIONAL. *Portaria nº 43, de 21 de Fevereiro de 2020*. “Estabelece os prazos para aprovação tácita para os atos públicos de liberação de responsabilidade da Secretaria de Defesa Agropecuária, do Ministério da Agricultura, Pecuária e Abastecimento, conforme caput do art. 10 do Decreto nº 10.178, de 18 de dezembro de 2019”. Secretaria de Defesa Agropecuária. Retrieved 29 October 2020 from <https://www.in.gov.br/en/web/dou/-/portaria-n-43-de-21-de-fevereiro-de-2020-244958254>.

<sup>219</sup> IBGE - INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA. *Contas de Ecossistemas: Espécies Ameaçadas de Extinção no Brasil*. Contas Nacionais n. 75. Contas Ambientais n. 2. 2020. Retrieved 18 November 2020 from: <https://biblioteca.ibge.gov.br/visualizacao/livros/liv101754.pdf>.

aimed at their conservation <sup>220</sup>.The post-fires results in 2020 will bring a more pessimistic picture, since the Federal administration presented effective measures aimed at protecting the Cerrado

### c. Pantanal

The destruction of the Pantanal has accelerated in recent months: in October 2020 alone, 2,835 outbreaks of fire were recorded - a number that surpassed the unprecedented number of 2002, when 2,761 outbreaks were identified<sup>221</sup>. As a result, about 23% of the Pantanal is now devastated, resulting in serious consequences for wildlife and the sustainability of the 7 indigenous territories in the region.

Nevertheless, the denialist discourse and the unconstitutional omissions of the Federal Government have contributed even more to the deepening of the environmental crisis that plagues the biome. It is within this context that we bring the acts, omissions and discourses related to the Pantanal.

#### i. Acts

Since the beginning of the Bolsonaro administration in 2019, there has been an increase in the number of fires in the Pantanal. According to data from Inpe, in the first half of 2020, there was an increase of 530% in the number of fires in the region, compared to the same period in 2019. At the same time, there was a 50% decrease in the level of rainfall, which led the Pantanal to be responsible for 8.12% of the total number of fires in all Brazilian biomes. It should be noted that private properties registered in CAR account for 75% of these hotspots of fire, often used to clean the land after the shallow cutting of native vegetation to prepare it for

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<sup>220</sup> SANO, P.T., et al. "A Importância da Conservação de Espécies Raras no Brasil". In Martinelli, G., Messina, T. & Santos Fo., L. Livro Vermelho da Flora do Brasil. Plantas Raras do Cerrado. Ministério do Meio Ambiente CNCFlora: Rio de Janeiro, 2014.

<sup>221</sup>G1 Notícias. "Fogo destruiu 23 por cento do pantanal entre janeiro e setembro". Retrieved 29 October 2020 from: <https://g1.globo.com/natureza/noticia/2020/09/29/fogo-destruiu-23percent-do-pantanal-entre-janeiro-e-setembro-aponta-monitoramento-da-ufrrj.ghtml>.

agricultural activities<sup>222</sup>. This practice is allowed under state legislation, only by means of a controlled burning permit issued by the State Environmental Secretariat<sup>223</sup>

In the second half of the year, there is a natural drought in the region. During that period (between June and September), local landowners make more intensive use of fire for cleaning and managing the soil, which resulted in 28% of the biome devastated by the fires, equivalent to more than 4 million hectares. Inpe, an agency dismantled by the government, produced data comparing the growing number of outbreaks of fire each week, from 10 outbreaks in early June, increasing rapidly to more than 3,000 outbreaks in the second week of September. The total number of fires since January was almost 13,000, the highest number in the period since the beginning of monitoring of the Pantanal in 1998. Again, properties registered in the CAR represented the greatest threat, with 57% of the outbreaks of fire. This time, several indigenous lands were also affected (735 hotspots) - such as IL Baía dos Guató, with 91% of the territory devastated; and Conservation Units (UC) (617 hotspots) - 4 of these Conservation Units had 100% of their territory burned, and 11 had more than 70%.<sup>224</sup>

In two separate occasions, firefighting activities coordinated by the Federal government in Pantanal were paralyzed. In August the Ministry of Environment announced the suspension of actions against deforestation and burning in the Pantanal and Amazon<sup>225</sup>, claiming blockade of resources. Amid the historic drought in the biome, on October 21, Ibama released an official letter determining the return of forest fire brigades, alleging lack of resources. Both situations were circumvented after intense pressure from society.

In addition, there was a delay in hiring seasonal firefighting brigades, which was normally held in April, but postponed to August by the Ministry of the Environment. The hiring occurs before the period of drought to ensure the work of prevention, but this year, with 4 months of delay, the work of the brigades in Pantanal was limited to trying to prevent the fire from consuming all the forest and wait for the rain to come<sup>226</sup>.

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<sup>222</sup> Data from a tool developed by the Instituto Centro da Vida (ICV) in collaboration with Inpe.

<sup>223</sup> SANTOS, Sandra. A. A. "Uso do fogo nas pastagens do Pantanal: impactos positivos e negativos". *Globo Rural. Opinião*. Retrieved 25 November 2020 from: <https://revistagloborural.globo.com/Noticias/Opinioao/noticia/2020/09/uso-do-fogo-nas-pastagens-do-pantanal-impactos-positivos-e-negativos.html>.

<sup>224</sup> Data from a tool developed by the Instituto Centro da Vida (ICV) in collaboration with Inpe.

<sup>225</sup> According to MapBiomas, 99% of the deforestation that occurred in 2019 in Brazil is illegal. The fires are strongly associated with deforestation, as they are a step after the removal and commercial use of wood, setting fire to the soil preparation. AZEVEDO, Tasso Rezende de, *et al. Relatório Anual do Desmatamento no Brasil*. São Paulo: MapBiomas, 2020. Retrieved 28 October 2020 from: <https://s3.amazonaws.com/alerta.mapbiomas.org/relatorios/MBI-relatorio-desmatamento-2019-FINAL5.pdf>.

<sup>226</sup> GRANDELLE, Renato. "Combate a queimadas no Pantanal e na Amazônia foi atrasado em quatro meses". *O Globo. O Globo*. Retrieved 25 November 2020 from: <https://oglobo.globo.com/sociedade/combate-queimadas->



## ii. Omissions

Inpe has a geolocation tool for fire outbreaks in the Pantanal, available for open use and for the relevant federal agencies<sup>227</sup>. The crossing of these data with that of the properties in the CAR would quickly allow the identification of the origin of the fire, a mechanism totally ignored by the government. This becomes of extreme relevance considering the concentration of fire outbreaks within private properties, as already mentioned. Ibama, with its infraction noticing system blocked, did not hold any owner responsible for the environmental crimes that occurred<sup>228</sup>.

The traditional communities of the region, such as *quilombolas*, river peoples and indigenous peoples, also felt the impact of fire: on the family agriculture of these communities (with fire destroying their plantations); it chased away the hunt; and possibly on their water supply, with the emergence of the "*dequada*" (when the rain takes the ashes into the rivers of the plain, accumulating and killing the fish)<sup>229</sup>. The Federal Government did not take any action to help such communities with food, shelter, agriculture, or prevention of the consequences of *dequada* with infrastructure and cleaning works<sup>230</sup>.

## iii. Discourses

In the already mentioned speech at the opening of the 75<sup>th</sup> UN General Assembly, Bolsonaro asserted that the indigenous peoples were responsible for the fires in the Pantanal and the Amazon. The President also stated that the fires in the Pantanal "(...) are inevitable consequences of the high local temperature, added to the accumulation of organic mass in decomposition". The President's speech contrasts with the investigations of the Brazilian

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no-pantanal-na-amazonia-foi-atrasado-em-quatros-meses-24686864?utm\_source=globo.com  
utm\_medium=oglobo.

<sup>227</sup>BRASIL, INPE. Burned Database. Retrieved 25 November 2020 from: <http://queimadas.dgi.inpe.br/queimadas/bdqueimadas/>.

<sup>228</sup> GALVANI, Giovanna. "Partidos denunciam decreto de Salles que paralisa multas ambientais". Carta Capital. Retrieved 25 November 2020 from: <https://www.cartacapital.com.br/sustentabilidade/partidos-denunciam-decreto-de-salles-que-paralisa-multas-ambientais/>.

<sup>229</sup> ARINI, Juliana. "Comunidades lutam para sobreviver após incêndios no Pantanal". *Greenpeace*. Retrieved 25 November 2020 from: <https://www.greenpeace.org/brasil/blog/comunidades-lutam-para-sobreviver-apos-incendios-no-pantanal/>.

<sup>230</sup> PERES, Edis H. "Acabou o incêndio, mas o Pantanal ainda precisa de ajuda". *Correio Braziliense*. Retrieved 25 November 2020 from: <https://www.correiobraziliense.com.br/brasil/2020/11/4889209-acabou-o-incendio-mas-o-pantanal-ainda-precisa-de-ajuda.html>.

Federal Police that concluded most fires were criminal in nature, originating in a handful of private properties, probably with the intention of opening pastures for livestock<sup>231</sup>. The President also ignores that the traditional use of fire by indigenous peoples for food, hunting and agriculture management, is very different from the fires that occurred this year<sup>232</sup>.

In October 2020, the President once again minimized the fires, stating that "it is not possible to control deforestation" in the region and endorsed the Agriculture Minister's unscientific thesis that the "ox would be the fireman of the Pantanal", as a reference to an unsubstantiated argument that pastures minimize the risk of fires.

#### d. Amazon

About 4.3 million people live in the Amazon<sup>233</sup>, with approximately 180 indigenous peoples<sup>234</sup>. Contrary to what the federal government maintains, historically fires in the Amazon are associated with deforestation for pasture and agriculture due to "long term human interference in the forests"<sup>235</sup>.

Human-made fire in the Amazon can be classified in three main types<sup>236</sup>. The first type is the recent deforestation fire, being the last stage of the deforestation process, in which there is burning of dry biomass for the implantation of pasture area. The second type is the agricultural management fire, the burning in order to clean the soil of agricultural areas and pasture, in order to reuse it, being a common practice not only in the Amazon, but also in other biomes. The third main type is the forest fire, the fire that escapes from the fires of deforestation and/or agricultural management and enters the forest, which may also be used to illegally

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<sup>231</sup> ARINI, Juliana. "Comunidades lutam para sobreviver após incêndios no Pantanal". *Greenpeace*. Retrieved 25 November 2020 from: <https://www.greenpeace.org/brasil/blog/comunidades-lutam-para-sobreviver-apos-incendios-no-pantanal/>.

<sup>45</sup> G1. "No Pantanal, imagens mostram caminho do fogo e PF suspeita de ação criminosa em fazendas". Retrieved 25 November 2020 from: <https://g1.globo.com/fantastico/noticia/2020/09/20/no-pantanal-imagens-mostram-caminho-do-fogo-e-pf-suspeita-de-acao-criminosa-em-fazendas.ghtml>.

<sup>232</sup> BRASIL. Câmara dos Deputados "Povos Indígenas do Mato Grosso ressaltam que não são responsáveis pelo fogo no Pantanal". Retrieved 25 November 2020 from: <https://www.camara.leg.br/noticias/697281-povos-indigenas-do-mato-grosso-ressaltam-que-nao-sao-responsaveis-pelo-fogo-no-pantanal/>.

<sup>233</sup> BRASIL. Embrapa. "Bioma Amazônia". Retrieved 25 November 2020 from: <https://www.embrapa.br/contando-ciencia/bioma-amazonia>.

<sup>234</sup> COORDENAÇÃO DAS ORGANIZAÇÕES INDÍGENAS DA AMAZÔNIA BRASILEIRA. "Quem somos". Retrieved 25 November 2020 from: <https://coiab.org.br/quemsomos>.

<sup>235</sup> BRASIL. TRIBUNAL DE CONTAS DA UNIÃO. *Relatório do Levantamento de Auditoria sobre Queimadas e Incêndios Florestais*. TC nº 028.459/2010-5. Min. Rel. Aroldo Cedraz. December 16, 2010.

<sup>236</sup> ALENCAR, Ane; RODRIGUES, Lucas; CASTRO, Isabel. *Amazônia em Chamas - o que queima, e onde: nota técnica nº 5*. Brasília: Instituto de Pesquisa Ambiental da Amazônia, 2020.

degrade the forest. The first two are considered intentional and the third one may be either intentional or accidental<sup>237</sup>.

In addition to socio-cultural and economic impacts, these fires have a direct impact on biodiversity, directly affecting the lives of indigenous peoples<sup>238</sup>. The cultural impact occurs in light of the forced displacement of these peoples as they escape fire. In this sense, they are compelled to change their habits, both by the unavailability of plants (including medicinal plants, of even greater importance in the context of health emergencies), by the impossibility of hunting (with the death of animals by fires), by the lack of materials to build their houses, and tools, and by the restriction of access water, as an effect of the droughts caused by heat waves.

As far as health is concerned, there are both direct harmful effects of burning as well as the worsening of other indirect risks. According to the National Inquiry on Health and Nutrition of Indigenous Peoples<sup>239</sup>, indigenous populations are more vulnerable to respiratory diseases, so that the substances present in the smoke from fires negatively affect their respiratory and cardiovascular systems. In a recent survey, an increase in hospitalization rates was identified in the Amazon regions of intense deforestation, with respiratory problems being the main reason<sup>240</sup>. At the same time, they found that the fires are responsible for 80% of the increase of harmful particles present in the smoke. In 2019, there were 2,195 hospitalizations for respiratory diseases attributable to the fires in the Amazon region<sup>241</sup> - a number that represents only part of the impact caused by atmospheric pollution, - since the number of hospitalizations in private clinics is not included, nor the number of people whose respiratory problems did not require hospitalization. All this in a region where access to health is limited. In September 2019, 4.5 million people across 168 municipalities were exposed to harmful levels of fine particle matter, a pollutant related to fires and associated with cardiovascular and respiratory diseases and premature deaths.

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<sup>237</sup> Ibid.

<sup>238</sup> ETHOS 2020 CONFERENCE. Fogo na Amazônia: impactos e iniciativas indígenas no combate as queimadas. Retrieved 11 November 2020 from: <https://www.youtube.com/watch?v=kpEsNf90Z5A>.

<sup>239</sup> CARDOSO A., et al. *Inquérito Nacional de Saúde e Nutrição dos Povos Indígenas: Relatório Final (Análise dos dados)*. N. 7. 2009.

<sup>240</sup> SOUZA, Alana Almeida de; OVIEDO, Antonio Francisco Perrone; DOS SANTOS, Tiago Moreira. Impact of deforestation-related fires on air quality and indigenous health in the Brazilian Legal Amazon, 2020. Retrieved 25 November 2020 from: [https://acervo.socioambiental.org/sites/default/files/documents/prov85\\_i.pdf](https://acervo.socioambiental.org/sites/default/files/documents/prov85_i.pdf).

<sup>241</sup> HUMAN RIGHTS WATCH; IPAM; IEPS. *'O Ar é Insuportável': Os impactos das queimadas associadas ao desmatamento da Amazônia brasileira na saúde*. Retrieved 25 November 2020 from: [https://ipam.org.br/wp-content/uploads/2020/08/brazil0820pt\\_web.pdf](https://ipam.org.br/wp-content/uploads/2020/08/brazil0820pt_web.pdf).

According to Inpe, from October 2019 to October 2020, there was a 121% increase in the number of fires in the Amazon with increasing deforestation around indigenous lands; moreover, 91,557 outbreaks of fire were detected in the region.

The Amazon Biome was the one that had the most outbreaks of fire in 2020. In October 2020, 17,326 outbreaks of fire were registered, compared to 7,855 in October 2019<sup>242</sup>. The Xingu was the indigenous territory that had the most outbreaks of fire in Brazil in 2020, according to data from Inpe. The drought that begins in June and lasts until September, together with deforestation and the lack of federal government supervision have further aggravated the risk of criminal arson. The forest has been specially hit by agribusiness activities, which has the support of the high level of the Federal Government, especially the President and the Minister of the Environment, Ricardo Salles.

#### i. Acts

The Amazon Fund is an initiative to finance actions to reduce emissions from deforestation and forest degradation, set forth under Decree No. 6,527/2008. Over 12 years, the fund has received voluntary donations for actions to prevent, monitor and combat deforestation, and for the conservation and sustainable use of the Amazon<sup>243</sup>. However, the current government has taken measures to prevent the Fund from operating: The Federal Government has extinguished the Technical Committee and the Guidance Committee; even with the exponential increase of fires in the Amazon, there is no transfer of resources. New projects and measures to maintain the agency's operations have been suspended<sup>244</sup>. With no activities since 2019, the Amazon Fund currently holds R\$ 2.9 billion that, by federal government decision, are not used to fight fire and deforestation.

#### ii. Omissions

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<sup>242</sup> WATANABE, Phillipe". Pantanal tem pior outubro de queimadas da história e fogo cresce 121% na Amazônia". *Folha de São Paulo*. Retrieved 25 November 2020 from: <https://www1.folha.uol.com.br/ambiente/2020/11/pantanal-tem-pior-outubro-de-queimadas-da-historia-e-fogo-cresce-121-na-amazonia.shtml>.

<sup>243</sup> BRASIL. BANCO NACIONAL DE DESENVOLVIMENTO ECONÔMICO E SOCIAL. *Fundo Amazônia: Relatório de Atividades 2019*. Brasília, 2019.

<sup>244</sup> G1. "Fundo Amazônia tem R\$ 2,9 bilhões paralisados pelo governo Bolsonaro, alertam ONGs". Retrieved 25 November 2020 from: <https://g1.globo.com/natureza/noticia/2020/10/26/fundo-amazonia-tem-r-29-bilhoes-em-conta-parados-apos-paralisacao-pelo-governo-bolsonaro-alerta-rede-de-organizacoes.ghtml>.

The stagnation of funds directed at environmental protection is noteworthy: the *Brasil Verde 2*, a military operation to guarantee law and order in the Amazon that begun in May 2020 to combat deforestation and land invasion, had used only 0.7% of its available resources by July<sup>245</sup>. In addition, part of the amount provided was used for barracks reforms, and not for its original purpose<sup>246</sup>.

Funding for NGOs operating in the Amazon region has also been suspended since the beginning of the government of the current President, which always encourages, in his Internet *lives* and speeches, the population not to give money to NGOs<sup>247</sup>.

Moreover, Ibama no longer provides information on infractions, fines and seizures made against deforesters in the Amazon region. According to the agency, the responsibility for divulging any data about the Legal Amazon (infractions, fines and seizures) now lies with the vice-president of the Republic, Hamilton Mourão<sup>248</sup>. It should be noted that Mourão himself recognized the omission of the Federal Government, stating that the operation to combat deforestation in the Amazon region "started late" and could have negative results<sup>249</sup>.

### iii. Discourses

The President and his inner circle have denied the lack of inspection activities and the scarcity of fire-fighting actions. Jair Bolsonaro, in his speech to the UN General Assembly on September 22, 2020, stated that the Amazon forest is humid, which stops fire from spreading. This claim is false, especially considering deforestation and climate change have raised the temperature and brought more severe periods of drought, making the forest much more flammable<sup>250</sup>.

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<sup>245</sup> BORGES, André. "Operação militar na Amazônia contra desmatamento gastou 0,7% do que prometeu". Estado de S. Paulo. Retrieved 25 November 2020 from: <https://sustentabilidade.estadao.com.br/noticias/geral,operacao-militar-na-amazonia-contra-desmatamento-gastou-0-7-do-que-prometeu,70003355179>.

<sup>246</sup> SALOMON, Marta. "Puxadinho militar com dinheiro da Amazônia". Piauí. Retrieved 25 November 2020 from: <https://piaui.folha.uol.com.br/388206-2/>.

<sup>247</sup> *Ibid.*

<sup>248</sup> FOLHA DE SÃO PAULO. "Ibama deixa de fornecer dados sobre multas contra desmatadores na Amazônia". Retrieved 25 November 2020 from: <https://www1.folha.uol.com.br/colunas/painel/2020/06/ibama-deixa-de-fornecer-dados-sobre-multas-contra-desmatadores-na-amazonia.shtml>.

<sup>249</sup> CATANINE, Eliane. "Governo 'começou tarde' combate ao desmatamento na Amazônia, diz Mourão". Estado de S. Paulo. Retrieved 25 November 2020 from: <https://economia.estadao.com.br/noticias/geral,governo-comecou-tarde-combate-ao-desmatamento-na-amazonia-diz-mourao,70003360587>.

<sup>250</sup> HANBURY, Shanna. "Imagens de satélite mostram probabilidade maior de seca e incêndios na Amazônia este ano". Amazônia. Retrieved 25 November 2020 from: <https://amazonia.org.br/2020/05/imagens-de-satelite-mostram-probabilidade-maior-de-seca-e-incendios-na-amazonia-este-ano/>.

In his denialist line, the President invited, on October 22, 2020 diplomats to fly over the Amazon, declaring that they would not see any fire<sup>251</sup>. The President also shifted the focus of the environmental crisis when he said there are foreign illegitimate interests against Brazil, in search of appropriating the Amazon<sup>252</sup>. In this sense, the Federal Government published, on October 30, 2020, a video advertising the actions in the Amazon, reaffirming the existence of misinformation on the forest fires and “obtuse interests” of some of those who defend the preservation of the region. The video also claimed that there were significant “environmental achievements”<sup>253</sup>.

#### e. Conclusion

Given the complete dismantling we have observed, further intensified in the context of the chaotic response to the COVID-19 pandemic, the fact is that Brazil’s environmental problems begin and end in the political arena, reflecting the acceptance of the political agents and of certain groups.

The relationship between the socio-economic costs of prevention measures and the future costs of environmental degradation must be decided by each society, depending on the priorities and values established internally<sup>254</sup>. The Brazilian government, in the Salles-Bolsonaro administration, is not committed to the conservation of the biodiversity and of the original rights of the indigenous and traditional societies. The instrumentalization of the environment, in benefit of an alleged economic modernization, neglects the resulting environmental and social degradation and prioritizing private interest groups.

It should also be noted that, despite the low demarcation of Indigenous Lands in recent years, they are critical to environmental conservation<sup>255</sup>. Thus, the attacks on environmental

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<sup>251</sup> ANDRADE, Hanrikson de. “Bolsonaro quer diplomatas em voo pela Amazônia: ‘Não verão nada queimado’”. *Uol*. Retrieved 25 November 2020 from: <https://noticias.uol.com.br/meio-ambiente/ultimas-noticias/redacao/2020/10/22/bolsonaro-amazonia-diplomatas.htm>. Access on: 25 Nov. 2020.

<sup>252</sup> FERNANDES, Augusto. “Bolsonaro: ‘Interesse na Amazônia não é no índio, nem na porra da árvore’”. *Correio Braziliense*. Retrieved 25 November 2020 from: [https://www.correio braziliense.com.br/app/noticia/politica/2019/10/01/interna\\_politica,793090/bolsonaro-interesse-na-amazonia-nao-e-no-indio-nem-na-porra-da-arv.shtml](https://www.correio braziliense.com.br/app/noticia/politica/2019/10/01/interna_politica,793090/bolsonaro-interesse-na-amazonia-nao-e-no-indio-nem-na-porra-da-arv.shtml).

<sup>253</sup> VALFRÉ, Vinícius. “Governo faz propaganda para questionar ‘interesses nem sempre claros’ na Amazônia”. *Terra*. Retrieved 25 November 2020 from: <https://www.terra.com.br/noticias/ciencia/sustentabilidade/governo-faz-propaganda-para-questionar-interesses-nem-sempre-claros-na-amazonia,fc70ab22277c3122d9f82105df44a32f4y7xgrcb.html>.

<sup>254</sup> LE PRESTRE, Philippe. *Ecopolítica Internacional*. São Paulo: SENAC, 2000.

<sup>255</sup> INSTITUTO SOCIOAMBIENTAL. “Demarcação de Terras Indígenas é decisiva para conter o desmatamento e regular o clima”. Retrieved 25 November 2020 from: <https://www.socioambiental.org/pt-br/blog/blog-do->

policies and the conduct of the current president against indigenous peoples are linked in a policy of prioritization of death.

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monitoramento/a-demarcacao-das-terras-indigenas-e-decisiva-para-conter-o-desmatamento-e-manter-funcoes-climaticas-essenciais.

## **PART II – IMPACT ON INDEGENOUS COMMUNITIES AND LIVELIHOODS**



## 4. VIOLENCE AGAINST INDIGENOUS PEOPLES

This section of the report aims to present our analysis on violence against indigenous peoples, undertaken by the Brazilian Federal Government, currently under the leadership of President Jair Bolsonaro. In addition to this introduction and a brief conclusion, this section is subdivided into two parts: (i) violence in context and (ii) cases of violence and repression against indigenous peoples.

### a. Violence in context

Considering the report's previous sections, we now analyze the President's responsibility for cases of violence and repression against the indigenous populations of Brazil. The situation faced by Brazil's indigenous peoples was already dramatic before the Bolsonaro government; one could already observe a reasonable amount of violence against these populations during the administrations of Dilma Rousseff and Michel Temer<sup>256</sup>. However, since Bolsonaro took office in January 2019, cases of violence have increased significantly, aided by his direct and personal participation in such matters.

Along these lines, the NGO Cimi points out that acts of violence against indigenous peoples and their communities grew by more than 150% in Brazil in 2019 -- the first year of President Jair Bolsonaro's government. According to official data from SESAI, there were 276 cases: 113 indigenous people murdered, 13 cases of abuse of power, 33 death threats, 34 violence threats, 20 second degree murders, 13 cases of intentional bodily injury, 24 murder attempts, 10 cases of sexual violence and 16 situations of racism and ethnic-cultural discrimination<sup>257</sup>. The previous acts, omissions and discourses by Jair Bolsonaro are particularly linked to the current state of affairs.

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<sup>256</sup> CONSELHO INDIGENISTA MISSIONÁRIO. Relatório CIMI: violência contra os povos indígenas do Brasil tem aumento sistemático e contínuo. *Conselho Indigenista Missionário*. Brasília, September 27, 2018. Retrieved 30 October 2020 from: <https://cimi.org.br/2018/09/relatorio-cimi-violencia-contra-os-povos-indigenas-no-brasil-tem-aumento-sistemico-e-contiuo/>.

<sup>257</sup> CRUZ, Maria Teresa. Violência contra povos indígenas aumentou 150% no primeiro ano do governo Bolsonaro. *Congresso em Foco*. Brasília, 30 de setembro de 2020. Retrieved 30 October 2020 from: <https://congressoemfoco.uol.com.br/meio-ambiente/violencia-contra-povos-indigenas-aumentou-150-no-primeiro-ano-do-governo-bolsonaro/>.

International law has historically been concerned with understanding the phenomenon of violence beyond its physical aspect. The first step towards this vision can be seen in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, of 1948, which, in Article 2, typifies genocide as not only the act of killing or severely compromising the physical integrity of the members of a certain group, but also causing serious damage to their psychological integrity, subjecting the group to conditions that may lead to their total or partial physical destruction.

In this sense, the Rome Statute sets forth in Article 7.1 the elements characterizing crimes against humanity: (a) murder; (b) extermination; (c) enslavement; (d) deportation or forced population transfer; (e) imprisonment or other severe deprivations of physical freedom; (f) torture; (g) rape, or any form of sexual violence of similar severity; (h) persecution against political, racial, national, ethnic, cultural, religious, gendered, or any other group universally recognized as inadmissible under international law; (i) forced disappearance of people; (j) the crime of apartheid; and any other inhumane act that causes great suffering or serious injury to bodily, mental or physical health.

In addition, one must consider the parameters of the UN International Law Commission, which has stated that a crime against humanity is an offense perpetrated systematically or on a large scale, instigated or committed by a government, political organization or group. Such acts of violence must be part of a generalized and systematic attack on the civilian population, and that the authors must act according to a determined and previously established action plan<sup>258</sup>. Such situations are clearly noticeable in the cases reported throughout this report.

These legal elements must be considered in view of systematic and widespread attacks carried out against a specific population (in this case, the indigenous peoples of Brazil), considering that the President repeatedly perpetrates acts, omissions and discourses that place and move indigenous peoples towards a state of extreme danger which has caused considerable loss of life.

Thus, Jair Bolsonaro incites genocidal practices via Brazil's policy towards its indigenous peoples, all of which seem to be carried out according to a three-way strategy, which consists of: (i) the *de-constitutionalizing* the rights that ensure the demarcation of lands; (ii) interruption of demarcating procedures and permission of predatory external commercial

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<sup>258</sup> UNITED NATIONS. *Informe de la Comisión de Derecho Internacional sobre la labor realizada en su 48° período de sesiones. A/51/10*. 6 de mayo a 26 de julio de 1996, p. 33, 101. Comentarios 3°, 4° y 5° al Artículo 18 del proyecto de código de crímenes contra la paz y la seguridad de la humanidad. Retrieved 29 October 2020 from: [https://legal.un.org/ilc/documentation/spanish/reports/a\\_51\\_10.pdf/](https://legal.un.org/ilc/documentation/spanish/reports/a_51_10.pdf/).

activities on those that are already demarcated; and (iii) the forced integration of indigenous peoples<sup>259</sup>.

In addition to the previous definitions, the UN Framework of Analysis for Atrocity Crimes (including crimes of genocide and against humanity)<sup>260</sup> set forth other risk factors that may further generate or exacerbate violence. Risk factor No. 2 relates to the the record of human rights violations that occurred in the past against a certain group as a possible trigger for atrocity crimes - the existence of which is well documented in the history of Brazilian indigenous peoples, especially during the period of the civil-military dictatorship in Brazil (1964-1985)<sup>261</sup>, which, not incidentally, is highly praised by the President<sup>262</sup>. Risk Factor No. 3 relates to the fragility of state institutions, indicated by circumstances such as the lack of control of its security forces and the insufficiency of resources to protect indigenous populations from violent attacks (made evident by both the aforementioned dismantling of Funai and the impact of the COVID-19 pandemic on indigenous populations, worsened by their exposure to other vulnerabilities, as detailed in previous sections of this report).

Furthermore, Risk Factor No. 4 relates to the motivations or incentives related to atrocity crimes -- such as economic and territorial interests and the support for a supremacist ideology in relation to the discriminated group, which is also observed in the present case. Finally, Risk Factor No. 8 relates to other indirect elements that could trigger atrocity crimes, such as Bolsonaro's incitement of hate crimes, through his declarations against indigenous populations.

This demonstrates the concern that the UN has with what is known as hate speech -- the prohibition of which is contained in Article 20.2 of the International Covenant on Civil and

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<sup>259</sup> LIEBGOTT, Roberto. "O tripé da política indigenista do governo Bolsonaro: razões para acreditar em um projeto genocida". *Desacato*. Florianópolis, May 15, 2020. Retrieved 02 November 2020 from: <http://desacato.info/o-tripe-da-politica-indigenista-do-governo-bolsonaro-razoas-para-acreditar-em-um-projeto-genocida-por-roberto-liebgott/>.

<sup>260</sup> UNITED NATIONS. *Marco de análisis para crímenes atroces: una herramienta para la prevención*. Nova York, 2014. Retrieved 29 October 2020 from: [https://www.un.org/es/preventgenocide/adviser/pdf/Framework%20of%20Analysis%20for%20Atrocity%20Crimes\\_SP.pdf](https://www.un.org/es/preventgenocide/adviser/pdf/Framework%20of%20Analysis%20for%20Atrocity%20Crimes_SP.pdf).

<sup>261</sup> COMISSÃO NACIONAL DA VERDADE. *Violação de Direitos Humanos dos Povos Indígenas. In: COMISSÃO NACIONAL DA VERDADE. Relatório: Volume II, Textos Temáticos*. Brasília, 2014. Retrieved 29 October 2020 from: <http://cnv.memoriasreveladas.gov.br/images/pdf/relatorio/Volume%202%20-%20Texto%205.pdf>.

<sup>262</sup> In the following article, it is possible to verify a series of moments in which the president and his children defended the period in which the military ruled Brazil, which lasted between 1964 and 1985. Cf. CAMPOS, João Pedroso de. *Doze vezes em que Bolsonaro e seus filhos exaltaram e acenaram à ditadura*. *Veja*. São Paulo, November 01, 2019. Retrieved 29 October 2020 from: <https://veja.abril.com.br/politica/doze-vezes-em-que-bolsonaro-e-seus-filhos-exaltaram-e-acenaram-a-ditadura/>.

Political Rights, which defines this type of discourse as “an apology for national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.

As can be seen in this section, President Bolsonaro has made several statements that discriminate against indigenous populations, scorning their customs and culture and thus motivating groups that support him (or who are subordinated to his authority) to act violently against these populations, whether physically or symbolically. As such, Jair Bolsonaro's declarations against the indigenous peoples of Brazil, their rights, customs and culture, amount to incitement to violence, which is why these statements are a key part of this report.

Also considering the abovementioned international normative frameworks, we have put forth the notion of *violence* in this section following the categories employed by Cimi, a Brazilian NGO that is a reference in the protection of indigenous rights that divides the wider phenomenon of violence in the following three subsets: (i) violence against patrimony (such as government omission and delay in land regularization; conflicts over territorial rights; possessory invasions; illegal exploitation of natural resources; diverse damages to patrimony); (ii) violence against persons (which includes the abuse of power; death threats; other threats; murder; manslaughter; intentional bodily harm; racism and cultural or ethnic discrimination; attempted murder; sexual violence) and (iii) violence by omission of the State (which includes general lack of assistance; lack of assistance in indigenous schooling and education; lack of health assistance; the distribution of alcohol and other drugs; death due to lack of health assistance).

In the following subsections, we shall extensively analyze acts, omissions and discourses perpetrated by President Jair Bolsonaro which are related to the violence (in this report understood in multiple facets) carried out against the indigenous populations of Brazil, as well as the link between Bolsonaro and the various and diverse acts of violence that have been carried out against these populations in the period between October of 2019 and November of 2020.

#### b. Cases of violence and repression against indigenous people

Before listing acts of violence carried out against indigenous peoples in Brazil, it is worth noting that there are more than 305 different indigenous peoples living throughout the country according to ISA data, and -- contrary to stereotypes reinforced by the President -- each of them possesses their own languages, customs, and ways of living. Likewise, the acts of

violence and repression carried out against these populations also vary dramatically from place to place.

We shall present then the cases of violence against indigenous peoples of Brazil which are related to the acts, omissions and discourses of President Jair Bolsonaro. They will be divided into the following subsections: (i) violence against patrimony; violence against persons; (ii) violence by omission of the Government and (iii) violence in the context of the COVID-19 pandemic.

i. Violence against property and lands

Cimi pointed to the devastation of indigenous territories as the greatest violence committed against these peoples<sup>263</sup>, as a result of the implementation of large economic projects and of the invasions for illegal logging, mining, predatory fishing, hunting, fires, illegal allotment and invasion.

The President's declarations (such as his claim of "no demarcated land" in his government) and his instigation of invasion of indigenous lands, besides amounting to human rights violations, result in encouragement and justification to violent actions of other governmental actors, such as the State Ministers nominated by the President of the Republic himself, and the agents of Funai, an indigenous body continuously dismantled by the current government. Therefore, the intensification of the violence and repression against indigenous peoples in Brazil in recent years does not seem to be a coincidence, but a consequence of the acts and speeches endorsed by the current President of the Republic.

As previously pointed out, during the year of 2019, no demarcation procedures were carried through and in the first half of 2020 and 27 procedures for the regularization of indigenous lands were sent back by the Ministry of Justice to Funai.

The Yanomami in the states of Roraima and Amazonas are subject to great conflict and vulnerability due to illegal mining, invasions and contamination, generating violent conflicts. Nevertheless, in the state of Mato Grosso do Sul, the situation is also particularly dramatic,

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<sup>263</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "A maior violência contra os povos indígenas é a destruição de seus territórios, aponta relatório do Cimi." Brasília, September 24, 2019. Retrieved 30 October 2020 from: <https://cimi.org.br/2019/09/a-maior-violencia-contr-os-povos-indigenas-e-a-apropriacao-e-destruicao-de-seus-territorios-aponta-relatorio-do-cimi/>.

with the land disputes as the epicenter of the violence, especially related to the Guarani-Kaiowá people, as reported by Cimi<sup>264</sup>.

It is important to point out that the government's omission and permissiveness on illegal mining in Brazil, mediated by the President of the Republic and the Armed Forces, open doors to invasion and violence. In July 2019, the UN Special Rapporteur on the rights of Indigenous Peoples, Victoria Tauli-Corpuz, stated that President Bolsonaro was directly responsible for a land invasion in the state of Amapá, an event that resulted in the death of a Wajãpi indigenous man. According to a story published by *Forum* magazine<sup>265</sup>, Tauli-Corpuz stated that, by his speeches and policies, the Brazilian government made room for such tense events to happen.

Also, in October 2019, the President of the Republic assured a group of miners that, if there was legal support, he would send the Armed Forces to act in the region of Serra Pelada, in the south of the state of Pará, in order to ensure mining operations<sup>266</sup>. The President's dialogues with prospectors continued, so that in November 2019 he affirmed his intentions to transfer the attribution of conceding mining permits to the Ministry of Mines and Energy, currently a responsibility of the specialized National Mining Agency (ANM). He also said he was against the destruction of machinery seized in inspection operations of environmental agencies<sup>267</sup>. In April 2020, Ibama's Director of Environmental Protection, Olivaldi Alves Borges de Azevedo, was fired by the Minister Ricardo Salles, after news about an operation to combat illegal mining on indigenous lands, showing the burning of prospector's machines<sup>268</sup>. The operation was coordinated by the environmental agency, specifically by Olivaldi's executive board, and the dismissal only highlighted the President's control over the Ministry of the Environment.

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<sup>264</sup> "Em menos de um ano, entre 2015 e 2016, foram registrados 33 ataques de natureza paramilitar contra comunidades Guarani Kaiowá. Entre 2001 e 2018 foram assassinados 14 líderes indígenas em represália às tentativas de retomar pacificamente terras já reconhecidas pelo Estado." cf. CONSELHO INDIGENISTA MISSIONÁRIO. *Relatório: Violência Contra os Povos Indígenas no Brasil – Dados de 2019*. Brasília: 2020, p. 45.

<sup>265</sup> FÓRUM. "Bolsonaro é responsável por invasão de garimpeiros, avalia relatora da ONU". Santos, July 29, 2019. Retrieved 29 October 2020 from: <https://revistaforum.com.br/politica/bolsonaro-e-responsavel-por-invasao-de-garimpeiros-avalia-relatora-da-onu/>.

<sup>266</sup> LINDNER, Julia. "Bolsonaro diz que pode atender garimpeiros e mandar Forças Armadas à Serra Pelada". *UOL Notícias*. October 01, 2019. Retrieved 29 October 2020 from: <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2019/10/01/bolsonaro-diz-que-pode-atender-garimpeiros-e-mandar-forcas-armadas-a-serra-pelada.htm/>.

<sup>267</sup> MAZUI, Guilherme. "Bolsonaro diz a garimpeiros que pretende passar lavra de garimpos para a pasta de Minas e Energia". *GI*. November 05, 2011. Retrieved 29 October 2020 from: <https://g1.globo.com/politica/noticia/2019/11/05/bolsonaro-diz-a-garimpeiros-que-pretende-passar-lavra-de-garimpos-para-a-pasta-de-minas-e-energia.ghtml/>.

<sup>268</sup> CORREIO DA AMAZÔNIA. "Diretor do Ibama é demitido após TV Globo mostrar queima de máquinas de garimpeiros". April 14, 2020. Retrieved 30 October 2020 from: <https://correiodamazonia.com/diretor-do-ibama-e-demitido-apos-tv-globo-mostrar-queima-de-maquinas-de-garimpeiros/>.

Another component of this scenario of violence is the continuous dismantling of FUNAI, the main indigenous agency in the country, by the policies of the current government. This situation leads directly to an increase in conflicts and vulnerability of indigenous peoples. By the analysis of the aforementioned IN No. 9/2020, for instance, Apib argued that it is "[a]n unconstitutional and criminal act, which further aggravates violence against indigenous peoples and encourages the increase of environmental crimes"<sup>269</sup>.

As exemplified by the case of the ordinance issued by FUNAI, in order to increase the scenario of violence through the legalization of land grabbing of indigenous lands, a number of actors and governmental entities have corroborated the continuity of this violent context.

## ii. Violence against persons

According to the Cimi report *Violence against Indigenous Peoples in Brazil 2019*, the policies of the Bolsonaro government in relation to indigenous peoples, which are guided by the logic of either integration or extermination, are the foreground to various forms of direct violence against indigenous. According to this same report, in 2019 thirteen cases of abuse of power were recorded -- for instance, soldiers preventing five students and a leader from the Baré people from entering their own territory on the Upper Rio Negro in Amazonas. That same year, there were thirteen cases of physical assaults, in part related to conflicts over indigenous lands and their political demands.

In addition, Cimi also registered thirty-three cases of death threats against indigenous people, while SESAI reported 113 murders of members of the Kaxinawá, Nawa, Wassú, Tikuna, Apurinã, Kanamari, Kulina, Anacé, Pitaguari, Potiguara, Tapeba, Guajajara, Krikati, Guarani-Kaiowá, Terena, Amanayé, Pipipã, Xukuru, Kaingang and Yanomami peoples. A significant part of indigenous people murdered were leaders who fought for the demarcation of their territories or were actively involved in protecting the borders of their territories, fighting logging and mining in indigenous lands. There were also twenty-five cases of murder attempts in the same period, with eighty-one victims. This is a highly worrisome context of direct acts of violence against persons which is accentuated precisely by the indigenous policies of Brazil's current government.

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<sup>269</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL. "Durante a pandemia, Funai emite norma que incentiva invasão de terras indígenas". Brasília, May 1, 2020. Retrieved 30 October 2020 from: <https://apiboficial.org/2020/05/01/durante-a-pandemia-funai-emite-norma-que-incentiva-invasao-de-terras-indigenas/>.

Militarization is one of the facets of the upsurge in the violence against indigenous people, which is also historically an element of violence carried out against indigenous peoples. The civil-military dictatorship (1964-1985) oversaw the intense militarization of indigenous communities, largely through the formation of Indigenous Rural Guard, a militia formed by indigenous soldiers trained by the Federal Government to oversee and control their own peoples. This process and the crimes committed against indigenous peoples at the time were extensively described in the Figueiredo Report<sup>270</sup>. Today, militarization has once again become a Federal Government issue. In January 2020, after harsh criticism in relation to his environmental record, President Jair Bolsonaro announced the creation of the National Environmental Force. Its purpose was to use state military police forces to combat deforestation. Nevertheless, social movements view the creation of the force with extreme caution, since it could lead to the criminalization of the people's social movements, as explained by researcher Marcela Vecchione, a member of the Advanced Studies of the Amazon Research Group at the Federal University of Pará. Vecchione is concerned about the possible integration of indigenous people through militarization and not through legal recognition of their ways of life and territories, stating that "at worst, this will end up happening in a very violent way"<sup>271</sup>. Militarization creates an environment of violence, be it physical or symbolic, in relation to the indigenous forms of life, representing a key element in the scenario of violence against indigenous populations<sup>272</sup>.

Another clear characteristic of this violent context is the imprisonment of indigenous people in Brazil. As a Cimi report points out, in 2019 there were approximately 1,080 incarcerated indigenous people in Brazil, 1,017 of whom were men and sixty-three women. One must point out that the number of incarcerated indigenous people is actually underreported, since in many cases prison authorities identify indigenous inmates as mixed-race without first taking into account their own ethnic identification -- an open violation of the right to ethnic self-declaration. In other cases, as when the criteria of self-identification are in fact applied, many indigenous inmates choose not to identify themselves as such because of fears of some

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<sup>270</sup> The Figueiredo Report was drawn up by the federal attorney Jader de Figueiredo Correia in 1967 for the Ministry of the Interior. It documented a series of crimes perpetrated against the indigenous populations of Brazil between the 1940s and 60s by farmers and the government's own indigenous agency, the Indian Protection Service (SPI). Only in 2013 was it declassified. Retrieved 30 August 2020 from: <https://www.ufmg.br/brasildoc/temas/5-ditadura-militar-e-populacoes-indigenas/5-1-ministerio-do-interior-relatorio-figueiredo/>.

<sup>271</sup> SAMPAIO, Cristiane. "Força Nacional Ambiental preocupa povos da floresta: 'Integração via militarização'". *Brasil de Fato*. Brasília, 22 January 2020. Retrieved 03 November 2020 from: <https://www.brasildefato.com.br/2020/01/22/forca-nacional-ambiental-preocupa-povos-da-floresta-integracao-via-militarizacao>

<sup>272</sup> *Idem*.



form of punishment or discrimination for being indigenous inside the prison system. In these situations, the various acts of violence against incarcerated indigenous people, including their deaths, become difficult to identify<sup>273</sup>. Even if the limited nature of these figures is taken into account, one can see a 45% increase in the incarceration rate of indigenous people in Brazil between the years 2017 and 2019. The violence against indigenous inmates must be understood in a context in which the Brazilian prison system in itself is recognized by the Federal Supreme Court (STF) as an “unconstitutional state of affairs”, in which human rights violations and violence are perpetrated on a daily basis. Furthermore, the incarceration of each and any indigenous person has serious consequences not only individually but also collectively -- namely, in relation to cultural practices and the way of life of their communities. This is because oftentimes the incarceration of indigenous leaders makes impossible the performance of certain rites within their cultural traditions. The violence carried out by the incarceration of indigenous people is therefore double-faced and the increase in their incarceration rate should be interpreted as such.

Declarations made by the President and other members of the Executive Branch lead directly to the aggravation of an already violent situation and further criminalize indigenous communities. The following declarations, made by a minister of the government directly appointed by Jair Bolsonaro, and the President himself, are notable examples of the open avowal of direct violence against indigenous people.

On September 18, 2020, the Chief Minister of the Office of Institutional Security (GSI) of the Presidency of the Republic, Augusto Heleno, declared in his Twitter account that: “[Apib's] website is associated with several others who work 24 hours a day to tarnish our image abroad, a crime of treason.” Heleno also promoted personal attacks on Sônia Guajajara, one of the coordinators of Apib, accusing her and classifying Apib’s work as treason. In a public note in response to the minister's statements, the organization rejected such a statement, stating that “it believes that the greatest crime against our homeland is the omission of the government in face of the destruction of our biomes and our protected areas, of illegal burning, squatting, deforestation, the invasion of our lands and the theft of our wealth”<sup>274</sup>. The note also

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<sup>273</sup> CONSELHO INDIGENISTA MISSIONÁRIO. Relatório: Violência Contra os Povos Indígenas no Brasil – Dados de 2019. Brasília: 2020, p. 30.

<sup>274</sup> ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL. "NOTA PÚBLICA: A OMISSÃO LESA A PÁTRIA". Brasília, 18 September 2020. Retrieved 29 October 2020 from: <https://apiboficial.org/2020/09/18/nota-publica-a-omissao-lesa-a-patria/>.

pointed out that General Heleno's declaration had been irresponsibly dangerous, putting at risk the safety of Sônia Guajajara and others mentioned, classifying it as an open attack<sup>275</sup>.

In July 2020, during a STF audience to discuss measures to protect indigenous peoples ordered after ADPF 709, the Minister of the GSI also declared that peoples outside of demarcated lands would be treated as small farmers and therefore should seek the general public health service, SUS<sup>276</sup>. The indigenous leaders who were present at the meeting reported that "while Minister Barroso was at the meeting, they were all behaving decently. When Barroso left the room, the members of the government changed their tone and were quite rude at times," one of the leaders declared<sup>277</sup>.

In October of 2020, Minister Heleno also admitted that the Brazilian Intelligence Agency (Abin) had spied on participants at the United Nations Climate Summit (COP 25), held in Madrid in December 2019. In his Twitter account, he wrote that the agency should follow international campaigns supported by "bad Brazilians", being those that the Bolsonaro government understands as harmful to Brazilian interests abroad<sup>278</sup>. Days later, he would reiterate the term, arguing that "good Brazilians do not join foreign organizations"<sup>279</sup>. Despite being branded as "bad Brazilians" by the Bolsonaro government, the country's indigenous leaders are being recognized internationally for their work in favor of human rights and environmental protection. *Deutsche Welle*, for instance, highlighted recent awards from Alessandra Munduruku, the first Brazilian Robert F. Kennedy laureate, and Sônia Guajajara, who received the prestigious Letelier-Moffitt prize on the behalf of Abip<sup>280</sup>. Upon receiving the award, Alessandra stated that she "thought we would only be honored when we died", exposing to the world the violence suffered by indigenous leaders in Brazil. The German media outlet also interviewed Carlos Frederico Marés de Souza Filho, former president of FUNAI, who warned about the successive attacks instigated by the Bolsonaro government against

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<sup>275</sup> Idem.

<sup>276</sup> LEITÃO, Matheus. "Conflito entre general Heleno e indígenas no gabinete de crise". *Veja*. São Paulo, July 17, 2020. Retrieved 29 October 2020 from: <https://veja.abril.com.br/blog/matheus-leitao/conflito-entre-general-heleno-e-indigenas-no-gabinete-de-crise/>.

<sup>277</sup> Idem.

<sup>278</sup> UOL. Notícias. "Heleno admite que Abin monitorou maus brasileiros na Conferência do Clima". Retrieved 18 November 2020 from <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2020/10/16/heleno-admite-que-abin-monitorou-maus-brasileiros-na-conferencia-do-clima.htm>.

<sup>279</sup> CLIMAINFO. "Os 'maus brasileiros' do general Heleno". Retrieved 18 November 2020 from <https://climainfo.org.br/2020/10/19/os-maus-brasileiros-do-general-heleno/>.

<sup>280</sup> DW. Notícias. "Prêmios internacionais exaltam indígenas brasileiras". Retrieved 18 November 2020 from: <https://www.dw.com/pt-br/pr%C3%AAmios-internacionais-exaltam-ind%C3%ADgenas-brasileiras/a-55297255>.

Brazil's indigenous peoples. According to the jurist, the Brazilian government "is intentionally trying to destroy indigenous peoples. And that is genocide"<sup>281</sup>

Jair Bolsonaro has also expressed his contempt for the country's indigenous peoples throughout his public life. On April 15, 1998, while he was a federal deputy, Jair Bolsonaro even praised the genocide of indigenous peoples in the United States in a speech given in the Brazilian House of Representatives to criticize the country's land demarcation policy. "The competent ones, yes, they were the American cavalry that decimated their Indians in the past and now they don't have to deal with this problem in their country", he said. Bolsonaro gave the reservation, however, that he did not preach "the same thing with the Brazilian Indian". "I only recommend what was planned a few years ago, which was to demarcate Indian reserves in a size compatible with their population," he stated<sup>282</sup>.

In November 2018, Bolsonaro questioned why "we have to keep them [the indigenous peoples] in reservations, as if they were animals in zoos"<sup>283</sup>, ignoring that it is not "we" who keep them there and that they do not live in wildlife sanctuaries, but on lands with whom they sustain ancestral relationships and where they want and struggle to be. In this sense, to compare indigenous peoples to animals in zoos is to strip away their humanity, and to say "let's integrate these citizens together" is to propose forced assimilation<sup>284</sup>.

In March 2020, MPF prosecutors presented a public civil action against the Union, represented by the President of the Republic Jair Bolsonaro and FUNAI for hate speech against indigenous peoples and for the right of response to the Waimiri Atroari people. The MPF asked for early judgment of the action, so that the Federal Court in Amazonas State could declare, on one hand, the failure of the Brazilian State to adequately conduct indigenous policies and, on the other, its violation of the basic rights of indigenous people -- and in this particular case, the Waimiri Atroari people --, due to the promotion of hate speech and the defense of an

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<sup>281</sup> DW. Entrevista. "Governo tenta intencionalmente destruir povos indígenas". Retrieved 18 November 2020 from: <https://www.dw.com/pt-br/governo-tenta-intencionalmente-destruir-povos-ind%C3%ADgenas/a-55293910>.

<sup>282</sup> MARÉS, Chico. "#Verificamos: É verdade que Bolsonaro elogiou cavalaria norte-americana por dizimar índios | Agência Lupa". *Piauí*. Rio de Janeiro, December 06, 2018. Retrieved 30 October 2020 from:<https://piaui.folha.uol.com.br/lupa/2018/12/06/verificamos-bolsonaro-cavalaria/>.

<sup>283</sup> DANTAS, Dimitrius. "Bolsonaro compara índios em reservas a animais em zoológicos". *Jornal O Globo*. November 30, 2018. Retrieved 28 October 2020 from <<https://oglobo.globo.com/sociedade/bolsonaro-compara-indios-em-reservas-animais-em-zoologicos-23272902/>>.

<sup>284</sup> COHEN, Mary. "O Genocídio dos Povos Indígenas – Uma Tragédia Anunciada". *Amazônia Real*. May 18, 2019. Retrieved 03 November 2020 from: <https://amazoniareal.com.br/o-genocidio-dos-povos-indigenas-uma-tragedia-anunciada/>.

assimilationist project in relation to the Waimiri Atroari and other Brazilian indigenous peoples<sup>285</sup>.

Even after the lawsuit was filed, MPF stressed that acts of discrimination against indigenous peoples did not cease. An example of this was the declaration of President Jair Bolsonaro during a live on July 16 2020, during which he blamed “the indigenous, the *caboclo*”<sup>286</sup> for “a considerable part” of the deforestation.

In relation to concrete damages, the discriminatory discourse targeting the Waimiri Atroari people relates to the construction of an energy transmission line that would cross the group’s territory, as well as disputes in relation to traffic on the BR-174 highway.

One of such acts took place on February 28, 2020, when a state representative travelled to one of the entrances to Waimiri Atroari territory and, using a chainsaw, cut the tree trunk that held up the chains that blocked the access to the BR-174 highway. On that occasion, the politician recorded a video of himself and dedicated it to the President Jair Bolsonaro. As such, the MPF’s argument warned of the practical and real dangers of the discriminatory declarations made by the President of the Republic and his cabinet:

The situation described has created an environment of tension and submission to economic interests that ended up validating the state representative’s premise that he was authorized to take justice into his own hands. The episode shows how discriminatory discourse towards indigenous peoples, connected to a lack of concern about legal procedures, favors hate speech and violence against such ethnic groups or their territories. In the present case, there were reports that some Waimiri Atroari individuals were held hostage during the breaking of the chains and the representative’s film, who tried to take justice into his own hands and present the results to the President of the Republic.

In his already infamous speech at the General Assembly of the United Nations on September 22, 2020, Jair Bolsonaro stated that “the fires take place practically in all the same places, in the eastern [Amazon] forest, where the *caboclo* and the *Indian* burn their land in search of survival, in areas that are already deforested”. The President’s speech was deemed irresponsible by organizations such as Greenpeace and the Climate Observatory, by denying

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<sup>285</sup> JORNAL O EXPRESSO. "MPF denuncia Bolsonaro e Funai por discurso de ódio contra indígenas". Retrieved 18 November 2020 from: <https://jornaloexpresso.wordpress.com/2020/08/29/mpf-denuncia-bolsonaro-e-funai-por-discurso-de-odio-contra-indigenas/>.

<sup>286</sup> In Brazilian racial thought, the term *caboclo* traditionally has been used to simply designate someone who is half-white and half-indigenous. Nonetheless, with time it has come to either be used pejoratively against rural populations, especially in the North and Northeast, or to indicate indigenous people who have adopted “white” customs. This latter sense, which also strips indigenous people of their culture and historical particularities, is the one being employed by Jair Bolsonaro in the aforementioned declaration.

the environmental crisis and, mainly, by trying to name enemies and scapegoats. Making indigenous peoples and traditional communities responsible for forest fires aggravates the attempt to make them a “problem” in mainstream thought.

In addition to other declarations made by Jair Bolsonaro since the 2018 campaign that encouraged violence against indigenous peoples, acts by different sectors of government have threatened the wellbeing of indigenous peoples, of which we highlight two. In an internal official communication, the president of FUNAI, Marcelo Augusto Xavier da Silva, barred legal assistance to what he classified as “assimilated indigenous” groups and communities, ignoring that the 1988 Federal Constitution abolished the distinction between assimilated and non-assimilated indigenous peoples, which had been enshrined by the Statute of the Indian (dating from the period civil-military dictatorship). Another act of government which contributed to the threats against the wellbeing of indigenous peoples was the cutting-off of basic food supplies by FUNAI to indigenous communities. This exacerbated indigenous food insecurity, as warned by indigenous leaders in the State Assembly of the state of Mato Grosso do Sul during the public hearing “In Defense of the Human Right to Adequate Food for the Indigenous Communities of Mato Grosso do Sul”<sup>287</sup>.

### iii. Violence by omission

Bolsonaro’s stance also demonstrates his consent for the violence against indigenous peoples through means of public administration omission on the subject. We highlight some of these acts that characterize violence by omission. In December 2019, although Ordinance No 890/2019 authorized the sending of the National Force for the security of indigenous peoples in Maranhão, the then Justice Minister Sérgio Moro excluded the indigenous land that had the biggest number of invasions, wood robberies and illegal hunting in the region. As for the impacts at the state level, the government of Mato Grosso do Sul failed to respond to the DPU’s request about the presence of the National Force for containing the armed violence of private security guards against the Guarani Kaiowá occupying traditional areas around the Dourados

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<sup>287</sup> SIQUEIRA, Rosana; RIBEIRO, Liniker. “Índios vão à Assembleia lembrar que fim de cestas básicas gera desnutrição”. *Campo Grande News*. March 06, 2020. Retrieved 29 October 2020 from <https://www.campograndenews.com.br/cidades/capital/indios-vao-a-assembleia-lembrar-que-fim-de-cestas-basicas-gera-desnutricao>.

Indigenous Reserve, which has stood out as one of the most problematic indigenous areas in the country in recent decades<sup>288</sup>.

#### iv. Violence in a pandemic

The speeches and policies of violence against indigenous peoples adopted by the President become even more alarming when the COVID-19 pandemic broke out, opening doors to invasion and violence. In addition to the increase in cases of indigenous persons infected and killed by COVID-19, as demonstrated earlier, there has been a growth in the murders of indigenous leaders and an increase in invasions of loggers, miners, missionaries and land invaders, who find support in the President's discourses.

We observed an intrinsic relationship between deforestation, illegal mining and cases of Coronavirus in indigenous lands. The Centre for Economic Policy Research's "Covid Economics" bulletin<sup>289</sup>, published October 23, 2020, brought an article by Humberto Laudares, a researcher affiliated with the University of Geneva, entitled "Is deforestation spreading COVID-19 to the indigenous peoples?". In this text, Laudares linked at least 22% of COVID-19 cases in indigenous peoples to activities related to deforestation and illegal mining. Data from the Ministry of Health were cross-checked with data from the National Institute of Space Research, which indicates that these activities facilitate contact between indigenous and infected people.

We understand that President Jair Bolsonaro, being the head of the Federal government<sup>290</sup>, plays a unique and fundamental role in promoting public policies aimed at the indigenous peoples of Brazil. In this way, his systematic actions have allowed and intensified the contagion and the death of hundreds of indigenous Brazilians, as well as a spread of violence.

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<sup>288</sup> SANTANA, Renato. "DPU segue sem resposta ao pedido de presença da Força Nacional para conter violência contra indígenas". *Conselho Indigenista Missionário*. Brasília, January 15, 2020. Retrieved 29 October 2020 from <https://cimi.org.br/2020/01/dpu-segue-sem-resposta-ao-pedido-de-presenca-da-forca-nacional-para-conter-violencia-contra-indigenas/>.

<sup>289</sup> For more information, please see: <https://cepr.org/content/covid-economics-vetted-and-real-time-papers-0>.

<sup>290</sup> Article 76 of the Brazilian Federal Constitution exclusively assigns the Executive Power to the President of the Republic, with the assistance of the Ministers of State. In turn, article 84, I, establishes that the President of the Republic is exclusively responsible for appointing and exonerating the Ministers of State. The President of the Republic, in this way, appoints the ministers responsible for public policies aimed at the Brazilian indigenous population, especially the Minister of Health and the Minister of Justice and Public Security.

### c. Conclusion

The data presented in this document put in evidence the President's intention to promote the physical and cultural destruction of the indigenous peoples of Brazil. Although some of this data does not directly refer to actions committed by the President and his subordinates, several of the violent acts are deeply and directly related to his conduct. This report lists three types of conduct carried out by Bolsonaro that led to (or did not repress) acts of violence against the indigenous peoples: i) acts directly promoted by the President that enabled violence; ii) omissions by the President in the face of violent crimes committed against these populations; and iii) public speeches given by the President that attack indigenous peoples, their customs, culture, and rights (especially those of a territorial nature), inciting violence against these peoples.

These conducts promoted by President Bolsonaro, due to the risk that they represent to the cultural and literal survival of Brazil's indigenous populations fit into the definitions of violence established by international law to prevent actions by heads of state that cause (or may cause) serious human rights violations. In view of this, this report is essential to contain the President and his unlawful acts against the life and rights of the indigenous peoples of Brazil, as well as to bring all these actions to the awareness of the international legal community, with the aim of pressuring Bolsonaro to change his posture regarding the indigenous peoples.

## 5. INDIGENOUS COMMUNITIES AND LIVELIHOODS: SCENARIOS, VULNERABILITIES AND RESISTANCE TO VIOLENCE

This section of the report aims to present the effects of actions, omissions and discourses on indigenous communities and lives, given their unique contexts. In addition to this introduction and brief conclusion, this section is subdivided into four parts: the effects of the actions, omissions and discourses on indigenous communities; the particular scenario of the most indigenous city of Brazil; the situation of indigenous peoples living in voluntary isolation and of recent contact; and the indigenous response through actions of resistance.

### a. The effects of actions, omissions and discourses on the reality of indigenous communities

The Brazilian indigenous communities are exposed to several vulnerabilities. In this context, the Federal Government has performed actions that threaten the indigenous peoples in different ways. In order to understand these threats, it is necessary to keep in mind that the indigenous territories are the basis for indigenous livelihood. Consequently, we pay special attention to actions that interfere on the demarcation process or on the protection of indigenous land. These actions also represent the legitimization, intensification and promotion of the processes of deforestation, both near or inside indigenous lands.

According to a recent ISA report<sup>291</sup> covering the period from 2012 to 2018, 49 indigenous lands with isolated indigenous communities registered at least 54 hectares of devastated land. Amongst them, 23 of these indigenous lands registered a deforestation percentage of over 90%. The most impacted indigenous lands are in the state of *Pará* and the Xingu river basin. In *Pará*, the *Cachoeira Seca do Iri* indigenous land was the most affected with 5,427.4 hectares of deforestation. In the Xingu river basin, around 100,000 hectares were deforested between January and September 2018.

Table 1. Most impacted indigenous lands by deforestation from 2016 to 2018 – Adapted from ISA, 2020

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<sup>291</sup> INSTITUTO SOCIOAMBIENTAL. “Desmatamento em Terras Indígenas cresce 124%, mas segue concentrado em áreas críticas”. Retrieved 30 October 2020: <https://www.socioambiental.org/pt-br/noticias-socioambientais/desmatamento-em-terras-indigenas-cresce-124-mas-segue-concentrado-em-areas-criticas>.



<b>Indigenous land</b>	<b>Peoples affected</b>	<b>Deforestation increasing between 2016 – 2018</b>
Zoró (MT)	Zoró	43,903%
Marãiwatsédé (MT)	Xavante	2,851%
Trincheira-Bacajá (PA)	Mebêngôkre Kayapó Kararaô; Xikrin (Mebengôkre)	516%
Apyterewa (PA)	Parakanã	351%
Cachoeira Seca do Iriri (PA)	Arara	333%
Karipuna (RO)	Karipuna	253%
Munduruku (PA)	Munduruku	158%
Uru-Eu-Wau-Wau (RO)	Isolated people Bananeira; Isolated people of Cautário; Isolated people of Igarapé Oriente; Isolated people of Igarapé Tiradentes; Isolated Kawahiva person of Muqui river; Juma; Amondawa; Oro Win; Uru-Eu-Wau-Wau	141%
Ituna-Itatá (PA)	Isolados do Igarapé Ipiaçava	118%

Source: Own elaboration with data from ISA (2020)<sup>292</sup>

However, the Federal Government's current actions reinforce the lack of liability and enforcement with respect to deforestation and invasion of indigenous lands. The land conflicts on the indigenous territories also result in high deforestation rates and insecurity among indigenous peoples. In fact, invaders played a key role in indigenous land deforestation during 2018 and 2019. According to ISA, this period presented the highest deforestation rate since

<sup>292</sup> INSTITUTO SOCIOAMBIENTAL. "Terras Indígenas", 2020. Retrieved 03 November 2020 from: <https://terrasindigenas.org.br/>.

2008<sup>293</sup>. As we have seen, this increase in violence is directly related to FUNAI's acts, especially Normative Instruction No. 09/2020. The *Ituna-Itutá* indigenous land registered 12,000 hectares of cleared forest, which is equivalent to an increase of 656% when compared to the same period in 2017, further aggravating this community's already precarious livelihood (see Table 1).

In addition to the increase of deforestation rates shown in Table 1, previously unaffected indigenous areas are now among the most deforested ones, such as the *Kayapó* (Pará), *Karipuna* (Rondônia), *Manoki* (Mato Grosso) and *Yanomami* (Roraima) lands.

In southern Bahia state, the *Caramuru/Paraguassu*, *Tumbalalá*, *Tupinambá de Olivença*, *Barra Velha do Monte Pascoal* and *Comexatibá* indigenous lands were the most affected by FUNAI's IN nº 09/2020. Around 58 private properties were certificated after the policy publication<sup>294</sup>, which exposes four different indigenous peoples - *Tumbalalá*, *Tupinambá*, *Pataxó* and *Pataxó hã-hã-hãe* - to the invasion and expropriation of their own traditional territories. According to Funai, FUNASA and SESAI data, around 14,000 individuals live in this area.

Table 2. Indigenous population in southern Bahia state - Adapted from ISA, 2020

Indigenous Land	Indigenous people	Population	Source and year
Caramuru/Paraguassu	Pataxó hã-hã-hãe	2.801	SESAI (2014)
Tumbalalá	Tumbalalá	1.195	SESAI (2014)
Tupinambá de Olivença	Tupinambá	2.801	SESAI (2014)
Barra Velha do Monte Pascoal	Pataxó	4.649	FUNASA (2010)

<sup>293</sup> INSTITUTO SOCIOAMBIENTAL. "Invasores produzem maior desmatamento em terras indígenas em 11 anos". 2019. Retrieved 30 October 2020 from: <https://socioambiental.org/pt-br/noticias-socioambientais/invasores-produzem-maior-desmatamento-em-terras-indigenas-em-11-anos..>

<sup>294</sup> CONSELHO INDIGENISTA MISSIONÁRIO. "Após normativa da Funai, fazendeiros certificam 58 propriedades sobre terras indígenas na Bahia". August, 20, 2020. Retrieved 30 October 2020 from: <https://cimi.org.br/2020/08/apos-normativa-funai-fazendeiros-certificam-58-propriedades-terras-indigenas-bahia>.

Comexatibá	Pataxó	732	FUNAI (2013)
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Bill of law No. 191/2020 introduced by the Federal Government before the Brazilian National Congress has had a direct impact in indigenous communities<sup>295</sup>. By this proposition, mining in indigenous lands would be allowed. Currently, a significant number of official mining license applications have already been submitted to the Brazilian government. According to ISA's 2020 data<sup>296</sup>, the indigenous lands (Table 3) have been subject to many mining and exploratory license applications in the country.

The *Yanomami*, *Mebêngôkre Kayapó*, *Aparai*, *Wayana*, *Munduruku* and *Wapichana*, communities are especially vulnerable to mining activities.

Finally, indigenous peoples who live under voluntary isolation are specially affected. For them, allowing mining in their territories is even more problematic, due to the difficulty to conduct a free and informed consultation procedure. Therefore, the indigenous lands occupied by isolated communities should be the ones most protected against the mining speculation and illegal wildcat miners' invasion.

According to ISA<sup>297</sup>, at least 18 isolated communities inhabit the top ten indigenous lands with the highest number of mining license applications: *Serra da Estrutura*, *Amajari*, *Auaris/Fronteira*, *Baixo Rio Cauaburis*, *Parawa u*, *Surucucu/Kataroa*, *Iriri Novo*, *Mengra Mrari*, *Pu'rô*, *Rio Fresco*, *Rio Ipitinga*, *Akurio*, *Rio Citaré*, *Alto Tapajós*, *Médio Jatapu*, *Rio Cachorro/Cachorrinho*, *Karapawyana* and *Xikrin do Cateté*.

Table 3. Mining license applications related to the most impacted indigenous lands - Adapted from ISA, 2020

Indigenous land	Indigenous peoples	N° of mining license applications
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<sup>295</sup> BRASIL. Câmara dos Deputados. PL 191/2020. February 06, 2020. Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2236765>. Access on: 30 oct. 2020

<sup>296</sup> INSTITUTO SOCIOAMBIENTAL. Terras Indígenas no Brasil. 2020. Retrieved 30 October 2020 from: <https://terrasindigenas.org.br/pt-br/noticia/208155>.

<sup>297</sup> Ibid.

Yanomami	Yanomami, Ye'kwana, Isolados da Serra da Estrutura, Isolados do Amajari, Isolados do Auaris/Fronteira, Isolados do Baixo Rio Cauaburis, Isolados Parawa u, Isolados Surucucu/Kataroa	452
Menkragnoti	Mebêngôkre Kayapó Mekrãgnoti, Isolados do Irii Novo, Isolados Mengra Mrari	379
Baú	Mebêngôkre Kayapó Mekrãgnoti, Isolados Pu'rô	218
Kayapó	Mebêngôkre Kayapó, Isolados do Rio Fresco	196
Rio Paru d'Este	Aparai, Wayana, Isolados do Rio Ipitinga	167
Tumucumaque	Aparai, Wayana, Katxuyana, Tiriyo, Isolados Akurio, Isolados do Rio Citaré	160
Mundurucu	Munduruku, Apiaká, Isolados do Alto Tapajós	136
Trombetas/Mapuera	Katuenayana, Hixkaryana, Wai Wai, Isolados do Médio Jatapu, Isolados do Rio Cachorro/Cachorrinho, Isolados Karapawyana	114
Raposa Serra do Sol	Ingarikó, Macuxi, Patamona, Taurepang, Wapichana	104

Xikrin do Cateté	Mebêngôkre Kayapó, Xikrin, Isolados na TI Xikrin do Cateté	100
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b. The most indigenous city in Brazil

Located in the Alto Rio Negro region, northern Amazonas state, São Gabriel da Cachoeira is known as “the most indigenous city of Brazil”. It is home to 23 different indigenous peoples, representing 90% of the local population and three indigenous languages alongside Portuguese (nheengatu, tukano and baniwa) recognized as official. Unsurprisingly, this indigenous population is exposed to several existential risks, such as wildcat mining, illegal tourism, fishing, high suicide rate, among others. The greatest vulnerability is found among peoples of recent contact: three groups of the Nadhup peoples (Dâw, Yuhupedeh and Hupd'ah) and the Yanomami. It is also important to point out that the São Gabriel da Cachoeira municipality borders both Colombia and Venezuela, which puts it on the international drug trafficking route endangering the traditional people survival.

São Gabriel da Cachoeira is currently in one of the Brazilian regions most affected by COVID-19. Two years ago, already during Bolsonaro’s government, it also went through a serious malaria crisis and last year it faced a great surge in the number of dengue fever cases<sup>298</sup>. A survey carried out in 2007<sup>299</sup> reported precarious sanitation conditions in the region: 89,2% of the 65 water samples analyzed presented fecal coliforms. The most recent data, from the 2010 Brazilian Census, displays that more than 90% of households did not have access to the general water supply.

There is another fact that makes the situation very much worse: every year families from the Hupd'äh and Yuhupdëh ethnicities navigate downstream the Tiquié and Papuri rivers to the city, looking for access to social benefits (retirement, Bolsa Família<sup>300</sup> and maternity allowance) and to withdraw money and buy goods. From December to March, the city gets

<sup>298</sup> INSTITUTO SOCIOAMBIENTAL. “Cidade mais indígena do Brasil, São Gabriel da Cachoeira se isola contra a Covid-19”. Retrieved 13 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/cidade-mais-indigena-do-brasil-sao-gabriel-da-cachoeira-se-isola-contr-a-covid-19..>

<sup>299</sup> GIATTI, Leandro Luiz et al . “Condições sanitárias e socioambientais em Iauaretê, área indígena em São Gabriel da Cachoeira, AM”. *Ciênc. saúde coletiva*, Rio de Janeiro, v. 12, n. 6, p. 1711-1723, Dec. 2007. Retrieved 28 October 2020 from: [http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1413-81232007000600032&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1413-81232007000600032&lng=en&nrm=iso).

<sup>300</sup> A cash transfer program from the government.

crowded; most of the time, without proper shelter and assistance these people. After traveling for days along the rivers, they settle in camps on the banks of the urban perimeter and occupy the vicinity of the Queiroz Galvão port, in a place known as "beiradão", with terrible sanitary conditions<sup>301</sup>. These families suffer from the unsanitary nature of the facilities and are subject to high social vulnerability. Many of these people do not speak Portuguese and do not know how the institutions responsible for these benefits work. In the city, they end up going hungry, contracting diseases, as well as going through situations of violence and scams by business people and financial agents, who retain the indigenous people's documents to guarantee payment of their debts during their stay in the city. Sometimes, they spend more than 30 days waiting for these benefits, having to consume in the local establishments during all this time, which contributes to the indebtedness. Furthermore, they run the city in search of health and education resources<sup>302</sup>. In these times, there is an increase in infant mortality, cases of malnutrition and suicide, sexual violence against women, and high consumption of alcoholic beverages. There are also cases of indigenous children abduction, which are used as domestic slavery, as well as a number of adults also end up in other types of illegal labor relations<sup>303</sup>. These camps can be interpreted as a protest against the lack of basic rights of indigenous peoples<sup>304</sup>. As Artionka Capiberibe and Oiara Bonilla point out,<sup>305</sup>

Within this larger picture of the clash between economy and politics, the indigenous struggles are for the recognition and guarantee of their lives in the different ways in which they are presented, which depend fundamentally on the right to land, which is the central point around which the tensions directed at the Indians are mobilized.

The failure to consider the specific indigenous characteristics for the implementation of public policies causes serious violations of their fundamental rights.

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<sup>301</sup> INSTITUTO SOCIOAMBIENTAL. "Índigenas acampam em São Gabriel (AM) em condições precárias, em busca de benefícios sociais". Retrieved 28 October 2020 from: <https://www.socioambiental.org/pt-br/blog/blog-do-rio-negro/hupdah-e-yuhupdeh-deixam-comunidades-em-busca-de-beneficios-e-acampam-em-sao-gabriel-da-cachoeira-em-condicoes-precarias>.

<sup>302</sup> FELIPE, Henrique Junio. *Falas, lugares e transformação: os yuhupdeh do baixo rio Tiquié*. 209 f. Thesis (Doctorate in social anthropology) - Universidade Federal de São Carlos, São Carlos, 2018. Retrieved 28 October 2020 from: <https://repositorio.ufscar.br/bitstream/handle/ufscar/10651/FALAS%20LUGARES%20TRANSFORMA%C3%87%C3%83O.pdf?sequence=1&isAllowed=y>.

<sup>303</sup> RAMOS, Danilo et al. "Violações de direitos de povos indígenas de recente contato: o caso dos Hupd'äh e dos Yuhupdêh da região do Alto Rio Negro (AM)". *ARACÊ - Direitos Humanos em Revista*, Year 3, n. 4, p. 212- 226, Feb. 2016, p. 214.

<sup>304</sup> Ibid., p. 219.

<sup>305</sup> CAPIBERIBE, A.; BONILLA, O. "A ocupação do Congresso: contra o quê lutam os índios?". *Estudos Avançados*, v. 29, n. 83, p. 293-313, 2015. Retrieved 29 October 2020 from: <http://www.revistas.usp.br/eav/article/view/105073>.

Alarming suicide statistics also reflect the systemic oppression these communities face and the need to promote affirmative action. According to the Ministry of Health, in 2017 the suicide mortality rate among indigenous people was three times higher than the national average, with 44% of this number in the 10-19 age group. A survey by Oswaldo Cruz Foundation (Fiocruz), carried out by Maximiliano Loiola Ponte de Souza, shows that the death rate from suicide among indigenous children in Brazil is 18 times higher than among non-indigenous children<sup>306</sup>. The municipality of São Gabriel da Cachoeira appears prominently in the Report Lethal Violence Against Children and Adolescents in Brazil, prepared by the Latin American Faculty of Social Sciences (Flacso) in 2015, which presents statistical data on external causes of mortality of children and adolescents in Brazil, between 2009 and 2013. In the report, São Gabriel da Cachoeira appears in 3rd place among the highest average suicide rates of children and adolescents up to 19 years old. It is noteworthy that the cities that occupy the top positions in the suicide lists are also places with large numbers of indigenous communities<sup>307</sup>. According to psychologist Maria Cristina de Lima, who works in the villages, there are serious problems with alcoholism and drugs, as well as violence and depression<sup>308</sup>.

Furthermore, the contact with non-indigenous people results in the traditions of those peoples to be lost. As result, individuals within those communities face difficulties in asserting their own identity and preserving their culture, which result in a perennial feeling of displacement among young people.

This forced contact and the consequent process of acculturation of indigenous peoples represents a great danger to their survival. In addition to the psychological effects caused on young people, it also puts their cultural traditions at risk. The Hupd'äh, who maintain their own forms of social organization and have chosen to live in the forest, have been historically harassed by religious missionaries – which have now found governmental support. Prior to the COVID-19 pandemic, they have also been affected by epidemics of smallpox, measles, and pertussis, which entered the villages through non-indigenous people.

The Yuhupdeh people were greatly affected by the exploitation of rubber in the middle of the 20th century, and their territories were invaded by jaguar skin dealers, causing them to

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<sup>306</sup> SOUZA, Maximiliano Loiola Ponte de. “Mortalidade por suicídio entre crianças indígenas no Brasil”. *Cad. Saúde Pública*, Rio de Janeiro, v. 35, n. 15, e00019219, Jan. 2019. Retrieved 29 October 2020 from: <http://cadernos.ensp.fiocruz.br/csp/artigo/819/mortalidade-por-suicidio-entre-criancas-indigenas-no-brasil.2020>, p.5.

<sup>307</sup> WASELFISZ, Julio Jacobo. *Violência Letal contra as Crianças e Adolescentes do Brasil*. Relatório de pesquisa – Faculdade Latino-Americana de Ciências Sociais (Flacso), 148 f. Brasil, 2015, p. 54.

<sup>308</sup> BRASIL. MINISTÉRIO DA SAÚDE. “Suicídio entre indígenas é uma das taxas mais elevadas do país”. Retrieved 29 October 2020 from: <http://www.blog.saude.gov.br/index.php/servicos/52951-suicidio-entre-indigenas-e-uma-das-taxas-mais-elevadas-do-pais>.

have to displace constantly. In the 1970s, Christian missions began to build schools and prevent the Yuhupdeh from practicing their traditional rituals, and in the 1980s, illegal miners occupied their area and subjected them to workers. In the 2000s, the Yuhupdeh began to build their own schools, without the interference of non-indigenous groups and other indigenous communities, seeking greater autonomy. The Hupd'äh and Yuhupdeh held seminars and meetings in order to discuss the preservation of their cultures and their ways of life in indigenous school education, valuing their tradition, which was left aside after colonization. The presence of the State caused the indigenous customs to be abandoned, which has caused enduring consequences to these peoples, having to fight for the right to educate themselves in their own language<sup>309</sup>.

The Dâw people, who live concentrated in one community (Waurá, Alto Rio Negro indigenous land), are seeking to restore their traditions. They live near the city, but due to the danger of COVID-19, they are taking back their old routes inside the forest. They already started this process, but the pandemic only reinforced it. It is essential to emphasize the importance of this movement for the resumption of their ancestral customs, valuing their culture and contributes to the protection and support of these indigenous people by strengthening their health. Its population has already been very affected by contact with non-indigenous people, suffering, like others, from epidemics and violence<sup>310</sup>.

The Yanomami have been facing deforestation and the action of illegal miners for decades, making them even more vulnerable in situations like the current pandemic and the current administration. Half of the population of the Yanomami Indigenous Land, the largest in the country, lives in areas only a few kilometers from mining areas, and several infectious diseases have already spread to the territory. The Moxihatëtëa isolated group, which was attacked by miners in the 1990s, is currently seriously threatened by the expansion of wildcat mining, in addition to being more susceptible to diseases carried by non-indigenous people<sup>311</sup>.

The mining environmental consequences are also evident, which includes deforestation, soil erosion, silting up of rivers and mercury contamination. This metal, which is

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<sup>309</sup> INSTITUTO SOCIOAMBIENTAL. "Povos Hupd'äh e Yuhupdeh do Alto Rio Negro (AM) discutem educação em seminário". Retrieved 28 October 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/povos-hupdah-e-yuhupdeh-do-alto-rio-negro-am-discutem-educacao-em-seminario>.

<sup>310</sup> OBERT, Karolin et al. "DÂW WAA DÂR TÛÛW - O caminho dos antepassados". *Revista Linguística. Línguas indígenas: artes da palavra*. n. 1, vol. 15. p. 175-211, jan./apr. 2019. Rio de Janeiro, RJ, p. 178.

<sup>311</sup> BRASIL. FUNAI. "Funai anuncia reabertura de bases de proteção na Terra Indígena Yanomami". Retrieved 28 October 2020 from: <http://www.funai.gov.br/index.php/comunicacao/noticias/5451-funai-anuncia-reabertura-de-bases-de-protecao-na-terra-indigena-yanomami?limitstart=0#>.



bioaccumulative, is carried on to the indigenous people through fish, the basis of their diet<sup>312</sup>. A public hearing in the National Congress, held in 2019, debated the real risk of genocide the Yanomami faced without any concrete attitude from the Federal administration. In the region, there are between 7,000 and 10,000 gold miners. According to the Fiocruz researcher, Ana Vasconcellos, “The Yanomami people live in a condition of almost total absence from the state, which configures a situation of very great social vulnerability, characterized by reduced access to health services and total lack of basic sanitation”. According to Vasconcellos, there are also serious problems of basic sanitation, child malnutrition and respiratory diseases, which along with exposure to mercury can lead to the disappearance of the Yanomami<sup>313</sup>.

c. Indigenous peoples in voluntary isolation or of recent contact

According to FUNAI, indigenous peoples living in voluntary isolation are defined as any groups with no permanent relations with non-indigenous society or even, sometimes, with other indigenous peoples. Indigenous peoples of recent contact are defined as communities with low frequency of interaction with other indigenous and non-indigenous peoples<sup>314</sup>.

Their contexts of isolation are quite diverse, ranging from small groups (or even a single individual, as in the case of the lonely indigenous person who inhabits the Tanaru Indigenous Land in Rondônia, known as the Man of the Hole<sup>315</sup>) to demographically large peoples, with intermittent relationships with surrounding peoples<sup>316</sup>. In common, they share a history of massacres, violence and invasions perpetrated by the *white man*, a term used in its ethnopolitical sense: as a category capable of translating the many words of the many

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<sup>312</sup> RAMOS, Alan Robson Alexandrino; OLIVEIRA, Keyty Almeida de; RODRIGUES, Francilene dos Santos. *Mercúrio nos Garimpos da Terra Indígena Yanomami e Responsabilidades*. Ambient. soc., São Paulo, v. 23, e03262, 2020. Retrieved 28 October 2020 from: [http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1414-753X2020000100344&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1414-753X2020000100344&lng=en&nrm=iso).

<sup>313</sup> AGÊNCIA CÂMARA DE NOTÍCIAS. “Debatedores apontam risco de genocídio dos Yanomami”. Available from: <https://www.camara.leg.br/noticias/618192-debatedores-apontam-risco-de-genocidio-dos-yanomami/>.

<sup>314</sup> BRASIL. FUNAI. “Povos indígenas isolados e de recente contato”. Retrieved 27 September 2020 from <http://www.funai.gov.br/index.php/nossas-acoas/povos-indigenas-isolados-e-derecente-contato>.

<sup>315</sup> BRASIL. FUNAI. “Índio Isolado da TI Tanaru: o sobrevivente que a Funai acompanha há 22 anos”. Retrieved 20 October 2020 from: <http://www.funai.gov.br/index.php/comunicacao/noticias/4972-indio-isolado-da-ti-tanaru-o-sobrevivente-que-a-funai-acompanha-ha-22-anos>.

<sup>316</sup> AMORIM, Fabrício. F. “Povos indígenas isolados no Brasil e a política indigenista desenvolvida para efetivação de seus direitos: avanços, caminhos e ameaças”. *Revista Brasileira de Linguística Antropológica*, v. 8, n. 2, p. 19-39, 3 ago. 2017, p. 20.

indigenous languages in Brazil that refer to non-indigenous people and institutions, often meaning even *enemy*<sup>317</sup>.

The current policy for the protection and promotion of the rights of isolated indigenous peoples emerged in 1987, in the context of the Federal Constitution of 1988. Until then, forced contact with public officials was the official policy, which consequently implied acculturation and the imposition of *white man's* culture and livelihood.

Among the countries of South America, Brazil was the first to officially recognize the right of indigenous peoples to isolation<sup>318</sup>, but up until now there is no law that formulates this policy in detail. There is only one set of ordinances from FUNAI, which can be deliberately revoked any time by the agency leadership<sup>319</sup>. By this policy, isolation is an autonomous decision of indigenous peoples, claiming their right to a safe territory, where they can preserve their ways of life and also their physical, psychological and socio-cultural integrity, in accordance with their fundamental rights<sup>320</sup>.

According to ISA data, there are reports of some 120 isolated indigenous peoples in Brazil (28 confirmed, 25 under study, and 67 reports). They are in 54 Indigenous Lands and 24 Conservation Units (being 15 federal and 9 state conservation units). There are also six reports in areas without any legal protection mechanism. Based on data from 2017 (the last available year), FUNAI recognizes only 114 registers (28 confirmed, 26 under study and 60 reports)<sup>321</sup>. FUNAI also recognizes 19 indigenous peoples of recent contact, among them the Zo'é, Awá Guajá, Avá Canoeiro, Akun'tsu, Kanôe, Piripkura, Arara from the Cachoeira Seca Indigenous Land, Araweté, Suruwahá and Yanomami<sup>322</sup>.

Given their unique living conditions, indigenous peoples in voluntary isolation have been subject to several threats, with growing federal government lenience. Among them, there are the violent and predatory action of miners, loggers, hunters and fishermen, invaders of

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<sup>317</sup> CASTRO, Eduardo Viveiros de. "Nenhum povo é uma ilha". In: RICARDO, Fany; GONGORA, Majoi Fávero. *Cercos e resistências: povos indígenas isolados na Amazônia brasileira*. 1ª ed. São Paulo: Instituto Socioambiental, 2019, p. 9.

<sup>318</sup> YAMADA, E. M.; AMORIM, F. F. "Povos indígenas isolados: autonomia e aplicação do direito de consulta". *Revista Brasileira de Linguística Antropológica*, v. 8, n. 2, p. 41-60, 3 ag. 2017, p. 45.

<sup>319</sup> VAZ, Antenor (Coord.). *Pueblos indígenas en aislamiento en la Amazonía y Gran Chaco*. Informe regional: territorios y desarrollo. Land is life. Abya-Yala: Ediciones Abya-Yala, 2019, p. 19.

<sup>320</sup> AMORIM, F. F. "Povos indígenas isolados no Brasil e a política indigenista desenvolvida para efetivação de seus direitos avanços, caminhos e ameaças". *Revista Brasileira de Linguística Antropológica*, v. 8, n. 2, p. 19-39, 3 ag. 2017, p. 21.

<sup>321</sup> RICARDO, Fany; GONGORA, Majoi Fávero. *Cercos e resistências: povos indígenas isolados na Amazônia brasileira*. 1 ed. São Paulo: Instituto Socioambiental, 2019, p. 25.

<sup>322</sup> BRASIL. FUNAI. "Povos indígenas isolados e de recente contato". Retrieved 25 October 2020 from t: <http://www.funai.gov.br/index.php/nossas-acoas/povos-indigenas-isolados-e-de-recente-contato?start=1#:~:text=Atualmente%2C%20a%20Funai%20coordena%20e,Suruwah%C3%A1%20e%20Yanomami%20entre%20outros.>

indigenous territories; the impacts of infrastructure work (i.e. transmission lines, highways and hydroelectric power generating projects); local fauna traffic; criminal fires; the advance of agribusiness; and also, the deleterious influences of religious missions on indigenous peoples and their beliefs.

From January 1<sup>st</sup>., 2019, the increased threats were compounded by the rupture of the policy of non-contact, in force since 1987. In addition to the repeated use of offensive rhetoric to indigenous peoples, in November 2019, the current government forced the unmotivated resignation of Bruno Pereira, coordinator of the General Coordination of Indigenous Peoples in Voluntary Isolation and of Recent Contact (CGIIRC, in the original acronym)<sup>323</sup>. In his place, through a maneuver that changed even the legal attributions of this office, the government appointed a missionary from the New Tribes Mission of Brazil, responsible for the continuous evangelization of indigenous peoples in the Amazon since the 1950s. Even though the act was widely criticized by organizations such as Apib, the Union of Indigenous Peoples of the Javari Valley, Indigenist Associates and Cimi, becoming even the target of a suspension claim by the Federal Public Prosecutor's Office, the replacement was maintained<sup>324</sup>.

In addition, Ordinance n° 419/PRES/2020 also allowed the Regional Coordinators to authorize contact with isolated indigenous peoples, a prerogative previously exclusive to CGIIRC. FUNAI retreated<sup>325</sup> only after strong rejection by society and indigenous rights organizations, including a federal bill to sustain the effects of this specific item of the ordinance.

Further advancing this agenda, on May 5, 2020, the missionary Francisco das Chagas Lopes was named Head of Service of the Madeirinha-Juruena Ethno-environmental Protection Front in the state of Mato Grosso, a region in the so-called “arc of deforestation” and an area of intense land conflicts, where there are 13 reports of isolated indigenous peoples and two

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<sup>323</sup> INSTITUTO SOCIOAMBIENTAL. “Servidores denunciam precarização de frentes de proteção d índios isolados”. Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/blog/blog-do-monitoramento/servidores-denunciam-precarizacao-de-frentes-de-protecao-a-indios-isolados..>

<sup>324</sup> INSTITUTO SOCIOAMBIENTAL. “O que está em jogo com a nomeação de um missionário para a coordenação de isolados da Funai”. Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-esta-em-jogo-com-a-nomeacao-de-um-missionario-para-a-coordenacao-de-isolados-da-funai>.

<sup>325</sup>INSTITUTO SOCIOAMBIENTAL. “Em meio à crise do coronavírus, Funai edita portaria que ameaça isolados”. Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/em-meio-a-crise-do-coronavirus-funai-edita-portaria-que-ameaca-isolados>.

indigenous protected lands, occupied by one group of indigenous people living in isolation and another of recent contact<sup>326</sup>.

It is worth noting the current escalation of tensions between indigenous peoples in isolation and invaders, the latter motivated by the President. On September 9, 2020, Rieli Franciscato, coordinator of the Uru-Eu-Wau-Wau Ethno-environmental Protection Front in Rondonia, was arrow-shot in the chest by isolated indigenous people who had been disturbed in recent weeks by invaders in their territory<sup>327</sup>.

Finally, there have been reports of coronavirus in isolated indigenous peoples and of recent contact in several locations, including registered deaths. In August 2020, there was even a critical situation of contact with a group of isolated indigenous at the upstream the Humaitá River in Acre, with a serious risk of infection<sup>328</sup>.

To sum up, there is a severe weakening of the non-contact policy, both by the advancement of the religious lobbying group interests — with the appointment of missionaries to key positions in FUNAI —, compromising the socio-cultural integrity of indigenous peoples, and by the intensification of threats through the President's violent rhetoric, who legitimizes attitudes of aggression against peoples in voluntary isolation and also of recent contact, without providing full guarantees for the continuity of isolation — which is a condition for the survival and also for the self-determination of these peoples.

#### d. The indigenous response: resistance

Since the full recognition of indigenous peoples' autonomy by the 1988 Federal Constitution, any civil society movement on indigenous law may not dispense a necessary dialogue with indigenous communities. After all, in contrast to an enduring romanticized and racist colonial image, indigenous peoples have been defiantly resisting for over five hundred

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<sup>326</sup>OBSERVATÓRIO DOS DIREITOS HUMANOS DOS POVOS INDÍGENAS ISOLADOS E DE RECENTE CONTATO. “Opi denuncia em meio a pandemia de COVID-19, Funai põe em curso processo de desmonte do trabalho com índios isolados no Mato Grosso”. Retrieved 23 November 2020 from: <https://povosisolados.com/2020/05/05/opi-denuncia-em-meio-a-pandemia-de-COVID-19-funai-poe-em-curso-processo-de-desmonte-do-trabalho-com-indios-isolados-no-mato-grosso-mt/>.

<sup>327</sup> INSTITUTO SOCIOAMBIENTAL. “Morre Rieli Franciscato, defensor dos povos indígenas isolados”. Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/morre-rieli-franciscato-defensor-dos-povos-indigenas-isolados>.

<sup>328</sup>POVOS ISOLADOS. Nota da OPI sobre situação de contato com índios isolados no Acre. Retrieved 25 November 2020 from: <https://povosisolados.com/2020/08/16/nota-do-opi-sobre-situacao-de-contato-com-indios-isolados-no-acre/>.

years, especially in face of the continuous violence of the past two years. They are political actors, researchers, interpreters of the Constitution, and mobilized agents in defense of their communities, their rights, and their lives.

In this sense, the consolidation of the modern organized indigenous movement began in the 1990s. In 1985, there were less than 50 indigenous organizations in Brazil. By 1990, however, this number had increased to 100. By 2002, there were more than 300 indigenous organizations<sup>329</sup> -- in the Amazon region alone.

Though, the establishment of an association under Brazilian civil law embodies many difficulties for traditional peoples. However, this bureaucratic and artificial means of creating organizations contrasts with the more organic way indigenous communities establish their organizations, in line with the customs of each people<sup>330</sup>.

In any case, there are currently several indigenous organizations established under civil law, defending the indigenous people's rights in different levels (national, regional, local, etc.). Conversely, many individuals have been mobilizing independently, according to their uses and customs. In all cases, the indigenous associations and organizations demonstrate how indigenous peoples have adhered to the institutional mechanisms as to participate in the political debates involving their communities. Apib<sup>331</sup> was created in 2005 by the indigenous movement during the *Acampamento Terra Livre* (Free Land Camp, a national indigenous mobilization), held every year since 2004 to give visibility to the indigenous rights and to give voice to their demands and claims before all government levels. It is an organization of national scope<sup>332</sup>, created from the bottom up to allow connections between regional indigenous organizations and to strength the union and articulation of all peoples, as well as to mobilize against threats and aggressions to indigenous rights.

Simultaneously to the process of indigenous peoples' self-organization, there are many independent movements, carried on by individuals and indigenous peoples, generating political, territorial, cultural impacts. Indigenous resistance, at this point, acts not only as a means of combating threats to these peoples, but also as a space of memory and preservation in face of the current's administration genocidal policy.

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<sup>329</sup> For more information, see: [https://pib.socioambiental.org/pt/Organiza%C3%A7%C3%B5es\\_na\\_Amaz%C3%B4nia](https://pib.socioambiental.org/pt/Organiza%C3%A7%C3%B5es_na_Amaz%C3%B4nia).

<sup>330</sup> SOUZA FILHO, Carlos Frederico Marés de. *Organizações indígenas*. In: PANKARARU, Paulo Celso de Oliveira (Coord.). *Fortalecimento dos povos e das organizações indígenas*. São Paulo: FGV Direito SP, 2019.

<sup>331</sup> For more information, see the Apib official website: <https://apiboficial.org/>.

<sup>332</sup> For more information on indigenous organizations of local and regional scope, see: [https://pib.socioambiental.org/pt/Organiza%C3%A7%C3%B5es\\_ind%C3%ADgenas](https://pib.socioambiental.org/pt/Organiza%C3%A7%C3%B5es_ind%C3%ADgenas).

The resistance actions of indigenous peoples may be divided into four groups: (i) land demarcation; (ii) cultural preservation and education; (iii) political representation; (iv) COVID-19 prevention. Although we aim to provide an overview of current resistance actions and mobilizations, we cannot emphasize enough the very impossibility of exhausting this analysis, considering the long period of time indigenous peoples have been defiantly resisting acculturation. We, however, focus on these resistance actions due to their importance in a context of an unprecedented existential threat.

As pointed out, indigenous land demarcation is a constitutionally recognized right, as set forth in article 231 of the Federal Constitution. In spite of this, the current administration has systematically hindered demarcation efforts, forcing indigenous peoples to act on their own to protect their territories.

The Yanomami Indigenous Territory, for example, was demarcated and ratified in 1992, after a process of mobilization and articulation by indigenous peoples alongside government representatives and civil society. It ended, albeit temporarily, decades of invasion and forced contact that led to the spread of epidemics and the intense growth of mining invasions. Nevertheless, the Yanomami people fight against illegal mining persists to this day. In 2019, an entourage of the Yanomami and Ye'kwana peoples led a complaint to IBAMA, FUNAI, the Ministry of Justice, the Ministry of Defense, the Federal Public Prosecutor's Office and the President Office Secretariat. Again, the Yanomami and Yek'wana made it clear that they did not want any kind of mining on their land. "Mining brings no benefit to anyone. It only brings disease and environmental degradation. There is no money that pays for our forest, the rivers and the lives of our people," said Davi Kopenawa, president of the Hutukara (Yanomami Association) and historical leadership of his people, during a meeting at the Federal Public Prosecutor's Office<sup>333</sup>.

The Xukuru Indigenous Land in Pernambuco state has also been a focus of indigenous mobilization, with many indigenous communities fighting for almost 30 years for demarcation. In 2018, the Xukuru of Ororubá won a historic victory over the Brazilian government at the Inter-American Court of Human Rights (IACHR), which condemned Brazil for the violation of indigenous rights, imposing the payment of 1 million dollars in damages to the Xukuru people. During an IACHR hearing in Guatemala, Cacique Marcos Xukuru spoke about the violence in the process of recovering the territory, including the death of his father, Cacique

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<sup>333</sup>INSTITUTO SOCIOAMBIENTAL. "Povo Yanomami solicita apoio do governo para combater maior invasão desde demarcação". Retrieved 23 November 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/povo-yanomami-solicita-apoio-do-governo-para-combater-maior-invasao-desde-demarcacao>.

Xicão, and the mobilization process of the Xukuru people as a socio-political organization<sup>334</sup>. In 2001, during tXicão's tenure as cacique, the Xukuru mobilized and, after almost 20 years of struggle, they achieved the homologation of 27,555 hectares of land<sup>335</sup>.

Likewise, the so-called "Guardians of the Forest", a group of Guajajara, Ka'apor, and Awa-Guajá indigenous peoples, are currently monitoring territories in the Amazon forest on their own, in order to prevent invasions and illegal deforestation. Armed with nothing more than boats, cameras, GPS and bow and arrows, they carry out expeditions into the forest, searching for illegal deforestation. The Guardians of the Forest endure frequent threats, violence and attacks<sup>336</sup>.

Historical and cultural preservation represents another major challenge to indigenous peoples. The access to formal school education by indigenous peoples has driven the formation of a new generation of indigenous teachers and professors. They have produced teaching materials in native languages and Portuguese authored by indigenous writers, allowing for the continuing schooling for indigenous children.

Access to the internet has also produced a diversity of sites and platforms of indigenous authorship. In that sense, "Video in the Villages" (VNA)<sup>337</sup>, a non-governmental organization created in 1986 and precursor in indigenous audiovisual production in Brazil, has taught new indigenous video-makers and musical producers. Because of this project, several young indigenous have learned to master the video and audio techniques of and thus produced documentaries on their culture, art and history. More recently, the CineFlecha Network<sup>338</sup>, formed by indigenous groups and individuals who work with cinema, communication and anthropology, has also been promoting and disseminating indigenous peoples' productions.

With respect to political representation, the first indigenous federal deputy, Mário Juruna, was elected only in 1983, in a mandate marked by the fight for land demarcation and indigenous peoples' rights. In 2019, Joênia Wapichana became the first indigenous woman

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<sup>334</sup> A recording of his speech is available at: <https://www.youtube.com/watch?v=3TSq0NJyMp4>.

<sup>335</sup> CENTRO DE INFORMAÇÃO SOBRE EMPRESAS E DIREITOS HUMANOS. "Decisão histórica da Corte Inter. de Dir. Hum. condena país por violações de direitos indígenas & lenta e inadequada demarcação da terra do povo Xukuru, em Pernambuco". Retrieved 23 November 2020 from: <https://www.business-humanrights.org/pt/%C3%BAltimas-not%C3%ADcias/brasil-decis%C3%A3o-hist%C3%B3rica-da-corte-inter-de-dir-hum-condena-pa%C3%ADs-por-viola%C3%A7%C3%B5es-de-direitos-ind%C3%ADgenas-lenta-e-inadequada-demarca%C3%A7%C3%A3o-da-terra-do-povo-xukuru-em-pernambuco/>.

<sup>336</sup> For more information, see: <http://www.ihu.unisinos.br/78-noticias/594150-quem-sao-os-guardioes-da-floresta-o-grupo-de-indios-protetores-da-amazonia-no-maranhao>.

<sup>337</sup> For more information, see: <http://www.videonasaldeias.org.br/2009/vna.php>

<sup>338</sup> For more information, see: <https://redecineflecha.org/>.

elected to the National Congress. The time that separates these two elections shows that the indigenous representation in the Legislative branch is still deficient in Brazil.

In light of the threat posed by the current administration, the fight for the traditional peoples' rights gained an important ally in 2019, with the creation of the Joint Parliamentary Front in Defense of the Rights of Indigenous Peoples, with support of 248 members of the congress: 219 federal deputies and 29 senators. The group generally opposes the Parliamentary Agricultural Front (FPA), popularly known as the "rural caucus", which encompasses representatives with ties to the agribusiness.

According to the Superior Electoral Court (TSE, in the original acronym), the number of indigenous candidates grew in 2020, reaching roughly 2,000 candidates, or 0.4% of the total. According to the TSE, there were 38 indigenous candidates for mayor and 72 for deputy mayor, which represents an increase of 25% compared to 2016<sup>339</sup>.

Finally, as for the battle against COVID-19, we have seen that indigenous peoples were particularly and violently affected. Despite this (and, in fact, because of this), indigenous peoples have developed their own strategies to combat the dissemination and impacts of the virus.

As soon as the WHO declared a state of pandemic, in mid-March, APIB cancelled the in-site XVI Acampamento Terra Livre (*Free Land Camp*). The event, which was later held online, offered the proposals of contingency and mitigation of the pandemic, advocating for indigenous peoples' quarantine in their villages. During the same period, indigenous people themselves intensified their supervisory work in their lands, as shown by the work of Guardians of the Forest and also of the Ka'a Usak ha ta, Ka'apor — both in the State of Maranhão). Many peoples managed to close their village borders, like the Waimiri-Atroari<sup>340</sup>. Many other indigenous peoples launched the campaign "Fica na aldeia parente" (Stay in the village, our kin), in contrast to the official government slogan, "O Brasil não pode parar" (Brazil cannot stop).

The association also launched a major collective funding project, the Maracá Project<sup>341</sup>, to purchase PPE and health supplies to contain the spread of the new coronavirus. The

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<sup>339</sup> BRASIL. SENADO FEDERAL. "Candidaturas negras femininas e indígenas aumentaram em 2020". Retrieved 23 November 2020 from: <https://www12.senado.leg.br/noticias/materias/2020/10/14/candidaturas-negras-femininas-e-indigenas-aumentaram-em-2020>.

<sup>340</sup> INSTITUTO SOCIOAMBIENTAL. "Isolamento é cuidado: no território dos Waimiri Atroari, a COVID-19 ficou do lado de fora". Retrieved 30 October 2020 from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/isolamento-e-cuidado-no-territorio-dos-waimiri-atroari-a-covid-19-ficou-do-lado-de-fora>.

<sup>341</sup> APIB. *Emergência Indígena*. Retrieved 30 October 2020 from: <https://emergenciaindigena.apiboficial.org/maraca/>.



"Indigenous Emergency"<sup>342</sup>, for example, is a virtual platform created by the indigenous movement in Brazil to confront the COVID-19 pandemic and its expansion over the territories and native peoples. The group organizes plans, projects and actions to monitor and analyze the impact of the virus on indigenous peoples, providing inputs and developing specific mitigation strategies, and safeguarding the memory and knowledge threatened by the death of the elderly. The movement also acts in monitoring cases of COVID-19 through daily direct contact with indigenous leaders and local organizations.

In addition, indigenous communities have followed their own lockdown protocols, established their own sanitary barriers, distributed tests, set up reception sites to isolate and assist contaminated people, and maintained their traditional indigenous therapies in association with medicines prescribed by doctors. Such is the example of the Ashaninka and the Yawanawa in Acre, as narrated by Francisco Piyãko, a leadership of the Ashaninka people: "It is a tradition in every family to have a house inside the forest — away from the village — to stay in isolation on days when they are sick, preventing other people from being contaminated"<sup>343</sup>.

The Kuikuro, in Mato Grosso, put out an order of self-confinement, with entrance and exit control, sanitization initiatives, distribution of hygiene kits, baskets and 10 thousand masks<sup>344</sup>. Despite being in one of the territories most affected by the disease, the Fulni-ô, from Pernambuco state, have seen positive effects of their epidemiological control, with a significant reduction in cases. In the Pankaru territory, between the municipalities of Jatobá, Petrolândia and Tacaratu, in the hinterland of Pernambuco state, indigenous peoples organized a campaign to rebuild a Family Health Unit (PSF), that had been burned down together along with an indigenous school, soon after the election of Bolsonaro<sup>345</sup>.

## e. Conclusion

The main objective of this section was to highlight the accumulated threats to indigenous peoples in Brazil in the face of actions promoted at the federal level. We did not

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<sup>342</sup> For more information, see: <https://emergenciaindigena.apiboficial.org/>.

<sup>343</sup> PONTES, Fabio. "O ancestral do agora". Retrieved 23 November 2020 from: <http://www.fabiopontes.net/2020/05/o-ancestral-do-agora.html>.

<sup>344</sup> For more information, see: <https://www.youtube.com/watch?v=yalyg-HafM&list=UUQOuXQaUsnLv1tio5KpINag>

<sup>345</sup> EBRAHIM, Raíssa. "Índigenas têm suas próprias estratégias para combater coronavírus". *MarcoZero*. Retrieved 23 November 2020 from: <https://marcozero.org/indigenas-tem-suas-proprias-estrategias-para-combater-coronavirus/>.

ignore that previous actions contributed to the creation or intensification of threats for peoples of different regions.

However, as previously reported, the current federal government is responsible for an unprecedented existential threat indigenous peoples' lives: conduction of an assimilationist policies in both FUNAI and SESAI; dismantling of environmental preservation policies; suspension of surveillance activities against invasions of indigenous territories and reserves; omission in the elaboration of contingency and treatment plan in light of the pandemic; racist and violent presidential speeches directed at indigenous peoples; obstacles imposed on NGOs, International Organizations, and indigenists groups humanitarian activities. In all these threats, the direct and personal participation of President Jair Messias Bolsonaro is evident.

On the other hand, we must shed light into the mobilization of the indigenous peoples and their resistance in face of the attacks of the Federal Government. The analysis of indigenous leadership in light of increasing threats is a critical aspect of our goal to give voice to indigenous communities. In other words, more than simply recognizing indigenous peoples as political agents, the independent actions carried out by indigenous peoples reinforce the total inefficiency of the federal administration in its responsibility of protection of their fundamental rights. Therefore, indigenous peoples not only tried to protect themselves, but also had to move against the government's lethal policies and constant attacks against the indigenous peoples.

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