



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **Legal fragility of Brazil's indigenous peoples' rights**

With great concern, Society for Threatened Peoples has been observing the deteriorating situation of Brazil's Indigenous population since Jair Bolsonaro became president of the country. After nine months in office, we have seen a series of dismantled democratic rights and vast areas of impunity in Brazil's Amazon rainforest.

As soon as he took office in January of 2019, Jair Bolsonaro ordered the so-called Provisional Measure (MP) 870 which restructured the government, transferring FUNAI to the Ministry of Human Rights, Women and Family, and its main licensing-related duties and the demarcation of indigenous lands to the Ministry of Agriculture, Livestock and Supply (MAPA). The proposal was rejected by the Parliament, returning the indigenous body, and its responsibilities, to the Ministry of Justice and Citizenship.

Following this defeat, Bolsonaro upset Parliament by issuing a new provisional measure called 886/2019, in which he insisted on his positions. The Federal Supreme Court again annulled the proposal, since no provisional measure can be constitutionally reissued in the same legislative session (Art. 62 of the Constitution) and therefore would undermine the separation of powers.

In 2018, an area of rainforest was destroyed by the equivalent of about 5,000 football fields - per day. Although the illegal deforestation decreases, the legal has been increasing and is mainly driven by a growing agricultural industry. Since the inauguration of Bolsonaro, the extent of deforestation in the Amazon has been increasing by 60 per cent. This is reported by the Brazilian state space institute INPE analyzing satellite images. In 14 officially recognized indigenous areas were invaded by illegal loggers. Indigenous peoples are forced to defend their land rights without the help of the state security agency IBAMA whose budget has been massively cut. In July 2019, illegal gold miners invaded the indigenous territory of Wajapi in the state of Amapa which covers more than 600,000-hectares, and murdered their leader Emyra Wajapi. Fearing attacks by the gold miners, the indigenous inhabitants of the village of Mariry left their settlement.

The Bolsonaro government is pursuing a strategy of "restructuring" the Brazilian executive. Relevant ministries and authorities are extensively examined. Important institutions are unable to work for weeks and the state defies its obligation to protect its own citizens, especially indigenous peoples.

Illegal gold miners, the so-called "Garimpeiros" have been active in the Amazon region for decades. Their activities include repeated violent attacks on the indigenous communities. Under president Bolsonaro, there are incentives to carry out illegal activities on indigenous territories. The Amazon, a conflict area already difficult to control, will be opened to extensive extraction of raw materials. Wood and soybean production are being intensified to the detriment of indigenous land rights. Producers and exporters of soya, livestock and wood have links to illegal deforestation, corruption, slave labor and other criminal activities. Meanwhile, they conduct business with investors and companies of Brazil's three largest trading partners: China, the European Union and the United States.

The United Nations Special Rapporteur on Indigenous Rights, Victoria Tauli-Corpuz, has condemned Brazil's Amazon policy and sees President Jair Bolsonaro as responsible for raiding a village in Wajãpi, Amapá state. The United Nations High Commissioner for Human Rights, Michelle Bachelet, has called on the Brazilian government to reconsider its mining plans in the Amazon.

President Bolsonaro reiterated his plan to legalize the extraction of minerals in the Amazon region, even in indigenous protected areas. Meanwhile, social services vital to indigenous peoples are being cut. Since January 2019, only limited funds have gone to SESAI and other health centers. By decree, Bolsonaro had the SESAI restructured. The administrative structure has been shifted from the local to the federal level. Thus, local institutions are disempowered and de facto incapable of working.

**Therefore, Society for Threatened Peoples calls on the UN Human Rights Council to urge all UN member states:**

- To sign a free trade agreement with Brazil only in the case of Brazil respecting its human rights due diligence.
- To call on Brazil to remain member state of the Paris Climate Agreement in order to combat deforestation and climate change.

**Society for Threatened Peoples calls on the U.N. Human Rights Council to urge Brazil:**

- To guarantee and implement constitutionally protected indigenous rights, especially the right to land. Hence, the responsibility of demarcation must be carried out by FUNAI under the Ministry of Justice and Citizenship.
  - To ensure that the Secretary of indigenous health (SESAI) is able to work and with a sufficient budget.
  - To restore the environmental police IBAMA and provide it with the necessary funds.
  - To respect all Indigenous peoples' rights stated in Brazil's constitution, the Indigenous and Tribal Peoples Convention (No. 169) ratified by Brazil in 2002 and the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007 with the vote of Brazil.
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