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GRAMMAR REVIEW

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UPR BrazilCoalition

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About the **UPR Coalition**

The UPR Brazil Coalition is a coalition composed of 31 entities, networks and collective groups of Brazilian civil society. From its creation, since 2017, it has monitored the human rights in the country through the United Nations Universal Periodic Review (UPR) mechanism.

In 2019, it drafted its first Mid-Term Report, in which it assessed 163 recommendations of the 242 accepted by Brazil in this 3rd cycle. From these, 142 were considered as not implemented, 20 partially implemented and only 1 implemented.

In 2020, on the grounds of the pandemic of the novel coronavirus, the UPR Brazil Coalition opted to prepare a new report, called "Civil society report: Human Rights Universal Periodic Review in the Context of Covid-19", whose objective was to denounce

in-depth violations of human rights that have already been evidenced by the group, as well as to record new violations that have occurred at this time of institutional, health and economic crises, as a result, but not only, of the Covid-19 pandemic.

The Report in the Context of Covid-19 evaluated 190 recommendations, 142 of which were considered as not implemented, 47 partially implemented and only 1 was considered to be implemented.

Considering the civic participation in the UPR process, Brazilian civil society participates in the preparation of parallel reports. For this, in this transition from the 3rd to the 4th cycle, the UPR Brazil Coalition articulated to evaluate here the 242 recommendations accepted by the Brazilian State in 2017.

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Good reading.



topics of human rights and the public affected.

Thus, It features:

- a) the assessments of the recommendations, indicating the level of compliance with these as "Implemented", "Partially implemented" or "Not implemented". In the latter case, indicating whether the topic assessed, in addition to not being implemented, is also in a situation of setback;
- **b)** for each evaluation, it presents a small text containing data (laws, public policies, official publications, newspaper articles, among others) that justify the assessment;
- **c)** associated with one or more of the Sustainable Development Goals (SDGs) of the 2030 Agenda.



¹Civil Society Mid-Term Report | 3rd cycle of the UPR. Mid-Term Report

²Civil society report: Human Rights Universal Periodic Review in the context of Covid-19. Relatório RPU.indd (plataformarpu.org.br)

Reports prepared by the **UPR Brazil Coalition**:

- Health and dignified life:
 - Right to health; Sexual and reproductive health;;
- Gender equality and non-discrimination:

 Sexual orientation and gender identity; Discrimination against women;

 Violence against women; Participation of women in political and public life;
- Human rights defenders and democratic space:

 Female and male human rights defenders; Freedom of expression and the right to communication; Human rights and anti-terrorism;
- Children and adolescents and decent work:

 Children and Adolescents; Labor; Prohibition of slavery; Human trafficking;
- Education, austerity and discrimination:

 Right to education; Education in Human Rights;
- Poverty reduction and the fight against inequalities:

 Right to adequate housing; Right to an adequate standard of living (poverty reduction and the fight against inequalities); Human rights, drinking water and sanitation; Right to adequate food and nutrition, Food security;
- Indigenous Peoples and the Environment: Indigenous peoples; Environment;
- Criminal Justice: Prison System, Public Security, and Torture:

 Extrajudicial, summary or arbitrary executions; Prohibition of torture and cruel, inhuman or degrading treatment; Detention; Administration of justice and fair trial;
- Migration, refuge, racism and (in)equalities:
 Migrants and refugees; Racism; Equality and non-discrimination;
 Persons with disabilities; Quilombolas;
- Obligations and Commitments to Human Rights:
 Institutions and policies; Constitutional and legislative framework; Acceptance of international standards; International cooperation; National Institution of Human Rights (NHRI);
 - Business and Human Rights: Business; Human Rights.

Hope under Torture

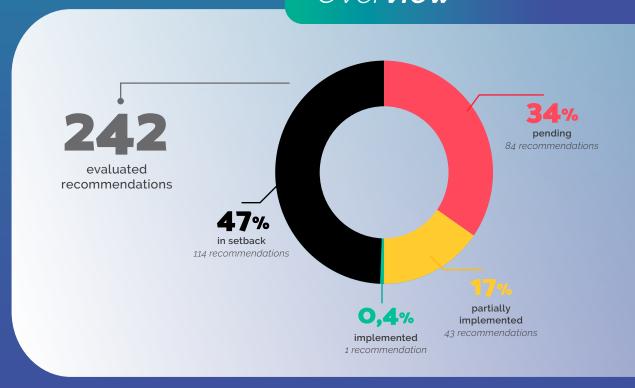
This report of the UPR Brazil Coalition, corroborates with a set of reports produced by civil society organized in 2021. Based on material evidence through official data, collected and systematized by non-governmental organizations, show a country that is taking a serious step backwards in legally settled rights and moves toward socio-environmental and political barbarism, as a result of the direct actions of the current federal government and its allies in subnational governments and in the National Congress. Through forged alliances in exchange for the release of public resources without transparency or republican criteria¹, the politics in the country are a farce with institutional backing that consumes the public coffers to expand the private privileges of those elected.



¹Secret budget was of R\$ 16 billion in 2021

The UPR Brazil Coalition this year evaluated 242 recommendations made by countries in the UN Human Rights Council to Brazil. The analyses indicate a very serious situation: almost half (47%) of all the recommendations, besides not being put into practice, are in setback. By adding up to one third (34%) of the constantly pending items, 80% of them are not being implemented. Only 17% of the recommendations are being partially implemented and only one has been implemented.

Overview



This report, therefore, portrays the weakening of the capacity of public institutions to serve the population of the country and, in relation to the international community, more than neglect in complying with the agreements, indicates the violations of the Brazilian state in relation to the socioeconomic and environmental rights.

In the following chapters, we present the dismantling of public policies structured for Brazil, particularly those directed at the most vulnerable populations, and which have been improving in recent decades to reduce social, racial, gender and economic inequalities.

Faced with the challenges presented, we urgently call on the democratic institutions of the republic to reverse the current setbacks, including the proven inadequate management of the new coronavirus pandemic that has already led to the death, at the closing of this report, of more than 620,000 people. The research of the Institute of Public Health of the University of São Paulo in partnership with the non-governmental organization Conectas Direitos Humanos², mapped 3,049 norms, laws and administrative acts of the federal government during the first year of the pandemic that show the evident intention of spreading the virus in the country, with the aim of social, ethnic and economic cleansing, taking into account the percentage of contingency of unintentional "casualties", demonstrating the logic of the shrewd military thinking. Another evidence of the announcement made by the president himself in his inaugural speech that he had not come to build, but to destroy³.

²Pandemic Rights Bulletin no. 10: Mapping and analyses of the legal rules of response to the Covid-19 in Brazil. São Paulo: January 20, 2021. Available on: https://cepedisa.org.br/publicacoes/

³Bolsonaro: I have not come to build anything, I am here to destroy – Iser Assessoria; 1,000 days of infamy, counter-orders and restlessness | Articles by Elias Fragoso | Opinião - Jornal Extra de Alagoas

The data presented here, produced by the technical body of the public institutions in their areas, show a Brazil in a collision course with the agreements and commitments that it built and assumed of promoting, defending and repairing human rights and with the reduction of inequalities. They are evidence of a perpetual state of exception as a method of administration, generating loss of resources and, worse, of human lives and ecosystems.

Brazil continues to be one of the most dangerous countries for advocates of rights, in particular environmental activists, and trans people around the world. While we were writing this summary, in January 2022, three people from a family of riparian environmentalists in Pará were executed⁴, adding to a series of executions in that territory that have still not been punished in the court of law. Moreover, the country occupies the four worst places in the rankings of murder of indigenous people, women and gay people; with the structural racism of the public security system revealing itself in the deaths practiced by the police against young people, mostly black and residents of the poorest communities of the Brazilian metropolises. In addition, we emphasize the ongoing attack on indigenous peoples who have seen the violation of their territories and rights grow exponentially: according to Articulação dos Povos Indígenas do Brasil (APIB), the Bolsonaro government has transformed its hate speech into state policy, aggravating a situation that was already quite fragile as shown in other parts of the country by the UPR: the current government is working on the non-demarcation of more indigenous territories and to make environmental protection more flexible for those territories already demarcated and approved.

⁴Riverine people are slaughtered in an area of deforestation in PA - January 13, 2022 - Cotidiano - Folha

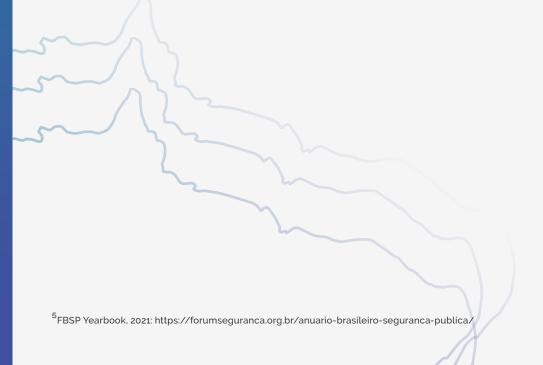
The country has also lost in terms of transparency. And it is not only the President of the Republic's vaccination certificate that has been kept secret, but efforts are growing to make government documents, which should be public, a State secret. In addition to the funding cut of institutions, such as the Brazilian Institute of Geography and Statistics and the data collection mechanisms, such as CENSO, there are strong attacks on the Law on Access to Information. While it shows data security fragility through the alleged attack on the base of the Ministry of Health, or when the president of the STF accuses the President of the Republic of leaking passwords from TSE servers. In addition to this, the very serious institutionalized violence against journalists and communicators through threats, censorship, illegal seizure of equipment, surveillance, defamation and even physical violence. The issue has been a matter of concern of international entities, since the Federal Government itself is actively responsible for promoting and legitimizing disrespect concerning freedom of the press.

Not even children escape the national indifference, as indicated by the increase in infant mortality in the country, and the obstacles resulting from the Covid-19 pandemic, which forced millions of children missed classes because of the difficulty of accessing them remotely. The reduction in investments in the fields of education, science and technology, contribute towards setbacks in these sectors and anticipate a medium and long-term impact on the sustainable development process itself. The country is plunged into numerous crises, with politics being the most acute of them all, by preventing the adoption of solutions to the economic stagnation and to two other ongoing cognitive epidemics, which are that of scientific

denialism and disinformation, where hard-won programs and services are questioned by government occupants with theses anchored on fake news and misrepresentation of History.

In addition to this situation, the increased vocalization of the sexist and LGBTQI+phobic groups, fed by a reactionary ideology, under the direction of a government-run somber theocratic military-matrix that deprives rights through the destructuring of public policies aimed at eliminating poverty and reducing inequalities. We have seen, for example, 54% growth in the number of femicides (which continue to be in most cases practiced by partners and former partners⁵), but instead of protection, the government stimulates the culture of violence, promoting the individual possession of weapons and the liberalization of possession.

The context is of a political culture that fuels economic inequalities and institutionally stigmatizing and violent prejudice, including more xenophobic attitudes toward immigrants from South America and Africa.

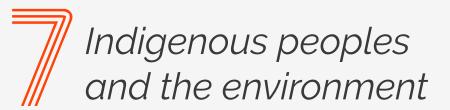


It is this set of administrative ignominies that undermines the country from the institutions to the mental health of its people, resulting in more children on the streets with the growth of the housing deficit, slave and child labor, of extreme poverty, of hunger and food insecurity, of environmental degradation, of the precariousness of public health services, of education and social assistance, of setbacks in health and reproductive rights, of continuing degradation of the prison system and the injustices committed by a judicial system structurally committed with preserving inequalities and privileges.

To reverse this scenario, it is necessary that the Brazilian State should indeed once again defend democratic principles, acting in accordance with the Federal Constitution. To this end, it is worth considering the opportunities that 2022, the year of elections for the Presidency of the Republic and for the National Congress, offers us. Although the data have already shown that we have lost decades of investment in several sectors analyzed here, the organizations of the UPR Coalition are committed to human rights and are acting for Brazil to be back on track of the sustainable, inclusive and fair development of all people.

UPR Brazil Coalition, March 2022

Assessments







Total of evaluated recommendations



- Implemented
- Partially implemented
- Not implemented
- Not implemented and in setback

Art: Raízes da Humanidade, Nat Grego.

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Recommendations 35, 224, 225, 228, 242 and 243, which deal with measures of prevention and punishment to racism, discrimination and violence against indigenous peoples and awareness of ethnic and racial equality, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
35. Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples	Uzbekistan	10 minoring	
224. Ensure that indigenous peoples and other minorities are protected against all forms of discrimination	Philippines	10 REPORTED	00•
225. Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms	Mexico	10 suchase	
228. Take measures to combat violence and discrimination against indigenous peoples	Togo	10 encounce	$\circ \circ \bullet$
242. Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples	Republic of Moldova	10 encount	
243. Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society	Holy See	16 N. ARTON 17 PARCHALLER IN THE REAL STREET	00



4 **b**

The administration of the current federal government marked a period of strong intensification of the attacks on indigenous peoples and violations of their rights by the State¹. The scenario worsened in the first half of 2020 with the advance of the transmission of the Covid-19 in indigenous territories and concrete legislative threats to the constitutional rights of these peoples. The Brazilian State follows in the opposite direction of promoting ethnic and racial equality and demonstrates no effort to prevent racism.

The current picture of racism, prejudice, discrimination and violence, in short, of violation of the human rights of indigenous peoples in the country has been nourished and organized on the basis of the discourse of authorities that are in charge of the Federal Executive Power, starting with the President of the Republic, whose routine speeches are loaded with racism, prejudice and hatred against the natives. The government has also adopted deliberate actions against federal entities that should protect and promote the rights of these peoples, promoting the dissolution of differentiated public policies conquered by peoples in previous years.

Bolsonaro was the spokesman for an integrationist speech, demonstrating on different occasions that he is against the right of indigenous peoples to maintain their own ways of life in their territories, comparing Indigenous Lands (IL) to zoos, the Indians living in them, to captive animals, and he declared the need to integrate these peoples, who would be in an "inferior situation"², to the "real Brazil"³. The government has also made successive criticisms of what it defines as "exaggeration" of the extent of the IL, especially in the Brazilian Amazon, and the "loss" that would result from the impossibility of economic exploitation of such territories.

¹Provisional Measure 870/2019, proposed by the president on January 1, 2019, determines the transfer of the National Foundation of the Indian (Funai) from the Ministry of Justice (MJ) to the Ministry of Women, Family and Human Rights, transferring its main tasks to the Ministry of Agriculture: carry out studies of land identification and delimitation and promote the surveillance and protection of demarcated areas, as well as those where there are people who have not yet established contact with national society

²https://g1.globo.com/sp/vale-do-paraiba-regiao/noticia/2018/11/30/indios-em-reservas-sao-como-animais-em-zoologicos-diz-bolsonaro.ghtml

³https://twitter.com/jairbolsonaro/status/1080468589298229253

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Even during the electoral period, Bolsonaro stated that he would not demarcate another centimeter of indigenous territories, anticipating that if elected, he would not fulfill this constitutional duty⁴ and reiterated these claims after being elected.

Meeting the interests of the ruralist and mining sectors in exploiting Indigenous Lands economically⁵, the government has disseminated a discourse that presents indigenous peoples as people living in poverty, who are manipulated by foreign Non-Governmental Organizations, and "waste" a huge potential for latent economic profit in their territories⁶. Such assertions would already be extremely serious if they were only at the level of the discursive narrative, but they have guided the actions of federal entities, so that today, all processes of territorial recognition in the country are paralyzed, setting a serious precedent of disrespect to the Brazilian constitutional text.

The Report *Violence against indigenous peoples in Brazil: data of 2020*⁷, systematized every year by the Missionary Indigenous Council (Cimi), emphasizes that the invasions in indigenous lands are directly related to the availability of these areas for exploitation by agribusiness, mining and logging companies. The Report identified that, in 2020, the cases of "potential invasions, illegal exploitation of resources, and damages to property" had increased, in relation to the already alarming number that had been recorded in the first year of the Bolsonaro government⁸. It emphasizes that the serious health crisis caused by the coronavirus pandemic, contrary to what could be expected, and did not prevent land invaders, prospectors, loggers and other invaders from intensifying their efforts on indigenous lands⁹.

 $^{^4} https://www1.folha.uol.com.br/poder/2018/11/no-que-depender-de-mim-nao-tem-mais-demarcacao-de-terra-indigena-diz-bolsonaro-a-tv.shtml$

 $^{^{5}} https://www1.folha.uol.com.br/poder/2019/02/dez-anos-apos-vitoria-no-stf-indigenas-se-preparam-para-enfrentar-bolsonaro-em-rr.shtml$

 $^{^{6}} https://exame.abril.com.br/brasil/bolsonaro-defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/de-pic$

 $^{^{7} \, \}text{https://cimi.org.br/2021/10/relatorioviolencia2020/, of the Missionary Indigenist Council (CIMI)}$

⁸There were 263 cases of the type recorded in 2020 – an increase in relation to 2019, when 256 cases were recorded, and a 137% increase in comparison to 2018, when 111 cases had been identified. This was the fifth consecutive increase recorded in cases of this type, which in 2020 reached at least 201 indigenous lands, of 145 peoples, in 19 states

⁹Check it out on: https://cimi.org.br/wp-content/uploads/2021/10/relatorio-violencia-povos-indigenas-2020-cimi.pdf

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The prejudice and discrimination practiced by the Bolsonaro government can also be clearly pointed out when all collegiate authorities linked to the federal public administration created by decree or lower normative act were extinguished by decree, reaching practically all the spaces of civil participation related to the Indigenous policies, among them the National Council of Indigenous Policy, National Commission of Indigenous School Education, the Steering Committee of the National Policy for Territorial and Environmental Management of Indigenous Lands.

It is in this scenario of deep setbacks, marked by racist discourses, policies contrary to the promotion of human rights and regression of civilized standards, that we affirm that the Brazilian government has contributed to the increase of discrimination against indigenous peoples and to the increase of violence against these peoples.

Also, there is the non-implementation and stoppage of educational programs aimed at providing adequate treatment to the contribution of indigenous peoples and black populations in the school curriculum in compliance with **Law no. 11.645** to include in the official curriculum of the school network the obligation of teaching on the theme "Afro-Brazilian and Indigenous History and Culture".

Federal Senate Although the promulgated in 2021 the Inter-American Convention Against Racism. Racial Discrimination and Related Forms of Intolerance and the President of the Republic ratified with the OAS the accession of the Brazilian State to the Convention, we assessed that the Brazilian State has not shown any effort in recent years to comply with the recommendations¹⁰ to promote ethnic and racial equality and to adopt measures to prevent and punish racism, violence discrimination and against indigenous peoples.

¹⁰Legislative decree 1, 2021, published in the Official Gazette of the Government on February 19, 2021, ratified by the Presidency of the Republic on May 12, 2021

4 **>**

Recommendations 218, 222, 235 and 241, which focus on the promotion of indigenous health, infant mortality, food and sanitation in the villages, as well as the promotion of intercultural education are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
218. Adopt effective measures to support Indigenous Peoples, including by ensuring food, health services, schools, and access to sanitary services and by creating conditions for higher incomes	Russian Federation	2 (MACRIMIT DE MACRIMITAL DE M	
222. Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being	Bangladesh	1 2 2 3 3 3 4 2 3 3 3 3 3 3 3 3 3	
235. Continue to invest in poverty alleviation policies and to ensure more effective and targeted implementation, so as to reduce social and economic inequality, in particular for rural populations and indigenous peoples	Singapore	1 creaceds 市資本中中	
241. Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys	Paraguay	1 □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	

The Brazilian government continues to fail in its duty to provide assistance and implement sound public policies to improve the health and education conditions of indigenous peoples. In recent years no specific policy has been recorded for indigenous peoples, but what has happened is the weakening of existing policies along with the dismantling of entities that should implement them, with a reduction in the budget and federal programs.

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Indigenous health, while being the responsibility of the federal government, has been suffering serious attacks and setbacks. Among these, we can point out the reduction of the budget, the restructuring of the Mais Médicos¹¹ program and the attempt of municipalizing and extinguishing the Special Secretariat of Indigenous Health (SESAI) and consequently the Subsystem of Attention to Indigenous Health (SASI-SUS)¹².

A survey by Fian Brasil with the Missionary Council for Indigenous Peoples (CIMI in portuguese) to measure food and nutritional insecurity in three Guarani and Kaiowá communities in Mato Grosso do Sul (Guaiviry, Apyka'l and Kurusu Amba) shows that 28% of households had people under 18 years of age found in severe food insecurity¹³.

Indigenous children are also more vulnerable to infant mortality than other categories of the population in Brazil. A Ministry of Health survey¹⁴ evaluated the main risk factors for infant mortality: the socioeconomic conditions of indigenous communities, the access of health teams to indigenous territories, the right to land, food and nutritional security, access to education

and other human rights, environmental degradation, pollution and the reduction of traditional food sources. It also shows that the infant mortality rate is 29.8 per 1000 born in the indigenous population assisted by SASISUS, compared to 12.7 in the general population of Brazil (2016).

In early April 2020, the Organization of American States (OAS) warned in a public notice¹⁵ that indigenous peoples are facing a situation of double vulnerability and urged States to protect the well-being and health of their indigenous peoples, however, the Brazilian government's response to the impact of the Covid-19 pandemic has not been satisfactory at any level¹⁶, putting the country on alert in the list of the most affected worldwide¹⁷.

resources of important social programs to combat the pandemic¹⁸. Actions of IL demarcation and monitoring, many of which were invaded during the Covid-19 pandemic, had low budgetary execution between January and May 2020. Despite the emergency situation, only 39% of federal funds to combat the pandemic among indigenous peoples were in fact executed¹⁹.



 $^{^{11}\!\}text{Generating a loss of 81\%}$ of the medical staff working in the Special Sanitary Indigenous Districts

¹²The mobilization of the indigenous peoples in March of 2019 managed to reverse the process of municipalization, however, in May, the Decree no. 9975 was signed by the President, which restructured the internal entities and competences of the Ministry of Health and eliminated the Department of Management of SESAI, which gave more autonomy to the Subsystem, making indigenous health more fragile

¹³https://fianbrasil.org.br/ha-criancas-guarani-e-kaiowa-que-dormem-com-fome-diz-lideranca-indigena/

¹⁴ https://www.gov.br/saude/pt-br/centrais-de-conteudo/apresentacoes/2018/apresenta-o-mortalidade-infantil-ind-gena-semin-rio-sa-de-ind-gena-em-debate-pdf

4 **>**

The omission of the State in its role of guaranteeing basic health care to indigenous peoples is also flagrant in the increasing mortality of indigenous babies, which rose again in 2019. <u>Data from the Ministry of Health show that, between January and September 2019²⁰, the last month with available statistics, 530 indigenous babies died up to 1 year of age.</u>

In July 2020, the Articulation of Indigenous Peoples of Brazil (APIB), together with six opposition parties, presented to the STF a Claim of Violation of Fundamental Measure (ADPO)²¹, with the objective of demanding from the State measures concerning the risk of genocide²² of several peoples as a result of the pandemic. The document issued expresses the request for the government to exercise its obligation to safeguard the health and safety of indigenous peoples²³. If the situation of indigenous health shows precariousness, the same is true of indigenous education. Data from the Ministry of Education (MEC) show that 1,029 indigenous schools do not operate in school buildings, and 1,027 indigenous schools are not regularized by their education systems. In addition, 1,970 schools do not have filtered water, 1,076 do not have electricity and 1,634 schools do not have sanitary sewage; 3,077 schools do not have a library and 1,546 do not use specific didactic material²⁴. The precariousness in the school infrastructure is accompanied by the lack of pedagogic and didactic supervision.

 $^{^{15}}$ Statement from the OAS General Secretariat on the Situation of Indigenous Peoples during the COVID-19 Crisis, in the OAS of 03/Apr/2020

¹⁶The Government's response plunges Brazil into a crisis of international credibility, in UOL on May 20, 2020

¹⁷The positioning of the Brazilian federal government regarding the pandemic is marked by the denial to science, by the successive changes of Health ministers, by the insistent opposition to measures of social isolation and to the use of masks, by the absence of a national plan to face the pandemic, by the lack of massive campaigns of dissemination of information, by recommending the indiscriminate use of medication without scientific evidence, by the underreporting of cases and by the lack of testing, as well as the crisis brought about with other federal entities and powers and official pronouncements of the president that systematically ignore the alarming increase of deaths and emphasize as a national priority the protection of the economy. Brazil accounted for, in the first week of July, more than 66 thousand deaths (Coronavirus Panel, Ministry of Health). In the case of indigenous peoples , the impact of the community transmission of Covid-19 is more serious and established a humanitarian crisis, especially in the indigenous peoples of the Amazon

¹⁸Report Brazil, of the Institute of Socioeconomic Studies (Inesc)

¹⁹In accordance with the report of <u>Transparência Brasil</u> "<u>Federal spending to combat the covid-19 in indigenous peoples</u>", published in June 2020

²⁰Data from the Ministry of Health obtained by BBC News Brasil based on the Law of Access to Information, as follows: After the departure of Cuban doctors, deaths of indigenous babies grew 12% in 2019, in G1 on March 02, 2020

 $^{^{21}}$ Claim of Violation of Fundamental Measure (ADPF) 709/20

²²ADPF 709: the indigenous voice against genocide – Direct use of the concentrated control of constitutionality represents a milestone in the defense of indigenous rights, in JOTA Opinião e Análise on July 08, 2020

²³Among the emergency measures, the claim asks the STF to determine to the federal government: the installation of sanitary barriers in more than 30 territories where indigenous peoples are living in voluntary isolation or of recent contact; the withdrawal of invaders in eight indigenous lands; assistance to all indigenous people by Sesai, including those in the urban context or inhabitants of territories not approved, and the drafting of a plan in the fight against Covid-19 for indigenous peoples

 $^{^{24}} https://www.correiodopovo.com.br/not\%C3\%ADcias/ensino/realidade-escolar-ind\%C3\%ADgena-requer-aten\%C3\%A7\%C3\%A3o-no-brasil-1.333956$



The changes made to the MEC structure by the Bolsonaro government led to the extinction of the Secretariat for Continuing Education, Literacy, Diversity and Inclusion (SECADI), as well as the General Coordination of Indigenous School Education (CGEEI), and to the reduction of technicians and managers who took care of indigenous school education actions in the country. Today, indigenous school education in MEC is under theumbrella of the general coordination of "indigenous, Quilombola and rural education"²⁵. Specific programs to support the production of differentiated educational materials and indigenous intercultural education have been interrupted as well as the proposed Ethnoeducational Territories, deactivated in previous years.

With such changes, the country that has already been referred to in initiatives of recognition of diversity, and of implementation of intercultural and bilingual education processes has moved backwards, failing to comply with the recommendations that prompted the country to move forward in quality policies to promote intercultural education.



Recommendations 102, 223, 227, 230, 234, 236, 237, 238 and 239, which deal with the protection of the territorial rights of indigenous peoples, particularly of land demarcation processes, of the guarantee of financial resources to Funai and for the articulation of it with Ibama, are not being implemented, with an obvious setback in fulfilling their constitutional duty to protect the rights and indigenous territories.

	RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
Δ	102. Establish a mechanism to allow for speedy and correct judicial decisions under strict observance of constitutional and international law regarding the territorial rights of indigenous peoples	Austria	16 PR. ARTICLA PRICASS PRICASS	



²⁵This coordination, in turn, is allocated to the Board of Specialized Policy of Education and Cultural Traditions of Brazil, linked to the Secretariat of Specialized Modalities of Education, in a clear downgrading in the ministerial organization chart

provide the necessary financial resources to

ensure an effective policy for the protection of the rights of indigenous peoples and to

237. Continue its process of demarcation

prevent land-related conflicts

of indigenous lands

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMEN [®]
223. Guarantee the constitutional rights of Indigenous peoples including by ensuring the National Indian Foundation has the necessary resources to carry out its work, particularly relating to the demarcation of Indigenous lands, and take measures to conclude investigations into all killings of Indigenous Peoples	Canada	2 per ann a sanata ann ann an ann an ann an ann an ann an a	
227. Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation	Maldives	16 M. ADDICAL PROCESS OF THE PROCESS OF T	00•
230. 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 Indian National Foundation	Germany	1 monch month inverteb	
234. Ensure that indigenous peoples are protected from threats, attacks and forced evictions	Norway	11 General States and	00•
236. Adopt an effective plan of action for the demarcation of indigenous lands and			

Switzerland

Peru







	RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
4	238. Take necessary measures to resolve and prevent conflicts related to land issues and to complete the land demarcation processes deriving from Article 231 of the 1988 Constitution	France	1 tracerdes asserting annual statement of the statement o	
4	239. Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights	Cabo Verde	1 december	

Both Funai and the Brazilian Institute for the Environment and Renewable Natural Resources (Ibama) have been fragilized. During Michel Temer's term in office (2016-2018), his ephemeral ministers of Justice acted to modify the procedure for demarcating Indigenous Lands in favor of the interests of the Rural caucus²⁶. President Bolsonaro said on several occasions that he would not demarcate any Indigenous Land during his term in office, assuming that he would not fulfill this duty established in the Brazilian Constitution²⁷. So far, the government has not demarcated any IL, a situation that should last until the end of his mandate²⁸. In addition, we have also seen a serious attack on Funai. The Indigenist entity was practically dismantled, suffering severe cuts in its budget and distanced itself from its institutional mission to protect and promote the rights of indigenous peoples.

 $^{^{26}} http://www.justificando.com/2017/05/08/dois-meses-de-osmar-serraglio-no-ministerio-da-justica-servico-dos-ruralistas$

 $^{^{27}} https://www1.folha.uol.com.br/poder/2018/11/no-que-depender-de-mim-nao-tem-mais-demarcacao-de-terra-indigena-diz-bolsonaro-a-tv.shtml$

²⁸http://www.socialistamorena.com.br/promessa-de-bolsonaro-de-acabar-com-a-funai-faz-o-pais-retroceder-para-antes-da-constituinte/

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Funai currently operates with a third of its workforce, a situation aggravated by the 90% quota of its budget provided for in the Annual Budget Law of 2019²⁹. The lack of employees affects especially those sectors that act in loco in the fight against violations of indigenous rights³⁰.

In addition, the President tried to transfer the competence of demarcation of ILs from Funai to the Ministry of Agriculture, Livestock and Supply (MAPA), dominated by the more radical wing of the ruralists³¹. The rejection of the Congress and STF to such measures did not prevent the government from guaranteeing the ruralist domain over Funai: in 2019, Bolsonaro appointed the head of the Federal Police, Marcelo Augusto Xavier, recommended by the ruralist caucus, to preside over the entity³².

It should be recorded that the president of Funai requested that the Federal Police, in an unprecedented act in recent history, should open an investigation against two of the main indigenous leaders in Brazil (Sonia Guajajara and Almir Surui), accused of slandering the president of the Republic. Both investigations have been dismissed.

There is also no evidence of any initiative to strengthen the coordination between Funai and Ibama. On the contrary, just as Funai has been emptied, Ibama has lost power and the capacity to act - of auditing and monitoring - in the Bolsonaro government, and is systematically criticized by the president and his former Minister of the Environment, Ricardo Salles, who repeatedly claims that there is "an industry of environmental fines."³³

 $^{{}^{29}} See ~ \underline{https://apublica.org/201g/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/} \\ \underline{and} ~ \underline{http://www.planalto.gov.br/ccivil_03/_ato201g-2022/201g/decreto/Dg711.htm} \\ \underline{and} ~ \underline{http://www.planalto.gov.br/ccivil_03/_ato201g-2022/201g/decreto/Dg711.htm} \\ \underline{and} ~ \underline{https://apublica.org/201g/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/} \\ \underline{and} ~ \underline{https://apublica.org/201g/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/} \\ \underline{and} ~ \underline{https://apublica.org/201g/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/} \\ \underline{and} ~ \underline{https://apublica.org/201g/03/ato201g-2022/201g/decreto/Dg711.htm} \\ \underline{and} ~ \underline{and}$

³⁰According to Pública "in regions of intense land dispute in the processes of demarcation and high rates of violence, it is common that the staff members count on only one public servant. In the region of Caarapó, in the south of Mato Grosso do Sul, the scene of intense conflicts between farmers and the indigenous Guarani-Kaiowá, only one female public servant Funai assists 10 thousand indigenous people, working inside her car"

³¹https://g1.globo.com/politica/noticia/2019/06/19/bolsonaro-edita-nova-mp-para-manter-demarcacao-de-terras-indigenas-com-ministerio-da-agricultura.ghtml

³²In 2017, Xavier worked as an adviser of the ruralist parliamentarians in the CPI (Parliamentary Committee of Inquiry), which investigated the entity and Incra (National Institute of Colonization and Agrarian Reform). Source: https://www.bbc.com/portuguese/brasil-49107737

 $^{^{\}bf 33} https://epoca.globo.com/como-ricardo-salles-tem-desmontado-agenda-verde-em-favor-do-agronegocio-23652038$

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In keeping with his campaign promise to end this "industry," President Jair Bolsonaro edited, in April 2019, Decree 9.760/2019, which favors environmental offenders and criminals by creating extra bureaucracy in the Federal Administration for the "conciliation" of fines. For this reason, only 5% of the approximately R\$ 3 billion in fines that Ibama applies annually are actually charged³⁴. In addition, a process of militarization of Ibama is under way. The boards of the environmental agency are now under the supervision of officers of the Armed Forces and of the Military Police³⁵.

Currently, 832 Indigenous Lands are claimed by indigenous peoples in Brazil. Of these, according to the CIMI report, 536 do not have any administrative procedure³⁶. In the opposite direction, the State asserts the temporal milestone³⁷, articulates and promotes legislative measures that go against the constitutional precepts of guaranteeing the protection of indigenous territorial rights. By means of Bill no. 2633/2020³⁸, of Bill no. 191/2020³⁹ and of Normative Instruction no. 09/2020 of Funai⁴⁰, placed on the agenda in full pandemic, the government proposes and supports amnesty to land grabbing and regulations on areas invaded, as well as the regularization of the exploitation of minerals and resources in indigenous lands, giving continuity to the attacks on indigenous territorial rights.

In the middle of the pandemic, indigenous land invasions bring the extra risk of contamination of villages and whole peoples. Emergency actions of ensuring non-intrusion and protection of indigenous lands are fundamental to contain and prevent the advance of transmission of the Covid-19 in indigenous populations. The most extreme case, observed in the *Yanomami* indigenous land⁴¹, demonstrates the total neglect of the government in relation to the presence of intruders, where there is the presence of 20 thousand miners. Given this scenario, the Inter-American Commission on Human Rights (CIDH) of the OAS issued on July 20, the Resolution no. 35/2020, with preliminary injunction, recognizing the serious and imminent risk of irreparable damage to health, life and personal integrity of members of the *Yanomami* and *Ye'kwana* ethnic groups due to the continuous invasion of miners in their ancestral lands, and the failures in the management of indigenous health, demanding that the Brazilian State should take urgent measures to prevent serious violations of human rights from being committed⁴².

³⁴Available in: https://www.oc.eco.br/bolsonaro-multa-zero/

 $^{^{35}}$ There are currently more than 600 military personnel in strategic positions in the government's structures

³⁶https://cimi.org.br/wp-content/uploads/2021/11/relatorio-violencia-povos-indigenas-2020-cimi.pdf

³⁷Opinion 01/2017 of the Federal Attorney's Office (AGU), which seeks to dramatically reduce the scope of the originating constitutional law of indigenous peoples to their lands traditionally occupied, to establish that they only have the right to these lands as long as they were physically in possession of them on the date of promulgation of the Federal Constitution of 1988

³⁸Bill no. 2633/2020 – Chamber of Deputies

³⁹Bill no. 191/2020 – Chamber of Deputies, of authorship of the federal government





Recommendation 55, which deals with the climate policy and reduction of deforestation in the Amazon region, is not being implemented and shows evidence of a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
55. Continue its efforts on the implementation of the National Policy on Climate Change on reducing deforestation in the Amazon region	Ethiopia	13 selections program of the control	00

The 2004 Action Plan for the Prevention and Control of Deforestation in the Amazon (PPCDAm)⁴³ aimed to continuously reduce deforestation and create the conditions for the transition to a sustainable development model in the Legal Amazon. The PPCDAm was paralyzed in 2019 at the beginning of the Bolsonaro government which, after two years of dismantling environmental policies and without any action to control the deforestation, launched in April 2021, the 2021/2022 Plan for the Amazon⁴⁴, setting deforestation targets 122% higher than the climate goal with which the country committed to in 2015 in the National Climate Change Policy⁴⁵ for 2020.

Contrary to the PPCDAm, the new plan does not present strategies, goals, actions defined for each goal, lines of action, time lines, distribution of competencies, articulations with players other than the federal government (especially with state governments), sources of resources, expected results, and indicators for monitoring the expected results.

Official data indicated in the Report⁴⁶ produced by the Climate Observatory⁴⁷, which evaluates the first thousand days of Bolsonaro government's environmental policy, reveals that the average deforestation between 2019 and 2020 was about 62% above the annual average recorded in the previous decade.

⁴⁰Funai Normative Instruction no. 9, of April 16, 2020

⁴¹Coronavirus reaches Yanomami Land in RR and infects 80 indians; 'miners took it there', says chief of the board of Health, in G1 of July 10, 2020

⁴²Resolution no. 35/2020, Cautionary Measure no. 563-20, of the CIDH of July 17, 2020

⁴³http://redd.mma.gov.br/pt/acompanhamento-e-a-analise-de-impacto-das-politicas-publicas/ppcdam

⁴⁴The Government's Plan for the Amazon sets goals for deforestation> https://www.socioambiental.org/pt-br/noticias-socioambientais/plano-do-governo-para-amazonia-estabelece-metas-para-desmatar

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Deforestation in the Amazon reached, in 2020, the highest rate, in 12 years, 10,851 km². Preliminary studies by the National Institute of Space Research (Inpe) indicate that the mark of 10 thousand km² of destruction may be exceeded in 2021 for the third time, under the current federal government, as appointed in the report.

The deforestation in indigenous lands grew 90%, encouraged by the speech of the president of opening these areas to mining and other economic activities. The most deforested indigenous lands were Cachoeira Seca, Apyterewa and Ituna-Itatá, in Pará, the target of an Ibama operation against mining and land-grabbing this year –⁴⁹. The number of indigenous lands with deforestation alerts grew by 31%, in 2020, compared to the previous year, according to data from MapBiomas Alerta⁵⁰.

In 2019 and 2020, the largest mining areas were opened in indigenous lands, since the 1980s, and the destruction of forests by illegal mining has increased ten times in the period, MapBiomas points out. In 2019, the last year for which data are available, the number of invasions of indigenous lands grew by 135%.

These significant increases of deforestation rates result from the demobilization of the environmental policy in the country promoted by the current federal government, which is contrary to the recommendation of establishing a climate policy with the reduction of the deforestation in the Amazon region.

 $^{^{45}} https://antigo.mma.gov.br/clima/politica-nacional-sobre-mudanca-do-clima.html\\$

 $^{^{46}} Brazil\ Report:\ 1000\ days\ of\ destruction,\ Climate\ Observatory,\ 2021:\ https://www.oc.eco.br/wp-content/uploads/2021/11/1000Dias_D_PORTUGUES.pdf$

⁴⁷The Climate Observatory is the main forum of the Brazilian civil society in the climate area, composed of more than 70 socio-environmental organizations: https://www.oc.eco.br/

⁴⁸O Deforestation in indigenous areas increased by 90% in the Legal Amazon in 2019, in Globo Rural on 11/Jan/2020

⁴⁹ Action that resulted in the resignation of the audit agency, which was fulfilling its mission to combat deforestation - Salles exonerated IBAMA auditors after a complaint by Bolsonaro, says MPF, in UOL Noticias on July 7, 2020

⁵⁰Mapbiomas Brasil



Recommendation 226 on indigenous rights guaranteed in economic activities is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
226. Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities	Holy See	1 Invacation Invacatio	

Bill no. 191/20⁵¹, proposed by the federal government, which defends the economic exploitation of indigenous territories and regulates the exploitation of mineral, water and organic resources in indigenous reserves, violates articles 231 and 232 of the Brazilian Constitution, the Convention 169 of the ILO and international treaties. This Bill, mischaracterizes the territories already regularized and gives indications towards the destructuring of policies of protection, removing the veto power of indigenous peoples with respect to the exploitation of natural resources in their territories⁵².



 $^{^{51}\}mbox{Bill}$ no. 191/2020 – Chamber of Deputies, of authorship of the federal government

⁵²The Brazilian Association of Anthropology (ABA), in a footnote, warns that this Bill puts into question the demarcation processes and the indigenous lands already demarcated and denies the right to free, prior and informed consent (FPIC). National Indigenous Mobilization issued a note of repudiation highlighting that this Bill reiterates Bolsonaro government's policy "of disrespect to the Democratic Rule of Law State, to human rights, to the Federal Constitution and to international treaties that recognize indigenous rights", contradicting the duty of the federal government established by the Federal Constitution of 1988 to protect the indigenous territories

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Recommendations 229, 231, 232, 233 and 240, which deal with the extension of the democratic participation of indigenous peoples in decision-making processes, indicating the need to move forward on the free, prior and informed consent agenda, and ensuring an effective process of consultation with indigenous peoples in all decision-making that may affect them, as well as full participation in all legislative and administrative measures that affect them are not being implemented and show evidence of a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
229. Establish and implement a clear procedure for free, prior and informed consultation that would ensure full participation of indigenous peoples in the decision-making process regarding any major project impacting on their way of life	Republic of Moldova	16 Number Process	
231. Continue its efforts to establish effective consultation processes with indigenous communities with respect to any project that may affect the land or livelihoods of indigenous peoples	El Salvador	1 (MACACACACACACACACACACACACACACACACACACAC	
232. Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them	Estonia	16 PLANIES PROSES	00
233. Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them	Iceland	16 Privariosi ricasi	
240. Advance with the agenda for the indigenous peoples' right to free, prior and informed consent	Norway	16 NA.ARTICAL STOCKES OF THE PROPERTY OF THE P	



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Although ILO's Convention 169, incorporated into the national legal system, determines the prior, free and informed consultation for administrative and legislative measures, the Brazilian State continues not implementing it, violating the right of indigenous peoples, Quilombolas and traditional communities to participate in decisions that affect their lives and rights.

Several works and developments continue to be planned and executed without the observance of this right, impairing the social participation of these groups in decisions that affect their future. Among the most serious decisions unilaterally adopted by the government on the rights of indigenous peoples, in 2021, is the <u>Joint Normative Instruction no. 01/2021⁵³</u> of the National Foundation of the Native Indian (Funai) and the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama) on specific standards for environmental licensing of potentially polluting projects and activities and of significant environmental impact on indigenous lands.

In addition, at the National Congress they are considering numerous laws that deal directly with indigenous rights, such as Bill 191 of Law 2020 and Bill 490 of 2007. Among the legislative proposals that violate the right of consultation, it is also worth highlighting, the Proposal for Legislative Decree – PDL no.177/2021, by a member of parliament from the government's parties, proposes to authorize the President of the Republic to denounce Convention 169, which represents a huge step backwards in the recognition of the rights of indigenous peoples in the country.

The Brazilian State does not generally and fairly recognize the autonomous prior consultation protocols elaborated by indigenous and tribal peoples indicating how they should be consulted. This initiative accounts for more than 60 autonomous protocols already published, with the recognition of entities of the United Nations and the Inter-American System for the protection of human rights, as the best strategy for the implementation of this right.

⁵³See 53</sup>See 53</sup>See 53See 53See 53See 53See 53See <a href="https://www.in.gov.br/en/web/dou/-/instrucao-ne-1-de-22-de-fevereiro-de-22-de-22-de-62-de-22-de-

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Another example of the government's unwillingness to make prior consultation in Brazil was the administrative measures issued by the President in the first days of government, which promoted changes in the Brazilian state's indigenous policy, without any consultation procedure with indigenous peoples, and in the light of the manifestations of repudiation by APIB⁵⁴.

Within the legislative power, there are still several bills and of constitutional reform that deal with the rights of indigenous peoples and traditional communities and that are being considered in the National Congress, without any kind of consultation process. Projects, such as PEC 2015/2000, which change territorial and quilombola rights, or PL 1.016/1996, which deals with mining in ILs, are exemplified, and there is no initiative to incorporate consultation procedures for indigenous peoples in the internal regiments of the Federal Senate and the Chamber of Deputies.

During the whole period of the 3rd cycle of implementation of the UPR, there has been no progress in the agenda of democratic participation of indigenous peoples in the consultation processes and decisions that affect them. On the contrary, there is a clear inflection in indigenous rights that outline a scenario of serious violations of indigenous peoples' rights in Brazil, in the opposite direction to the recommendations from the UN System, either through the Special Rapporteur on Indigenous Peoples, who visited the country in March 2016, or in relation to the recommendations received by the Brazilian State in the 3rd Cycle of the Universal Periodic Review of Brazil, in 2017. The scenario we have outlined in this report shows that the recommendations of the 3rd Cycle of the UPR, in the themes of indigenous peoples and the environment, not only are not being implemented nor taken into consideration by the Brazilian government, but record numerous setbacks in the promotion of human rights of indigenous peoples in the country and in the guarantee of their territories and the environment.

⁵⁴http://apib.info/2019/01/10/sangue-indigena-nenhuma-gota-a-mais/







Indigenous peoples and the environment

Recommendations

- Promote the territorial rights of indigenous peoples by speeding up the administrative processes of territorial recognition, completing steps in the administrative process of demarcation of indigenous lands in the Executive in compliance with the constitutional text, to Decree 1775/96 and to international commitments to recognize the territorial rights of indigenous peoples, contained in Treaties signed by Brazil;
- Advance in the recognition and implementation of autonomous protocols for prior consultation of indigenous peoples, quilombolas and traditional communities, as well as ensuring effective prior consultation in all decision-making processes that may affect the livelihoods and rights of these peoples, ensuring full participation in all legislative and administrative measures affecting them;
- 3 Establish programs and measures that prevent and punish racism, discrimination and violence against indigenous peoples and promote ethnic and racial equality, autonomy and the right of peoples to the difference;
- Develop and implement quality programs and policies to address infant mortality and malnutrition, as well as promote integral assistance to indigenous health and to bilingual intercultural education while respecting the cultural and social specificities of indigenous peoples;
- Recreate participatory councils and collegiate groups that allow indigenous social participation and control in the formulation, follow-up, implementation and evaluation of the Brazilian State's indigenous policies in the areas of territorial management, education, health and culture.

About the art



Art: Raízes da Humanidade

Artist: Nat Grego

Techniques: Watercolor, colored pencils, pastel

chalk and color adjustments in Photoshop

About the art: It portrays the need to preserve all life that inhabits the planet, in all its dimensions and complexities, so that it is possible to preserve life and the future as a society. Therefore, the work alerts us not to forget that the roots of humanity are in nature

History with art: The awakening to art started with a graffiti workshop. Currently, she is an illustrator and animator and works creating illustrated books and audiovisual pieces

Learn more: http://natgrego.com/ilustracao/

Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

OLHARES DO BRASIL

See more about the artworks and the call for proposals Olhares do Brasil here.



































































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