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Human rights situations that require the Council's attention

Joint written statement* submitted by Indian Law Resource Centre, non-governmental organizations on the roster

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

[19 August 2020]

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

Human Rights Abuses Against Indigenous Peoples in Brazil During the COVID-19 Pandemic

Indigenous peoples in the Brazilian Amazon are currently suffering severe human rights violations that massively violate their rights to life and health, and their rights to their lands and cultures. We believe that the government's actions and inactions constitute ethnocide and serious genocide. The situation is extremely grave, and it demands immediate, sustained attention from the Human Rights Council and the international community. This statement is made with the collaboration and the approval of COIAB, the Coordination of the Indigenous Organizations of the Brazilian Amazon. COIAB's mission is to defend the rights of indigenous peoples. It is the largest indigenous organization in Brazil, and it covers the nine states of the Brazilian Amazon (Amazonas, Acre, Amapá, Maranhão, Mato Grosso, Pará, Rondônia, Roraima and Tocantins).

Indigenous peoples in the Brazilian Amazon, especially those in voluntary isolation and recent contact are highly vulnerable to COVID-19. Brazil constantly says that it is adopting measures to contain the pandemic and provide assistance to these peoples. However, these measures are very minor and ineffective, resulting in hundreds of deaths of indigenous individuals and violating their individual and collective rights to health, life, and freedom. Additionally, the pandemic has intensified other human rights violations for these peoples. Land rights, the right to conservation and protection of the environment, and the existence of the Amazon forest are in jeopardy, as deforestation and illegal incursions into indigenous territories by loggers, farmers, and miners continue to accelerate. Unwanted invasions by missionaries are also increasing, raising issues of indigenous cultural rights and the right to be free from forced assimilation. Finally, killings of indigenous leaders have increased dramatically, implicating indigenous peoples' fundamental right to life.

COVID-19

The COVID-19 pandemic in Brazil is among the very worst in the world. Over 3,000,000 have been infected and more than 100,000 have died. The situation among indigenous peoples, including those in the Amazon is appalling. By August 12, more than 24,000 indigenous people had been diagnosed with the coronavirus, a rate nearly twice that of the non-indigenous population. At least 664 had died from the disease.¹ Indigenous peoples and individuals in the Amazon are extremely vulnerable to COVID-19, medical resources are lacking, and yet practically nothing has been done by government actors to create a strategy for preventive measures and health care for indigenous peoples and individuals, despite orders by the Supreme Court.² The Brazilian government has not implemented standard recommendations for health measures to respond to the pandemic, even as the public health situation continues to spiral downward. In fact, the current administration has vetoed specific measures passed by Brazil's Congress intended to protect indigenous peoples from the pandemic.³

Land rights and deforestation

Throughout the pandemic, the government has sought to undermine indigenous land titles through a series of legislative actions. For instance, Proposed Law 2633/20, termed the "land-grabbers law," would allow non-indigenous landholders to quickly obtain recognition of the lands they claim, even before indigenous communities who actually own the land could make their claims.⁴ Together with Bolsonaro's refusal to homologate (legalize) any indigenous territories, these laws would effectively nullify many indigenous land rights. The government has also allowed the continued construction and use of infrastructure on indigenous lands, including the Itaituba Port in Pará, to continue. Indigenous peoples have long opposed the port, and now a leader of the nearby Munduruku nation, Alessandra

¹ For latest data gathered by APIB, the national indigenous group in Brazil tracking the pandemic, see http://emergenciaindigena.apib.info/dados_covid19/.

² Álvares, Débora Associated Press, "Top court rules Brazil must protect Indigenous peoples in pandemic," 5 August 2020, accessible at: <https://www.pbs.org/newshour/world/top-court-rules-brazil-must-protect-indigenous-in-pandemic>.

³ Pedroso, Rodrigo, and Rahim, Zamira, "Brazilian President Jair Bolsonaro vetoes Covid-19 protections for indigenous people," *CNN*, 8 July 2020, accessible at: <https://www.cnn.com/2020/07/08/americas/brazil-jair-bolsonaro-coronavirus-intl/index.html>.

⁴ Fearnside, Philip, "Brazil's Land-Grabbers Law Threatens Amazonia," *Mongabay*, 25 May 2020, accessible at: <https://news.mongabay.com/2020/05/brazils-land-grabbers-law-threatens-amazonia-commentary/>.

Munduruku, says, “there’s a flow of workers all the time. Nothing’s changed. It’s like the virus didn’t exist.”⁵ This has led to fears that workers could spread the virus to nearby communities as construction continues on the expansion of the port.⁶

The government’s public statements embolden outsiders to invade even fully demarcated indigenous territories, perhaps convincing them that the administration is on their side. These invasions result in violence against indigenous people and put many indigenous people at risk during the pandemic. On May 26, 2020, the MapBiomas Alert project released its first Annual Deforestation Report and found that of the 12,187 square kilometers deforested in the Amazon, 99% was illegal,⁷ but enforcement agencies responsible for upholding the laws have been subject to decreases in financial and personnel capacity.⁸ In the first half of 2020, deforestation rates in the Amazon are the worst on record, with 1,185 square miles lost already, and fires in the Amazon in July are up 28% year on year. These fires are generally set by land invaders to clear the forest for agriculture and ranching.⁹

A combination of government inaction, deregulation, and anti-indigenous rhetoric caused a cascade of violations of indigenous rights, even before COVID-19 struck. Killings of indigenous leaders in Brazil have increased dramatically, with 2019 seeing the highest number of killings in two decades. Invasions and illegal incursions onto indigenous lands have accelerated. A 2019 report by the Indigenous Missionary Council recorded 160 invasions of indigenous territories in the first nine months of 2019, as compared to 96 cases in the entirety of 2017. The Yanomami and Ye’kwana Peoples have launched a #MinersOutCovidOut campaign, calling on the government to remove over 20,000 gold miners currently operating illegally in Yanomami Territory. The campaign highlights the urgent risk of infection of indigenous communities posed by the miners’ presence. Aggressive, unwelcome intrusions by missionary groups have risen as well, threatening the livelihoods and lives of isolated indigenous communities. Under any circumstances these intrusions would constitute serious violations of indigenous rights, including cultural rights, collective land rights, and the rights of indigenous peoples in voluntary isolation. However, in the context of COVID-19, these incursions pose a threat to their existence.

To respond vigorously to these human rights abuses in Brazil, and in particular violations of indigenous peoples’ rights to life, land rights, and health rights in the context of Covid-19, we call upon the Council to:

1. Urge the Government of Brazil to take all necessary measures to provide adequate medical services and ensure the health rights of indigenous peoples, to prevent violence and invasions of indigenous peoples’ lands, to impartially investigate and prosecute the killings of indigenous leaders and rights defenders, and to halt statements that appear to encourage violations of indigenous rights.
2. Appoint a country-specific Special Rapporteur to monitor the situation of indigenous rights in Brazil, to report on all violations, especially those that could constitute genocide, and to engage with the State and assist it in achieving its human rights commitments to indigenous peoples.
3. Encourage all possible actions by the relevant Special Rapporteurs, including investigations and reports with recommendations to the Human Rights Council, and including visits to Brazil when feasible, in order to better understand the full scope of indigenous rights issues in the country,
4. Request the High Commissioner to prepare a comprehensive report on the situation of human rights in Brazil, especially facts evidencing genocide or which may be proof of genocide, and to present it to the Human Rights Council at the earliest possible time, to be followed by an enhanced interactive dialogue and a panel focused on the apparent genocidal situation in Brazil and the violations of indigenous peoples’ other rights;

⁵ Angelo, Mauricio, “Indigenous leaders fear Amazon soy port could be conduit for COVID-19, 10 June 2020, National Post, accessible at: <https://nationalpost.com/pmn/environment-pmn/indigenous-leaders-fear-amazon-soy-port-could-be-conduit-for-covid-19>.

⁶ Id.

⁷ MapBiomas, “Relatório Anual do Desmatamento do Brasil – 2019, MapBiomas Alerta,” 26 May 2020, accessible at:

http://alerta.mapbiomas.org/relatorios?utm_source=akna&utm_medium=email&utm_campaign=26052020-Newsletter-ClimaInfo.

⁸ MapBiomas, “Relatório Anual do Desmatamento do Brasil – 2019, MapBiomas Alerta,” 26 May 2020, accessible at:

http://alerta.mapbiomas.org/relatorios?utm_source=akna&utm_medium=email&utm_campaign=26052020-Newsletter-ClimaInfo.

⁹ Al Jazeera, “Brazil: July surge in Amazon fires raises fears of repeat of 2019,” 2 August 2020, accessible at: <https://www.aljazeera.com/news/2020/08/brazil-july-surge-amazon-fires-raises-fears-repeat-2019-200802091358996.html>.

5. Encourage the Expert Mechanism on the Rights of Indigenous Peoples to give particular attention to the current situation of indigenous peoples in Brazil, including through a panel discussion at the earliest possible date and through a thematic report on the rights of indigenous peoples in voluntary isolation.

The Coordination of the Indigenous Organizations of the Brazilian Amazon, (COIAB) NGO(s) without consultative status, also share the views expressed in this statement.