



**PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS OFFICE AND OTHER
INTERNATIONAL ORGANIZATIONS IN GENEVA**
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The Permanent Mission of Brazil to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights – Special Procedures Division – and, with reference to letter AL BRA 3/2021, dated 28 May 2021, has the honor to transmit herewith the observations of the Brazilian Government regarding the issues raised by the relevant Special Procedure mandate holders in the abovementioned communication.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



[Signature]
Geneva, 27 July 2021

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LETTER AL BRA 3/2021 - OBSERVATIONS FROM THE GOVERNMENT OF BRAZIL

With regards to the Allegation Letter AL BRA 3/2021, through which the Office of the High Commissioner for Human Rights requested information on combating illegal activities and mercury contamination, as well as on plans to prevent and combat covid-19 and malaria within Munduruku and Yanomami indigenous lands, the Brazilian government informs that it maintains permanent dialogue with Brazilian Indigenous Peoples about the issues brought up by the Special Procedures.

In the Inter-American System of Human Rights, the Brazilian Government has participated in regular meetings with the Inter-American Commission on Human Rights (ICHR), regarding precautionary measures MC-679-20 (Munduruku Peoples) and MC-563-20 (Yanomami and Ye'kuana Peoples). It has also participated in public hearings in 2019, during ICHR 177th session, about the Covid-19 pandemic and Indigenous peoples in Brazil, and in 2021, during ICHR 180th session, about precautionary measures MC-563-20 (Yanomami and Ye'kuana Peoples), MC-754-20 (Guarajara and Awá Peoples) and MC-679-20 (Munduruku People). The 2021 hearing's agenda included some of the episodes of violence described in the referred Allegation Letter.

Equally, the government collaborated with the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), which elaborated an advisory note with regards to a request from the Brazilian Indigenous Amazon Organizations Coordination (COIAB). There were five meetings on the subject of the protection of indigenous rights in Brazil during the covid-19 pandemic, the last of which was on the 15th of July this year.

The following are additional comments in answer to the referred Allegation Letter:

MEASURES TO PREVENT AND PUNISH ILLEGAL MINING ACTIVITIES IN 2021

Mining activities in Brazilian indigenous lands are illegal, according to the 1988 Constitution, article 231, unless authorized by the Brazilian Parliament and upon consultation of the affected communities. For this reason, it is the object of frequent

coordinated operations involving the Federal Police (PF), the Brazilian Institute for the Environment and Renewable Resources (IBAMA), the National Indigenous Foundation (FUNAI), the National Public Security Force (FNSP) and the Army, with the support of the Special Indigenous Health Secretariat (SESAI), the Chico Mendes Biodiversity Institute (ICMBIO), and the Brazilian Air Force (FAB).

OPERATIONS IN SOUTHEAST OF PARA

Regarding territorial and environmental protection of indigenous territories, the efforts made by FUNAI focused, in 2021, in the containment of illegal mining in Munduruku and Sai-cinza Indigenous Lands (IL), where the situation is most critical. The situation of illegal mining activities in those ILs has been monitored by means of satellite data processed by FUNAI's Remote Monitoring Center (CMR), which has strengthened since 2015 the territorial protection through the availability of daily and precise information about deforestation, degradation, forest fires and land use and occupation in ILs. Beyond that, FUNAI also uses information from the Real-Time Deforestation Detection System of the National Spatial Research Institute (DETER-B/INPE) in the production of technical information and cartographic products on the advancing of illegal mining and the deforestation of Indigenous Lands Munduruku and Sai-cinza, as well as the location of villages, rivers, highways and airfields.

Mundurukania 1, May 2021

As of the unfolding of the elaboration of the Joint Working Plan created in the scope of Ação Civil Pública – ACP nº 1000962-53.2020.4.01.3908 within the Federal Civil and Criminal Court of Itaituba/PA by the Federal Public Ministry (MPF), the Mundurukânia Operation in Munduruku and Sai-Cinza Indigenous Lands (Alto Tapajós/PA) has been initiated with a view to demobilize illegal mining and render unusable any machinery employed in it. The Federal Police has fulfilled search and arrest warrants against those suspected of being involved in such illegal operations, resulting in the seizure of luxury automobiles, imprisonment of those individuals and their indictment.

On days May 25 and, teams of Federal Police officers, side-by-side with IBAMA, Federal Road Police and FNSP have made equipment from the main illegal mining sites in Munduruku IL unusable. This measure provoked violent reactions in part of

the local population in favor of the illegal miners, who threatened to torch helicopters used in the operation and hurt two officers. Due diligence and meetings with local authorities were made to inform about possible measures in case similar incidents were to occur once more. Inquiries were open, in charge of the Federal Police Office in Santarem/PA. It was determined that ten FNSP officers were to stay for 90 days in Jacareacanga.

Mundurukania 2, June 2021

The second phase of Operation Mundurukania was executed on the 16th of June by the Federal Police, the FNSP and FAB and, with the objective to “instruct the inquired police officers to investigate violent manifestations and any attacks against the public security officers that have participated in Operation Mundurukania, as well as the fires caused in the Munduruku indigenous leadership’s residences”. Five search and seizure warrants and six arrest warrants were conducted. Three of those charged were arrested, including the vice-mayor of Jacareacanga.

OPERATIONS WITHIN THE YANOMAMI INDIGENOUS LAND

Yanomami 709, March 2021

The objective of this action was to disarticulate illegal mining and demobilize miners involved in activities in four areas of the Yanomami Indigenous Land. Coordinated by the Federal Police, this operation was supported by IBAMA, ICMBIO, FAB and the Army in the regions known as Couto de Magalhaes, Parima, Catrimani and the Uraricoera River. Goods utilized in these criminal activities were destroyed, such as engines and airplanes and evidence of such acts was gathered: such as GPS, cellphones and internet devices via satellite utilized by the suspects. Not to mention gold, mercury, armaments and drugs. There was action in the Uraricoera river, in which gutter has occurred the latest and most recent attack against indigenous peoples. In the occasion, the following were made unusable: a ferry, five generators, five pumps, 20 engines, five encampments, 3000L of fuel, 1kg of mercury, an airship and 20 grams of gold.

Tutancamon, April 2021

IBAMA put in motion operation Tutancamon, from April 12th to 21st in response to the increase in criminal mining exploration in the interior of the Yanomami and

Raposa Serra do Sol Indigenous Lands. Inspections were conducted in Waikas (Uraricoera river) and Auaris, Mucajaí river, Homoxi e Kayanau. In these locations, two airplanes were found and destroyed, as well as two helicopters, 6 diving rafts, two large reaming rafts and 3000 liters of aviation-grade kerosene fuel. In total, the operation destroyed 34.700 liters of fuel, twenty-five energy generators, an aquatic bike, a car, various motorcycles and aluminum boats, as well as firearms of various calibers.

Palimiú 1, June 2021

On the 10th of June, violent attempts were made against the village of Palimiú. In response, on May 12th and 13th, incursions were made in the region of conflict in the related illegal mining areas. From May 24th to 29th, Federal Police Office in Roraima set up plans for concentrated and methodical action, relying on satellite imaging, in order to identify the main points of clandestine mineral operation related to the conflicts.

On June 1st, Palimiú 1 police operation began, with the objective to disarticulate illicit structures in the targeted indigenous settlement regions in the prior month. The operation counted on support of the Brazilian Army. The Operation was considered very successful, with the cessation of criminal mining activities and instruction for investigative action to identify the organizations which finance these offenses and work as receptors for gold extracted in indigenous lands. The following illegal mining camps destroyed: “Garimpo da Iris”, “Garimpo da Adriana”, “Garimpo number 3”, “Garimpo Fofoca de Cavalo”, and “Garimpo number 2”. These were rendered unusable: a raft, 11 generators, 8 bombs, 30 motors, a soldering kit, 4500 liters of fuel, 750g of mercury and 20g of gold.

Omama, June-July 2021

Police Operation Omama was underway, led by the Federal Police, from June 28th to July 8th, with the support of IBAMA and FNSP, as well as aircrafts from FAB and SESAI, with the objective to interrupt the escalation of violence caused by miner invaders inside of the Yanomami Indigenous Land. It also aimed at complying with several court orders from different instances, all related to the referred Land. Among them, the “Failure to Comply with Fundamental Precept” (ADPF) 709/2020.

In Boa Vista, Federal Police officers met with indigenous leadership DAVI KOPEWANA to obtain information about illegal activities and the main illicit mining points. The following items were rendered unusable: five rafts, 14 generators, 30 pumps, 11 motors, 21 encampments, 4 boats, 3500 liters of fuel and 2kg of mercury.

RIGHT TO CLEAN WATER

Two types of actions seek to provide access to clean water to the indigenous population. The first is the implantation of Water Supply Systems (SAA), which generally involves water collection (from surface or subterranean source), and a simplified treatment system, which guarantees quality of water through disinfection or disinfection and removal of infecting solids. The second action is to promote domicile treatment, which includes education (involving environmental, sanitary and health topics) and the distribution of 2.5% sodium hypochlorite for the disinfection of water to be consumed. The implantation of the SAA is included in the Indigenous Health District Plan (PDSI), which details targets, objectives and quadrennial goals. It is evaluated and monitored continuously by Central SESAI, by the Indigenous Special Sanitary Districts (DSEIs) and by the Indigenous Health District Councils (CONDISI), which are instances of indigenous social control.

MERCURY CONTAMINATION

In relation to mercury contamination in indigenous territory, and the risk of intoxication by the substance, the Ministry of Health recently published the Technical Note n° 34/2020-COGASI/DASI/SESAI/MS to orient and encourage Indigenous Health teams to notify cases of mercury intoxication in the official information system. Through this, the Ministry is looking to amplify the identification and timely treatment of these incidents. The diagnosis of mercury intoxication is complex, since it presents a variety of signs and symptoms, and can manifest itself in different levels of severity. Beyond that, health teams have been oriented about diet recommendations related to the consumption of certain species of fish, whose mercury levels are higher, aimed specially at pregnant or lactating women and children.

Through Ordinance 2.197/2018, the Ministry of Health created the Health Sector Working Group to Elaborate the Sectorial Plan to implement the Minamata

Convention (Minamata WG). Among initiatives from the WG with impact on the Yanomami Land there are: the promotion of a formative course “Mercury Effects on Human Health and the Environment, and considerations about the Minamata Convention”, along with OPAS (2019); the elaboration of a technical informative note regarding mercury exposure to sensitize involved health teams and strengthen health vigilance; a technical note on mercury exposure and notification of intoxication cases by the metal in the; and monitoring the quality of water for identification of mercury levels in villages in the Yanomami DSEI. A Specific subgroup of the Minamata WG evaluates the impact of mercury on human health and the environment, as well as the social, economic and cultural impacts on the indigenous population.

In the Yanomami context, because of issues related to mining activities, the Department of Environmental Determinants of Indigenous Health, the Indigenous Construction and Environmental Sanitation Service, and the Indigenous Water Quality Monitoring Program (PMQAI), in partnership with Evandro Chagas Institute, have been working since November of 2018 on identifying the level of contamination in the water and sediments in certain regions of the Yanomami territory, between the counties of Alto Alegre, Mujacai and Caracai in the state of Roraima. This initiative occurred after receiving complaints from indigenous groups, among them the leader Davi Kopenawa, about the health situation in the population with mercury contamination indicatives.

Sediment samples from the depths of the river were collected in the Waikas and Uraricoera communities, in a channel of the Uraricoera river; Baixo Mujacai, in a channel of the Mujacai; and Missao Catrimani, in the channel of Catrimani River. Because of the Covid-19 pandemic, no further collections were made, impacting PMQAI activities. In this sense, that DSEI awaits the reestablishment of normality in activities within the area to continue sample collection and monitoring of these actions.

In relation to the **Mundurukus**, the DSEI Rio Tapajos (DSEI/RT) has monitored and followed the situation closely, looking for strategies and partnerships which might mitigate problems created by illegal mining activities locally and their sanitary, environmental and cultural impacts. In all cases, their deleterious effects end up negatively influencing health conditions in the population. The DSEI-RT was

one of the eight partner institutions with Oswaldo Cruz Foundation - FIOCRUZ in the project “The Impact of mercury in protected areas and forest peoples in the Eastern Amazon”, giving support to the implementation of clinical-laboratory evaluation, hair sample collection and of epithelial cells in the indigenous population required for the research.

Also partnered with FIOCRUZ, the DSEI-RT promoted, between March and April 2021, the training of two teams of 40 professionals within Indigenous Health Multiprofessional Teams (EMSIs) regarding mercury’s effect in the environment. This training will allow teams to plan and execute actions towards the prevention of illness caused by mercury contamination within the territory. Beyond this, DSEI-RT guided a team from the program “More Doctors for Brazil” and DSEI-RT nurses regarding the effects of mercury contamination on child development.

Through the partnership between the Saude e Alegria Project and the Association of Rural Products of Caruarai (ASPROC), the Munduruku Sawre Jaybu, Sawre Muybu, Datie Watpi, Boa fe, Sawre Aboy, Daje Kapap, Karo Maybu and Poxo Muybu villages, which are in areas directly or indirectly impacted by the illegal mining, will receive 116 water access equipments (pluvial communitarian multi-use system, communitarian autonomous micro-system for water provision), by way of the Cisterns Program, from the Ministry of Citizenship. Construction to these ends had been paralyzed due to the Covid-19 pandemic, but they have already restarted after testing workers and following established security protocols.

PREVENTION AND TREATMENT OF ENVIRONMENTAL AND HUMAN MERCURY CONTAMINATION

In 2020, the Minamata WG finalized and published the Sectorial Plan for Implementation of the Minamata Convention about Mercury. The plan reaffirms the Brazilian Government’s obligation with the fundamentals of the Minamata Convention for the development and implementation of public healthcare strategies that seek to reduce health impacts for the populations and for workers exposed and potentially exposed to mercury and its compounds. Such strategies include amplifying and strengthening institutional and technical capacities for identification, diagnosis, treatment and monitoring of vulnerable populations; reducing and eliminating risks to human health coming from exposure to mercury and its products;

besides developing a research schedule and amplifying knowledge of the population and healthcare professionals about the risks of mercury exposure, so that they also become part of the process of improvement of an adequate management of this contaminant in the national territory.

Bill nº 5490/20 is following the due course in the National Congress. It creates a National Plan of Eradication of Mercury Poisoning, with preventative measures of and combat against the sources of use of the metal, in particular the eradication of its use in illegal gold mining, and social assistance towards those contaminated by mercury.

To this purpose, the IBAMA has promoted operations with the goal of combating illegal mining and, also, contributed towards identifying the chain of illegal mercury entry in Brazil. That Institute monitors the effects of illegal activities in indigenous lands, such as deforestation, impacts on water resources and contamination of the environment by toxic substances, as well as keeping an eye on mercury contamination in the indigenous populace.

MEASURES TO CONTAIN COVID-19 AND MALARIA OUTBREAKS

Since the beginning of the COVID-19 pandemic, the Ministry of Health produces and distributes technical documents through SESAI, so that indigenous peoples, managers and collaborators can adopt measures towards prevention and treatment of the coronavirus infection. One of the main documents being the *National Contingency Plan for Human Infection of the Novel Coronavirus in Indigenous Peoples*.

To make swift and early identification of COVID-19 and enable the treatment of cases which don't require hospital attendance, 289 Units of Primary Indigenous Care were implanted in the 34 DSEIs, with structure to perform oxygen therapy and follow-up care for the patients. Beyond that, Rapid Response Teams were hired by each DSEI to reinforce actions against COVID-19 in a timely manner; so as to avoid spreading the virus to the indigenous villages. Moreover, the DSEI have adopted sanitary protocols to make triage, practice etiquette of social distancing and quarantine its workers.

SESAI publishes the updated number of vaccinated indigenous persons, available on <https://saudeindigena.saude.gov.br/>. Indigenous peoples have been included in the priority groups for vaccination against COVID-19 in the National Immunization Program. Prior to June 29th, 2021, 339.486 indigenous persons (83% of all eligible) had been vaccinated with the first dose, and 300.578 (74%) with the second dose — way above the average of the non-indigenous population on the same date. The 34 DSEI developed *Sensitization Plans for the incentive towards vaccination campaigns* with healthcare education actions about the security and efficacy of vaccines against COVID-19, “adequate to the cultural context of each ethnicity, including the elaboration of materials and audiovisual content in their native language to provide incentive to participate in the campaigns for vaccination”. Overall, 15 DSEIs that possess isolated indigenous peoples and of Recent Contact (PIIRC), including Yanomami, elaborated on specific actions in their district contingency plans.

During the year 2021, no new cases were identified in base-pole Palimiú, maintaining an unaltered number of 11 confirmed cases since 2020. According DSEI Yanomami, the confirmed cases are not autochthonous, being cases where indigenous people became infected outside of indigenous lands. In the scope of base-pole Palimiú, the following information about vaccine coverage per-village is available (June 11th 2021):

Palimiu Communities	Percentage 1 st dose	Percentage 2 nd dose
Hatupapi	77	37,5
Korekorema	89,23	87,69
Paiorapi	100	100
Paxo Kun Măi	84,61	71,79
Tarianapi	85,71	52,38
Tipolei	76,47	76,47
Walomapi	100	100
Yakeplaopi	100	91,42
Yöla Hipi	100	100

Source: OFÍCIO Nº 1681/2021/YANOMAMI/DSEI/SESAI/MS, de 11 de junho de 2021

Refusal has not been occurred in the villages overseen by the Pole-Base Palimiú during investigation. The main challenge found was the organization of the flow of entry and exit of indigenous people into and out of the region. DSEI Yanomami has developed the following actions to amplify vaccination in their area of coverage:

- meetings with EMS of each region, for raising the challenges regarding the acceptance of vaccine application;
- meetings with the CONDISI to develop chronogram for meetings with local leaderships for approaching the theme of vaccination;
- vaccination of the health teams in the base pole before indigenous peoples to incentivize vaccine acceptance;
- production and exposure of posters in their local language to use in health education;
- domicile visits;
- meeting with the local indigenous leadership requesting support to reduce conflicts in planning a schedule for visiting and administering the vaccine.

DSEI/RT initiated planning for vaccination against COVID-19 on 06/01/2021. Through the *District Plan of operation of the COVID-19 Vaccination Campaign*, a total of 12.840 doses of the vaccine CORONAVAC were made available, to immunize the 6.787 indigenous persons in the Counties of Jacareacanga, Novo Progresso, Trairao, Aveiro and Itaituba, on the 11 Base Poles, encompassing each of the 164 villages, focusing the target audience attended by the Unified Health System/Indigenous Health Sub-system and ADPF-709, belonging to the 8 ethnicities: Munduruku, Munduruku-Cara-Preta, Kayapo, Kayabi, Apiaka, Tembe, Cumaruara and Maitapu, as well as the health professionals of the DSEI. The first indigenous person under DSEI/RT to be immunized received the vaccine on 19/01/2021, during the opening ceremony of the vaccination campaign, organized by the County of Itaituba, which symbolically also vaccinated an elderly person and a healthcare professional. Until June 7th 2021, 3.095 (46%) indigenous people had received the first dose and 2.357 (35%), the second.

In the face of high levels of refusal towards the COVID-19 by the indigenous population, the team of DSEI/RT presented a plan of *sensitization and awareness of the indigenous population for the vaccination against covid-19*, with the support of the CONDISI, midwives, shamans, indigenous leaders, the Federal Prosecution Service and others. The plan is executed by the Fast Response Teams, EMSIs and others acting in-territory, contemplating the axis of sensitization and awareness in indigenous communities with the largest refusal index, through the distribution of videos in their mother language with the main leadership of these people; providing

incentive to the population about the importance of the vaccine and combating misinformation.

In relation to Malaria, SESAI has promoted strong articulation with the Health Surveillance Secretariat of the Ministry of Health (SVS/MS), which develops and controls the *National program of Malaria Prevention and Control (PCNM)*.

This way, all the DSEIs that possess notified cases of malaria— all located in the region of the Legal Amazon— develop plans in accordance with the PCNM, highlighting (i) the timely diagnosis, through the active and passive search for malaria cases, using the thick drop method rapid diagnosis test; (ii) adequate treatment, to be carried out according to the Brazilian malaria treatment guide, published in 2020 (available in: <https://portalarquivos.saude.gov.br/images/pdf/2020/fevereiro/28/guia-tratamento-malaria-27fev20-2a-ed-preliminar.pdf>); and (iii) vectorial control, through residual home spraying, thermonebulization, the installation of mosquito nets impregnated with long-term insecticide and entomological studies wherever possible.

This way, DSEI Yanomami hired new professionals to act specifically in the control and prevention of Malaria in their territory, taking into account the increase in registered cases in the last couple of years. Besides that, the DSEI has coordinated with the state and municipal health secretariats to guarantee the care of illegal miners with the intent to interrupt the cycle of malaria transmission. In a similar manner, the DSEI/RT has intensified the actions of control and prevention of malaria in their area of coverage, especially in the County of Jacareacanga, in the state of Para. It has also promoted actions together with the state and municipal health secretariats in order to identify indigenous persons and illegal miners with malaria to guarantee the interruption of the cycle of transmission of malaria.

