

Observations on the State of Indigenous Human Rights in Brazil

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Joint Submission by: Cultural Survival

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States.

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Comunidade Quilombola Morros dos Macacos

The Quilombola Rio dos Macacos community, located in the Metropolitan Territory of Salvador – Bahia, northeastern Brazil is a community of maroon people who have lived in the Rio dos Macacos territory for over 200 years, and is made up of about 450 families.

Munduruku Takuara Community

The Takuara village of the Munduruku territory is located on the shore of the Tapajós River, State of Pará, in the National Forest (FLONA) Tapajós. Territory recognized and supported by the Ordinance no. 568 of May 11, 2016. About 200 people inside the village, being more than 50 families currently. The residential area is concentrated on the banks of the Tapajós River and most of the territory is concentrated in forest.

Uka Institute

The UK'A Institute – *Casa dos Saberes Ancestrais* is a non-profit indigenous institution focusing on education, culture, and works to promote Indigenous rights to culture and immaterial protection. It was conceived by a group of indigenous and non-indigenous educators with the central objective of providing services.

Munduruku Institute

The Instituto Munduruku was created on 11/16/2005, in Aldeia Munduruku, located on the borders of the municipality of Juara, in Mato Grosso (MT), with the purpose of bringing organizational representation to the ethnic group, as well as its recognition by public authorities of the Brazil, as well as defending and caring for the territory.

I. Executive Summary

The Brazilian State continues to promote policies and practices that support land grabbing and deforestation of Indigenous territories, primarily for mining, agribusiness, and other extractive industries. Quilombola lands are currently occupied by the military. In addition to impeding Indigenous Peoples' access to their ancestral lands and livelihoods, these actions promote disease resulting from both contamination of lands and waters with industrial waste and pesticides, and also the spread of illnesses via workers on illegal projects. The biological integrity of individuals and communities is entirely dependent on the ecological integrity of their surrounding habitat. Women and children experience particularly damaging impacts.¹ The State has ignored Indigenous Peoples' demands for their rights to be implemented and has not provided restitution for these violations. Under the pro-extractivist Bolsonaro administration, violations have escalated, with the systemic removal of protections for the environment and Indigenous Peoples and several bills threatening constitutionally enshrined land rights such as demarcation of Indigenous territories. Rivers, soils and food supplies have been poisoned, causing death and permanent disability. Munduruku and several traditional subsistence fishing communities have been exposed to life-threatening diseases, particularly COVID-19, which has devastated their communities. This land grabbing and exploitation violate the UNDRIP by failing to ensure the Free, Prior and Informed Consent (FPIC) of impacted Peoples. These land rights violations bring concomitant, systemic negative outcomes and rights violations for Indigenous Peoples, including to their physical health and their cultural, spiritual, and mental wellbeing and related rights.

This report focuses on rights violations experienced by the Munduruku Indigenous Peoples and the Quilombola (descendants of enslaved African Peoples). Much of it is direct information from the co-authoring organizations, supplemented with additional sources.

II. Background Information

Brazil occupies half of South America's land mass. Its vast territory encompasses a variety of ecosystems, including grazing lands in the Plata de Rivera Basin, the Guyana highlands in the north, the Brazilian highlands in the coastal south and the Amazon Rainforest.² About 60% of the Amazon basin is within its borders.³

The National Indian Foundation (FUNAI) estimates that there are 1.3 million Indigenous persons in Brazil⁴—approximately 0.6% of the total population⁵—of whom 36.2% live in urban areas.⁶ There are an estimated 305 identified ethnic groups; half live within the Amazon rainforest. In addition, at least 115 groups live in voluntary isolation, some of whom overlap with the 305 ethnic groups and some of whom are distinct Nations.⁷ The Brazilian government has identified 505 Indigenous lands, comprising approximately 12.5% of Brazilian land and mainly within the Amazon basin.⁸ Indigenous lands are formally assigned for exclusive usufruct to Indigenous

Peoples by the process of demarcation. Demarcated lands are “Indigenous Lands (TIs)” and lands in the process of being demarcated are “Indigenous Territories.” Only 1.5% of fully recognized Indigenous Lands are being occupied by Indigenous Peoples, because many are in different legal statuses.

In 1998 Brazil ratified ILO Convention 169 and in 2007 voted for the UNDRIP.⁹

Jair Bolsonaro’s government is advancing a development agenda that overtly dismantles protections for Indigenous Peoples. The government’s disdain for environmental issues, demonstrated through weakening supervisory bodies and dismantling economic and social policies, violates the rights of Brazil’s most vulnerable groups, including Indigenous Peoples.¹⁰ Bolsonaro has also stated that under his government there will be no demarcation of Indigenous lands.¹¹ Congress has also dramatically reduced funding for Indigenous Peoples in 2022. The budget approved in the Budget Administrative Law 2022/LOA 14303 includes only 31% of what was approved for the same activities in previous years. Bolsonaro vetoed the 2022 budget for the Regularization, Demarcation and Inspection of Indigenous Lands and, weakening protections for Isolated Indigenous Peoples

The Munduruku Peoples, with a population of approximately 14,000¹² living in three states, have 442 authorized and unauthorized mining sites on their territories without FPIC.¹³ The situation of the Quilombola Peoples, whose national population is 1,133,106,¹⁴ has also worsened¹⁵¹⁶¹⁷¹⁸ with respect to rights to water, traditional lands, and social and economic development.

Illegal activities in the Amazon have had serious health consequences for Indigenous Peoples and others who depend on the forest. The cultural and biological integrity of Munduruku, Quilombola and all Indigenous Peoples is dependent upon the ecological integrity of their living environment.¹⁹

On top of these issues, COVID-19 has devastated already vulnerable Indigenous Peoples. As of March 28, 2022, there have been 69,835 confirmed COVID cases among Indigenous Peoples and 1,295 deaths.²⁰ The government failed to protect Indigenous Peoples as acknowledged by UN Special Rapporteurs.²¹

III. Previous relevant UPR recommendations

Brazil supported 28 recommendations related to Indigenous Peoples in the 3rd cycle and 15 in the 2nd, including the following relevant examples.

- a. Netherlands, 3rd cycle: *Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities.*²² Not implemented.

- b. Germany, 3rd cycle: *Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the National Indian Foundation (FUNAI).* Partially implemented. Indigenous Peoples have had at least one representative in the National Congress since the last cycle, although policy does not require this. Adequate consultation, completion of demarcation, and protection of rights defenders have not been implemented.²³ Demarcation is under attack. The government is dismantling FUNAI.²⁴²⁵
- c. Ireland, 3rd cycle: *Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offenses, and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it.* Not implemented.
- d. Slovakia, 2nd cycle: *Ensure that Indigenous Peoples are able to defend their constitutional right to ancestral lands without discrimination and their prior, informed consent is sought in cases of projects that may affect their rights.* Not implemented.
- e. Peru, 2nd cycle: *Continue promoting internal debates towards a better regulation of the consultation processes with Indigenous Peoples on issues that affect them directly.* Not implemented.
- f. Norway, 2nd cycle: *Conclude pending demarcation processes, in particular related to the Guaraní Kaiowá.* Not implemented.
- g. Norway, 2nd cycle: *Ensure the rights of Indigenous Peoples, in particular the rights to traditional lands, territories and resources, and their right to be consulted.* Not implemented.

IV. Ongoing violations of Indigenous Rights

Little or nothing has improved in terms of rights since the last UPR cycle, as the government has adopted political and legislative agendas that are increasingly harmful to Indigenous Peoples.

1. Violations of land and environmental rights

“Indigenous People and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture, and interests and enable

their effective participation in the achievement of sustainable development.” (Principle 22, Rio Declaration on Environment and Development)

Despite supporting the above recommendations from Germany, Slovakia, and others, the following examples show Brazil’s ongoing failure to respect Indigenous land rights.

1.1 Violations of Land Rights to Demarcated Indigenous Lands

The 1988 Brazilian Constitution guarantees Indigenous Peoples’ land rights. It was enacted with a 5-year deadline to complete Indigenous land demarcation. Of 566 Indigenous Lands in the country, only 44 have been demarcated, 73 have been declared, 13 have been homologated and 433 have been registered,²⁶²⁷ meaning that they are in various stages of the process towards full demarcation.

In March 2016, the UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, visited Brazil. She concluded that the demarcation process had stagnated due to the weakening of FUNAI, lack of political will, resource exploitation interests, and other obstacles enumerated in her report.²⁸ This scenario has since worsened. We focus on the case of the Munduruku Indigenous Peoples in the context of demarcation violations.

The Munduruku have lived in the states of Pará, Amazonas and Mato Grosso for centuries and today comprise approximately 14,000 people.²⁹ They inhabit forests on the margins of navigable rivers across multiple demarcated and non-demarcated pieces of land. They are mostly concentrated in the demarcated TI Munduruku, (2,382,000 ha). The territory has been demarcated and registered since 2004. However, frontier towns, such as Itaituba, have long been a hub for illegal activities, including timber exploitation, mining, land-grabbing, and illegal drug trafficking on Indigenous lands. The neighboring town of Jacareacanga is the main gateway into the TI Munduruku and TI Sai Cinza and has become a mineral mining hotspot, including manganese, copper, bauxite, gold, nickel, and tin.³⁰³¹

Some Munduruku people live in TI Sai Cinza, which borders TI Munduruku but is not yet demarcated. Another smaller area, TI Sawre Muybu, is currently contested. Demarcation has been stalled since 2016. TI Kayabi borders TI Munduruku to the south and runs along the Teles Pires River. Further up the Teles Pires river the construction of the Teles Pires and Sao Manuel hydroelectric dams destroyed sacred Munduruku cemeteries and sites in 2017-2018.³²

Also in Pará is TI Apyterewa, home to 730 Parakanã Indigenous people and fully demarcated and registered since 2007; however, the land demarcated was over 20% less than the amount declared for demarcation.³³ After this reduction, TI Apyterewa was invaded by land-grabbers, farmers, loggers, and miners who obtained over 120 injunctions to prevent their removal.³⁴ The region

suffers from the nearby Belo Monte dam and the subsequent influx of people from other parts of Brazil. Since 2011, despite government promises and actions to remove squatters, local Indigenous communities still suffer from invaders.

The TI Taquara, comprising about 25,323 hectares, has been homologated but not yet demarcated. In October 2021, a community member said,

The violations of the rights of the Munduruku people from the Taquara village have intensified, in the period of the COVID-19 pandemic, and the little supervision by the competent bodies, many non-Indigenous people have stolen several logs of wood from the trees that are illegally felled...[causing] us several material and immaterial damages, since for us, Indigenous Peoples, our territory is not a supermarket where people arrive, fill their carts and leave. I bring as a concern that the violation of rights and the delay of the administrative procedure, tends not only to continue, but to worsen, considering, for example, the lack of sensitivity and non-recognition, by the current president of the Republic, who argued...that 'he is against the demarcation industry of indigenous lands in Brazil.' (Testimony, R.T.M.)

This testimony references an interview in which Bolsonaro positioned demarcation as a threat to development,³⁵ referring to a “demarcation industry.”³⁶ He falsely claimed demarcation is not the president’s responsibility but that of the legislature, which is vulnerable to corporate lobbyists.³⁷ In June 2021, Bill 490/07 was passed by one house of the legislature which restricts demarcation and permits energy exploration, military bases, and other projects³⁸ on Indigenous lands, violating UNDRIP Articles 11, 12, 26, and 29. The Inter-American Commission on Human Rights (IACHR) has expressed concern.³⁹ The Federal Court requested an analysis of the bill because it would alter the constitutional provision regarding demarcation. The bill is the most potentially devastating for Indigenous Peoples in Brazil in 30 years.

Former Environment Minister Ricardo Salles prioritized Amazon exploitation over the environment and rights. On 5 August 2020, he traveled to Jacareacanga, on the border of where the Munduruku People live. There he promoted Bill 191/2020, which would open Brazil’s Indigenous lands to mining, against which the IACHR has spoken.⁴⁰ He brought miners to Brasília for a meeting and met with a small group of pro-mining Indigenous residents⁴¹⁴²⁴³⁴⁴ who did not represent the views of the community.

Bill 191/2020 regulates the implementation of constitutional articles, establishing conditions for mining, oil, water, and other resource exploration and development on Indigenous lands and "institutes compensation for the restriction of usufruct of Indigenous Lands." It fails to ensure Indigenous Peoples' right to FPIC.⁴⁵

Salles' selective meeting with pro-mining Indigenous persons presented the mining of Indigenous lands as something supported by, and beneficial to, Indigenous communities. In fact, Munduruku leaders consistently oppose mining in Munduruku territory. After the meeting, the Ministry of Defense stopped military operations against illegal mining in the area, demonstrating the government's prioritization of mining over Indigenous Peoples and violating UNDRIP Articles 3, 20, 23, and 32 and ILO 169 Articles 6, 7, 16, and 19. In the absence of enforcement, illegal miners initiated new projects. The Munduruku communities denounced this, and the Federal Public Ministry (MPF) conducted an inspection to verify the presence of these miners. However, before the MPF arrived to inspect, the miners left and hid their machinery, which were found and confiscated. The MPF then initiated an investigation into allegations that high-level government authorities who had advance notice of the inspection had leaked details to the miners so they had time to cease mining and hide machinery. The investigation has not released conclusions to date.⁴⁶⁴⁷⁴⁸⁴⁹⁵⁰⁵¹

1.2. Violations Related to Deforestation of Munduruku and Other Indigenous Peoples' Lands

The region of Pará has experienced mass deforestation since Bolsonaro assumed power and implemented pro-extractive policies. At least 11,088 km² of the Amazon was razed between August 2019 and July 2020—the highest figure since 2008. Pará was the worst-affected state, experiencing almost 47% of the deforestation. Mining, mainly gold, has increased by 495% within Indigenous lands in the last decade alone, according to the MapBiomas platform. In Conservation Units, the increase was 301%.⁵²⁵³⁵⁴⁵⁵⁵⁶⁵⁷

The five most deforested Indigenous lands in 2020 were all in Pará State, where the Munduruku People live: Cachoeira Seca, Apyterewa, Ituna/Itatá, Trincheira Bacajá and Munduruku. Approximately 10% of the Ituna/Itatá Indigenous Land was illegally invaded and destroyed in 2019,⁵⁸ satellite data shows that deforestation is still rising.⁵⁹⁶⁰⁶¹⁶² The region is home to several isolated Indigenous Peoples who depend on the surrounding forest. By the end of 2019, Ituna/Itatá was the most deforested Indigenous Land in Brazil. Responses by environmental authorities were ineffective. IBAMA, the federal agency mandated to exercise environmental enforcement,⁶³ responded to the attacks with five operations, but according to the Munduruku, within a few weeks the land-grabbers were back, demonstrating Brazil's failure to enforce its obligations under ILO 169 and UNDRIP articles 4, 5, 8, 20, 25, 26, 29, and 32.

At TI Apyterewa, enforcement operations which had reduced deforestation between November 2019-April 2020 were canceled without explanation; deforestation increased by 335% in the following month. 5,800 hectares were deforested between July and December 2020, almost 14 times more than the total between January and June. At Trincheira Bacajá, deforestation jumped

from three hectares in May 2020 to 411 hectares the following December, an increase of 12,980% following suspension of enforcement.⁶⁴⁶⁵

2. Violations of rights to water, food and economic subsistence

Mining, logging, land grabbing and deforestation violate Indigenous Peoples' rights to food and water. According to Munduruku representatives, "Indigenous people drink dirty water, this water is contaminated because of the mining." By not providing clean water and protecting against mining runoff, Brazil violates UNDRIP Articles 3, 20, 23, and 32; AMDRIP Articles 6, 28, and 29, and ILO 169 Articles 6, 7, 16, and 19.

In September 2019, Greenpeace reported on "the tragedy of the Munduruku,"⁶⁶ revealing mining's destruction of a key river. The report found that "the Kaburuá River had its bed completely drained and is destroyed from the headwaters to the mouth."⁶⁷

In February 2021, Eduardo Bim, the Bolsonaro-appointed president of IBAMA, the environmental enforcement agency, overruled approved a plan for the Belo Monte dam which reduced the flow of the Xingu Volta Grande river by 70-87% and redirected the water to the dam's turbines.⁶⁸ IBAMA is alleged to have made the decision under pressure from other federal ministries.⁶⁹ This poses a serious threat to Indigenous livelihoods and to the entire ecosystem, violating the rights enshrined under UNDRIP Articles 11, 12, 21, 26, and 29 and AMDRIP Articles 13, 16, and 18. Boats are unable to undertake their usual routes, and vegetation requiring the river's water is dying.⁷⁰ This occurred during the *piracema* season, when fish and turtles travel the river to feed and spawn, a devastating interference with ecological and biological cycles of species and systems upon which the communities depend for their physical, cultural, economic, and spiritual wellbeing.

3. Violations to Indigenous Peoples' Right to Health as a Result of Mining

3.1 Poisoning by mercury and other contaminants

The Mercury Observatory⁷¹ reveals that illegal mining is common throughout the South American Amazon. In Brazil, mining occurs on Munduruku, Kayapó, Yanomami, and Xikrin do Cateté Lands. The database brings together 40 years of studies on mercury poisoning in the Amazon, actions by the Federal Public Ministry (MPF), deforestation, and contamination of people and fish. The river is central to these Indigenous Peoples' way of life.⁷² In one case, around 2010, the Xikrin community living along the Cateté River, began to observe contamination symptoms, including changes in the population of fish upon which they subsisted, headaches, skin conditions, food poisoning, and high rates of birth defects.

Patkore Kayapo, a Mebemgroke People's representative, and Bekwaja Kayapo, another local leader, repeated one sentence almost in unison: "Study us, we are poisoned."⁷³ The mercury surpasses their territories, traveling in fish brought to a regional market; thus demands for Indigenous rights are in service of protecting people in urban areas in the eastern Amazon, where the fish are sold, as well.⁷⁴

In November 2020, journalist Aldem Bourscheit reported, "[a]ll the indigenous people of three Munduruku villages in Pará are contaminated by mercury from mining."⁷⁵ In November 2020, Fiocruz, a global health research institution, published a study analyzing mercury contamination among the Munduruku People.⁷⁶ All participants were contaminated, with about 60% having levels over what is considered safe. Contamination was greater in areas "most impacted by mining," where 90% of people had "a high level of contamination." About 16% of children were found to be affected neurodevelopmentally. 96% of community members eat fish regularly, and 100% of sampled fish were contaminated. The same study estimated that participants consume 4-18 times the safe mercury levels established by the US Environmental Protection Agency⁷⁷.

In April 2021, Cássio Beda, environmentalist and long-time activist against mining in Indigenous lands, died of mercury poisoning.⁷⁸ He had spent a lot of time with the Munduruku Peoples and was poisoned by the mercury dumped in the Tapajós River.⁷⁹ UN human rights experts subsequently expressed concerns over mercury contamination on Amazonian Indigenous lands, noting that "[i]llegal mining activities and associated mercury pollution threaten the health, water, and food sources of the Munduruku and Yanomami Indigenous Peoples."⁸⁰

3.2 Spread of zoonotic diseases

In November 2020, the city government of Jacareacanga in Pará wrote to the Evandro Chagas (Public Health Institute) for assistance with "a very large outbreak of malaria in indigenous lands."⁸¹ Workers at illegal mines travel between mines and bring the diseases with them. The Munduruku, Kayabi and Sai Gray Indigenous Territories are in this region. Gold-mining has been found to be a contributing factor in 3% of malaria cases in Brazil in 2017 and 2018 (over 11,000 cases).⁸²

3.3 Spread of COVID-19: Unprotected communities

Despite the onset of the COVID-19 pandemic and the dangers it poses for Indigenous Peoples, for months the Bolsonaro administration refused to take measures to protect Indigenous communities, in violation of UNDRIP articles 17, 21, 23, 24, and 29 and AMDRIP Article 18.⁸³⁸⁴⁸⁵ In June 2020, Indigenous organizations filed a case with the Supreme Federal Court (STF) seeking for the government to take steps to protect Indigenous Peoples from COVID-19.⁸⁶ The action requested the removal of invaders from Indigenous territories, including Munduruku territories in Pará. In July 2020, the court granted interim relief. In August, it unanimously upheld the decision, requiring

the federal government to develop measures to remove invaders and create buffers to prevent further entry to Indigenous lands.⁸⁷ Yet, nothing was done for three months. The APIB, the largest Indigenous organization in the country, and the NGO CIMI have denounced the government's failure to act.⁸⁸⁸⁹

The spread of contagious diseases is a well-known danger associated with increased contact between Indigenous and non-Indigenous people which has accelerated recently. The government's response was slow and insufficient.⁹⁰⁹¹⁹² At the same time, the government accelerated approval for corporations to prospect for mining within Indigenous territories and TI and policies for exploitation of the Amazon without consulting Indigenous Peoples. This has led to serious violations of the right to health of these environmental defenders and dependents.⁹³

4. Violations of Rights to Culture, Spirituality, and Traditional Life

The Munduruku and other Indigenous Peoples suffer social and cultural rights violations as a result of the aforementioned activities. Rivers are central to the lifeways of many Indigenous Peoples in Pará, and contamination impedes their access to water for drinking, cooking and bathing. Logging and mining machinery scares game animals away from traditional hunting grounds; land-grabbing and other economic activities prevent the Indigenous Peoples from obtaining food and hinder their ability to remain self-sufficient.

A Munduruku leader of the Ipereg Ayu Movement testified, “*garimpo* (illegal mining) invaded everything, corrupted our relatives with diseases and killed the forest and the gardens, bringing diseases, prostitution, alcohol use among men and women and drugs among the youngest. Because of this, we can no longer do our rituals safely.”⁹⁴⁹⁵ Some communities in the Munduruku territories, pressured and fearing for survival, give up lifeways, such as agriculture, fishing and hunting, to live off extractivism and mining income.

5. Violations of Indigenous Women's and Children's rights

Health concerns are even greater among children than among adults; mercury directly affects the central nervous system, still developing in those under five years of age, and the brain of fetuses still forming in the mother's womb. A study conducted by Fiocruz, a governmental institution, and the NGO WWF found that 40% of children in three villages surveyed had high mercury concentrations. The study also evaluated 89 children 0-9 years old. Fifty-seven underwent neurodevelopmental assessment and, of these, nine had problems in language development, in fine motor skills, and in the gross motor skills. This is high considering the size of the community.⁹⁶

Mining also has a deleterious effect on spiritual and cultural health, with disproportionate impacts on women and children, violating UNDRIP Articles 7, 21, and 22, and AMDRIP Articles 7 and

17. Children can no longer play in the river, an important cultural relationship. The rivers and forests, now contaminated, are sacred aspects to Munduruku cultural and spiritual life. Munduruku woman and mother Aldira Munduruku says, “Everything that lives in the [forests and rivers] is sacred to us...If what is in your land dies, spirituality and culture are also threatened. Without health, without sustenance, without culture, how can indigenous populations and their children survive?”⁹⁷

The International Women’s Media Foundation reported how women, mainly Munduruku and Quilombola leaders and activists, have suffered aggression.⁹⁸ For example, shortly after she got back from COP26, Indigenous leader Alessandra Munduruku’s house was burglarized for the second time in two years, with money and documents stolen.⁹⁹ ¹⁰⁰Alessandra Munduruku is the first woman to lead the Munduruku organization Pariri Association.¹⁰¹ Another Munduruku woman leader’s house was burned in May 2021.¹⁰² Women are threatened not only because they live in areas where mining is occurring, but also because they are Indigenous defenders. This violates Indigenous women’s rights under UNDRIP Articles 7, 21, and 46 and also Ireland’s recommendation in the 3rd UPR cycle for Brazil to protect human rights defenders. Women’s right to social security is not currently enjoyed without discrimination, as required from Brazil in the AL BRA 15/2021 (Mandates of the Special Rapporteur on contemporary forms of discrimination and Human rights violations).¹⁰³

In a public statement, the Munduruku Women’s Association called for police operations to arrest those suspected of involvement in criminal activities, in order to maintain the security of Indigenous leaders and expel invaders from Indigenous Lands (TI). “We urgently request the presence of the Federal Police to prevent further violence, murders and massacres resulting from the encouragement of illegal mining activity and impunity for criminals, as we see happening in the Yanomami and Mundurukânia,” they wrote.¹⁰⁴ The statement was signed by the Munduruku Ipereg Ayu Movement, Munduruku Wakoborun Women’s Association, Da’uk Association, Arikico Association and Munduruku Indigenous Council of Alto Tapaós-CIMAT.

6. Violations of Rights to Water: The Quilombola Peoples

On 28 July 2010, through Resolution 64/292, the United Nations General Assembly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights.¹⁰⁵¹⁰⁶¹⁰⁷¹⁰⁸¹⁰⁹

6.1 Quilombola Peoples - *Rio dos Macacos* Community

Quilombos are communities of Quilombolas, the descendants of enslaved Africans who settled in remote parts of Brazil to flee their oppressors starting in the 1500s. Quilombos are found throughout Brazil, including in the Amazon Basin. Although they often reside in remote, forested

portions of the country, the Quilombolas are surrounded by recently established military facilities and urban zones, as well as large agribusiness ventures.

Quilombola ancestors moved to the Rio dos Macacos in northeastern Brazil 200 years ago. Currently, the community consists of about 87 families—approximately 400 people. It is on the border between Simões Filho and Salvador in the state of Bahia. According to a survey by the Palmares Cultural Foundation, the federal agency responsible for protecting Quilombola cultural heritage, there are 3,524 of these communities, but according to Quilombolas, the total number may reach 5,000.¹¹⁰¹¹¹

Displacement and human rights violations against Quilombolas reinforce structural racism and impoverishment, in violation of UNDRIP Articles 8, 10, 12, 25, 26, and 30, AMDRIP Articles 7, 19, and 25, and ILO 169 Article 16. The Brazilian State’s violations against Quilombola Peoples are part of a wider strategy for demographic reengineering on Indigenous and Quilombola lands for advancing political and economic interests.¹¹²

After the construction of the Aratu Naval Base in the early 1970s, much of the Rio dos Macacos community was forcibly removed. The Navy construction split the territory by building military residences and houses in the middle of Quilombola territory, dividing the community, and some families scattered. This violates UNDRIP Articles 21, 22, and 30 and AMDRIP Articles 7 and 17.

6.2 Indigenous Women’s Access to Water

CEDAW Article 14 (2): States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The Quilombola people remaining on their lands are mostly women; due to economic reasons, violence, and increasing uncertainty about the future, many men left. The communities have suffered rights violations by the Navy and the federal government has failed to investigate the violence and protect them since 2010, violating UNDRIP Articles 21 and 22, and AMDRIP Articles 7, 30, and 32. “The navy built a naval base in the area in the 1950, and as the base grew, the area where quilombolas lived shrank...[T]he navy says it needs the land to build a training centre for marines...And the law has so far backed the navy...Community leader Rosimeire dos Santos Silva says the residents are coming under increasing pressure and have even been intimidated by navy personnel.”¹¹³

The Navy’s construction of houses and walls has prevented access to the river and water for the Quilombola community, in violation of UNDRIP Article 30 and the articles mentioned above. The

river is the community's source of water for agriculture and religious rituals. Without it, they cannot grow food or perform ceremonies. The lack of water supply, basic sanitation, health care, electricity, school, housing, freedom of movement, and prohibition of cultivation, fishing, and hunting cause despair and rights violations for the community.

The community also denounces acts of racism and violence by Navy soldiers. In November 2021, without obtaining the community's FPIC, the Brazilian Navy personnel began entering the community's lands with tractors to destroy plantations and traditional gardens, violating UNDRIP Articles 11, 12, 15, 20, 26, 27, 28, and 31 and AMDRIP Articles 13, 16, 20, 21, 22, 25, and 31. One community leader commented, "We don't know what project they are doing. But even if it is a project to take care of the dam, they are destroying everything with the machine...They are destroying the palm trees and vegetation on the banks of the river."¹¹⁴¹¹⁵¹¹⁶

7. Violence against Human Rights Defenders (UDHR Article 3)

Brazil has supported 28 recommendations on the protection of human rights defenders over the three cycles of the UPR. Violence against HRDs continues to be a major problem in Brazil, and Indigenous Peoples are disproportionately targeted in relation to land disputes.¹¹⁷ Murders systematically remain in impunity: of the 300 murders in the Brazilian Amazon tracked between 2009 and 2020 by the Pastoral Land Commission, only 4% were tried in court.¹¹⁸ Below are some examples:

Celino Fernandes and Wanderson de Jesus Rodrigues Fernandes, father and son, were shot and killed on January 5, 2020. The men were leaders of the Cedro Quilombola Association and part of a movement to reclaim public land surrounded by *grilheiros*, or land invaders/squatters.

Joab, Marcos, and Francisco Marins da Cruz of the Indigenous Miranha Peoples from the Cajuhiri Atravessado Indigenous Land in Amazonas were murdered on January 6, 2020. The deceased had reported previous violent events to the police station of Coari and informed FUNAI, alerting that a tragedy could happen; however, no action was taken to prevent their deaths. Community leaders attribute their murders to conflict related to extractive chestnut-related production.

Zezeico Guajajara was killed on March 31, 2020. Zezeico was dedicated to the preservation of the natural reserve of his village, organizing a combat team to stop forest fires. He was also applying to be a city councilor to accelerate policies in favor of Indigenous Peoples. The region where he was murdered is known for illegal deforestation.

Professor and environmental activist Ari Uru-Eu-Wau-Wau was murdered on April 18, 2020 on his land in Rondônia State. The Uru-Eu-Wau-Wau Peoples' land has been subject to invasion, theft, deforestation, and land-grabbing.

On June 12, 2020, two Yanomani men, Original Yanomami and Marcos Arokona, were shot and killed by illegal gold miners trespassing on their lands in the Amazonian region.

V. Recommendations

We urge the government of Brazil take the following actions:

1. Establish and implement clear procedures for obtaining the FPIC of Indigenous Peoples, in alignment with UNDRIP and ILO 169, ensuring the full participation of the Quilombolas, the Munduruku, and all Indigenous Peoples in decision-making processes related to projects and legislative and administrative measures that may affect them.
2. Implement Indigenous Peoples' constitutional rights, and to accomplish this, ensure adequate resources are designated in the annual budget, including sufficient funding for FUNAI to carry out its functions.
3. Adopt an effective action plan to complete the demarcation of Indigenous lands as indicated in Article 231 of the Constitution and prevent land conflicts.
4. Allocate funding directly to Quilombola and Indigenous women's organizations and programs in the areas of anti-violence, food security and health related services to ensure that women in remote communities may exercise self-determination to address these issues.
5. Improve access to emergency and healthcare services for Indigenous and Quilombola Peoples in remote communities, especially women, that is culturally and linguistically appropriate.
6. In consultation with Indigenous Peoples, develop and implement policies that address infant mortality, malnutrition, health, education and access to basic sanitation for all Indigenous Peoples. Provide safe drinking water and improved sanitary conditions for Munduruku Peoples.
7. Immediately halt mining and deforestation activities on Munduruku territories and evacuate illegal miners that violate Munduruku territorial rights, and establish permanent security forces in Munduruku areas to ensure the physical security of communities in the face of physical violence perpetrated by illegal miners.

8. Reconsider the demarcation of land in the Quilombola territory of Rio dos Macacos to guarantee the Brazilian Navy does not encroach on the rights of the Quilombola Peoples by a) ensuring their access to the river for cultural and spiritual purposes, and b) facilitating an entrance from the river for the Quilombola community to ensure their free and safe movement.
9. Take measures to ensure the highest attainable standard of living conditions and physical, economic, and cultural security for the Quilombola in Rio dos Macacos, particularly ensuring access to food, housing, electricity, transport, health care, clean water, sanitation, and educational infrastructure.
10. Strengthen mechanisms for the protection of Indigenous children's rights and health.
11. Invest in poverty alleviation policies and effective implementation to reduce social and economic inequalities, including the creation of conditions for better sources of income, in particular for people in rural areas.
12. Undertake a comprehensive audit of the health district accounts responsible for Indigenous health to determine why resources are not reaching Indigenous Peoples and ensure that they do.
13. Establish a mechanism that enables prompt and correct judicial decisions in strict compliance with constitutional and international law on the territorial rights of Indigenous Peoples.
14. Rescind and/or reject bills proposed or passed during the Bolsonaro administration which violate Indigenous Peoples' rights to FPIC and other rights, including Bill 490/2007, Bill 191/2020, Bill 3729/2004, and Bill 510/2021.
15. Implement existing UPR recommendations related to the protection of Human Rights Defenders.
16. Create a national action plan on implementing Indigenous Peoples' rights based on the World Conference on Indigenous Peoples' Outcome Document.

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