



*Permanent Mission of Brazil to the United Nations Office in Geneva
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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the joint communication (AL BRA 3/2024) by the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the human rights to a clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

In response, this Mission has the honor of forwarding a report by the Brazilian state, attached to this Note Verbale, on the measures taken by the Brazilian government in face of reports of intimidation and violence, including murders, involving the following indigenous peoples: Ka'apor (Maranhão), Guarani-Kaiowá (Mato Grosso do Sul) and Pataxó Hã Hãh Hãe (Bahia/Minas Gerais).

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

Geneva, September 16th 2024.



To: ohchr-registry@un.org



FEDERATIVE REPUBLIC OF BRAZIL

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN
RIGHTS (OHCHR)**

JOINTLY SIGNED LETTER OF ALLEGATIONS (AL BRA 3/2024)

**KA'APOR (MA), GUARANI-KAIOWÁ (MS) AND PATAXÓ HÃ-HÃ-HÃE
(BA/MG) INDIGENOUS PEOPLES**

THE BRAZILIAN STATE'S RESPONSE

September 2024

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1. INTRODUCTION

1. On July 16, 2024, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent the Brazilian state a letter of allegations jointly signed (AL BRA 3/2024) by seven special procedure mandate holders of the Human Rights Council requesting information on complaints related to the human rights situation of the Ka'apor (MA), Guarani-Kaiowá (MS) and Pataxó Hã-Hã-Hãe (BA/MG) indigenous peoples.
2. In this letter, the Working Group on Human Rights Issues and Transnational Corporations and Other Businesses alleges an increase in violence and killings of the leaders of the Ka'apor (MA), Guarani-Kaiowá (MS) and Pataxó Hã-Hã-Hãe (BA/MG) indigenous peoples.
3. The letter also states that the joint communication in question, as well as any response from Brazil, will be published on the High Commissioner's website within 60 days. The letter requests information from the Brazilian state on complaints related to the human rights situation of the Ka'apor (MA), Guarani-Kaiowá (MS) and Pataxó Hã-Hã-Hãe (BA/MG) indigenous peoples, in particular:

1 - Please provide any additional information and/or comments you may have on the allegations mentioned above.

2 - Please provide detailed and up-to-date information on the circumstances of the alleged killings of Ka'apor, Guarani and Kaiowá; and Pataxó Hã Hah Hãe leaders, on the investigations conducted by the relevant authorities, including whether these investigations followed the relevant international standards, such as the Minnesota Protocol on the investigation of potentially unlawful killings, and whether anyone has been held accountable for these killings.

3 - In the event that the alleged perpetrators are identified, please provide full details of any legal proceedings that have been carried out and information on any criminal, disciplinary or administrative sanctions imposed on the alleged perpetrators. If no investigation has been conducted, is yet to take place, or has been inconclusive, please explain why.

4 - Please provide the details, and where available, the results of any investigations carried out in relation to violence, harassment, intimidation and threats against the Ka'apor, Guarani and Kaiowá and Pataxó Hã Hah Hãe indigenous peoples and their human rights defenders. In particular, please provide information on the measures taken to prevent further attacks and protect the indigenous peoples mentioned and their human rights defenders against such acts. If no investigation has been conducted, is yet to take place, or has been inconclusive, please explain why.

5 - Please indicate what measures have been taken to guarantee security on the Alto do Turiaçu (Maranhão), Iguatemipegua 1 (Mato Grosso do Sul) and Inhuma (Bahia) indigenous lands following the attacks mentioned against the Ka'apor, Guarani and Kaiowá and Pataxó Hã Hah Hãe indigenous peoples. In particular,

please provide detailed information on the alleged confrontation between the Pataxó Hã Hah Hãe group and the "Zero Invasion" group.

6 - Please explain what measures have been taken to ensure that all human rights defenders in Brazil, in particular those working for the rights of indigenous peoples, can carry out their peaceful and legitimate activities without fear or restrictions. Please provide detailed information on any protection measures available and adopted, and measures to be taken to strengthen them, including through federal and state policies for the protection of human rights defenders.

7 - Please highlight the steps your Excellency's Government has taken, or is considering taking, including policies, legislation and regulations, to fulfill its obligations to protect against human rights abuses by business enterprises under its jurisdiction, and to ensure that business enterprises in your territory carry out human rights due diligence to identify, prevent, mitigate and explain how they address their human rights impacts throughout their operations, as set out by the UN Guiding Principles. As part of this response, please indicate what additional measures have been taken by your Excellency's Government to ensure that indigenous peoples are protected from human rights abuses by miners, mining companies, squatters, violent farmers and loggers.

8 - Please provide detailed information on the alleged contamination of the Maracaçumé and Mboreviry rivers and its negative consequences on the right to food, the availability of safe drinking water and human rights related to a healthy environment.

9 - Please provide information on any effective remedy mechanisms, in line with the UN Guiding Principles on Business and Human Rights (UNGPs), and appropriate measures that have been taken to mitigate adverse environmental, health, economic, social, cultural or spiritual impacts on the Ka'apor, Guarani and Kaiowá and Pataxó Hã Hah Hãe indigenous peoples.

10 - Please indicate the steps your Government has taken to create platforms and strengthen mechanisms for dialogue between government, business and civil society on business and human rights issues, as supported by your Government following the Universal Periodic Review in 2017.

11 - Please provide detailed information on the measures taken to guarantee due process, and in particular fair, equitable and transparent procedures in cases of recognition, demarcation and titling of indigenous peoples' traditional territories.

12 - Please provide information on any measures taken by Your Excellency's Government to ensure the full implementation of the Supreme Court's decision regarding the demarcation of the Caramuru-Paraguassu indigenous land, in particular the removal of farmers and non-indigenous people and to guarantee full access and use by indigenous peoples of their lands, territories and natural resources without restrictions and fear of violence.

13 - Please provide detailed information on any measures to ensure compliance with international human rights obligations in light of resolution 25/2023, in which the IACHR ordered precautionary measures in favor of the Pataxó Hã Hah Hãe indigenous peoples for the protection of their life and personal integrity.

14 - We would also be interested in knowing and receiving more information about whether the government plans to draw up a security program or initiative aimed at meeting the fundamental needs of the Pataxó Hã Hah Hãe people, in accordance with the repeated recommendations made by the Federal Public Prosecutor's Office, the Federal Public Defender's Office and the Public Defender's Office of the State of Bahia.

15 - Please provide information on the measures your Excellency's Government has taken in response to the recommendations provided in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Brazil in 2015, in particular on the development of a national action plan or business and human rights based on multi-stakeholder engagement; on setting clear expectations in relevant policies

for all business enterprises in Brazil to respect human rights in all their operations and to carry out human rights due diligence in relation to their domestic and international operations, and on conducting a review of access to effective remedies with a view to strengthening judicial and non-judicial mechanisms to identify and address business-related human rights abuses.

4. On this occasion, the Brazilian State respectfully submits the following information to the OHCHR.

2. STATE RESPONSE

Point 1: Action on the allegations mentioned in the Charter

1.1. Ka'apor people

5. According to information from the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPHRD), received via NOTE No. 1565/2024/CG.PPDDH/DDH/SNDH/MDHC and from the National Secretariat for the Promotion and Defense of Human Rights - NOTE NO. 5301/2024/GAB.SNDH/SNDH/MDHC -, the Ka'apor people are included in the PPDDH/MA through the Ka'apor Management Council which, in the Ka'apor language, is called Tuxa Ta Pa Me, made up of six indigenous leaders. By listening to the subjects under protection about their perceptions of risks, and evaluating the protection process itself, the importance of carrying out protection collectively, involving the entire Tuxa Ta Pa Me Management Council, was reiterated. The PPDDH points out that this council is present in part of the villages of the Indigenous Land, but there is an internal conflict in the territory, in which the Ka'apor Ta Hury Association, which has methods that are not consistent with human rights, is claiming legitimacy of representation.
6. According to the PPHRD, this association is organized around chiefs, a presidency and a fiscal council, and is based on an integrationist assumption, building links with entities of the so-called "karai" (whites), with funding from the Vale company. It does not, however, have the consent of all the Ka'apor people and has no effective

- commitments to guaranteeing human rights, in addition to political links with groups that violate human rights and politicians with great influence in the region.
7. The PPHRD explained that, unlike the Association, the Management Council does not act through the cacicado, an exogenous imposition imposed by white men, but rather acts horizontally, building grassroots leadership in each protection area or village. And as a form of protection, they move around the territory in search of self-protection and collective protection, based on the understanding that the protection of the people/nation is also the protection of the territory itself. Thus, they established the strategy of moving to the places of greatest destruction and building new villages in these areas, in order to stop the constant invasions. They have also established a ban on non-indigenous people entering the areas where the Council is present, unless they have the authorization of the Management Council.
 8. They explain that the Ka'apor people seek to defend their own cultural practices, including their language - as part of their defense strategies. Children in their villages only come into contact with Portuguese after the age of 10. They prevent the consumption of alcohol and the operation of bars in their villages. In addition to the need for collective protection, they also defend the need to think about the specificities of the Ka'apor people when constructing public policies, including public policies linked to protection, and the need to respect the Ka'apor's internal autonomy.
 9. The PPHRD explained that, in its process of building the protective experience, the Management Council had built four governance fronts: 1) Valuing culture; 2) Caring for the land/territory; 3) Caring for people/collective health; 4) Community care and community justice. They explained that one of the principles highlighted was the apprehension of nature as a source of learning, and not as a resource to be exploited. There are two older indigenous people hired by the Maranhão State Education Department - SEDUC - and there is a request to hire a curator/pajé by the Maranhão State Health Department. They pointed out that they also participate in and receive support from the partner organization Centro de Saberes Ka'apor, an organization advised by anthropologist [REDACTED].
 10. According to the testimonies of the indigenous leaders, there is a political environment in the northern region of the state of Maranhão, especially in the towns of Centro do Guilherme and Centro Novo, which is unfavorable to the Ka'apor

indigenous people. The Defenders of Protection characterized the current mayor of Centro Novo (and candidate for re-election) as a hunter and prospector, and as a person who knows the Indigenous Land well, given his actions and his interests which are contrary to those of the Ka'apor. They also claim that the mayor has already been arrested as a result of the illegal extraction and sale of gold.

11. As a result of the violence and threats, the Ka'apor indigenous people have been included in the PPHRD of Maranhão since June 2017. In addition to the constant threats, several indigenous leaders have already been murdered. On April 26, 2015, [REDACTED] was murdered in an ambush by local farmers. In 2020, [REDACTED] 32, was murdered. The indigenous man's body was found on 3.08.20 on the side of a road on the border between the Alto Turiaçu Indigenous Land and the municipality of Centro do Guilherme, in the northwest of Maranhão. In 2022, on May 13, [REDACTED] died in circumstances that are still under investigation.
12. In relation to these deaths, the PPHRD of Maranhão informs that it is constantly working to ensure that the proper investigations are carried out. However, several of the investigations are still ongoing.
13. It should also be noted that serious events were reported in the Awa Indigenous Land on July 19, 2023: FUNAI reported that the Nova Village of the recently contacted indigenous people of the Awa ethnic group was invaded by residents of the Nova Conquista village, located in the municipality of Zé Doca/MA, following a local conflict with cattle owners in the region, which resulted in the expulsion of the Awa indigenous people from their territory. The Ministry of Justice and Public Security sent the National Public Security Force to the aforementioned federal area (Awa Indigenous Land) - Ordinance MJSP no. 716 of June 26, 2024 - in order to prevent the violence from escalating.

1.2. Pataxó and Pataxó Hã-hã-hãe Peoples (MG and BA)

14. In the same NOTE No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, the PPHRD informs that, with regard to the Pataxó Hã-hã-hãe people who live in Minas Gerais, four Pataxó Hã Hã Hãe indigenous leaders are included in the PPHRD-MG. Of these four, two are indigenous people affected by Vale's crime on January 25, 2019, when the Feijão Dam burst in the municipality of Brumadinho, killing more than

270 people. In addition to the material consequences of the collapse, the territory of Brumadinho and the neighboring municipalities also affected by the collapse are facing a period of tensions and conflicts between various actors who are acting in the complex context of the aftermath of the tailings dam collapse.

15. The PPHRD explained that the Pataxó Hã-hã-hãe people are part of several villages, including: Sede, Imbiruçu, Retirinho, Alto das Posses, Muã Mimatxí. They also live in the south of Bahia, in contact with non-indigenous people since the 16th century. Of those originally from Bahia, some migrated to Minas Gerais to form the Katurãma village, made up of indigenous people from the Pataxó and Pataxó Hã-hã-hãe ethnic groups, which was affected by the collapse of the Vale S.A. dam in Brumadinho on January 25, 2019. After the tailings dam burst, the 25 families living in the Naô Xohã village were taken to the highest part of the municipality of São Joaquim de Bicas, the administrative area where the community is located. Since then, the community has intensified its struggle to guarantee its rights.
16. According to the PPHRD, two of the defenders included in the program had their villages directly impacted by the dam collapse, as both communities are located on the banks of the Paraopeba River, through which the tailings sludge continued to flow. They are the following territories: Aldeia Naô Xohã Paraopeba and Aldeia Nao Xohã, both located in São Joaquim de Bicas/MG. Consequently, the communities mentioned had their way of life impacted, since the water used by the villages was taken exclusively from the river, in addition to its use for other activities pertinent to the community, such as fishing, bathing and religious rituals. Therefore, the disruption caused economic impacts, since fishing was part of the families' diet and a source of income, as well as cultural and symbolic impacts, since the river was essential for cultural practices, such as the Water Festival.
17. The Kamakã Kaêhá Puá Indigenous village, located in Esmeralda, in turn, experiences daily threats and human rights violations, because in the process of ancestral retaking, the territory has several invaders who claim the right to possession of the territory. As reported by the PPHRD, in the Kamakã Mongoió Indigenous village, the indigenous people are also in the process of ancestral retaking and are fighting directly against Vale S/A and invaders who occupy areas of the territory, especially the waterfall, generating various human rights violations.

18. With regard to the Pataxó people whose territories are currently located in the state of Bahia, the PPHRD of that state informed, through OFÍCIO N° 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, that it accompanies ten leaders of the Pataxó Hã-hã-Hãe people, 8 of whom have been included and 2 of whom are under analysis. The PPHRD stressed that even when the inclusion of the defender is under analysis, this does not prevent the Program from acting on concrete demands for the protection of the leadership. The PPHRD team is still in the process of providing assistance, understanding the context of the territory and preparing an opinion for the Program's Deliberative Council, which will decide on the inclusion of the leader, according to admissibility criteria.
19. In a recent communication - Official Letter No. 321/2024 - SJDH/GAB, dated June 25, 2024 (Annex 3) - the SJDH recapped a history of its actions under the Bahia State Program for the Protection of Human Rights Defenders (PPHRD-BA), through which it maintains an agreement with IDEAS Assessoria Popular, the Civil Society Organization (CSO) responsible for implementing the program. The communication highlights that the majority of people assisted by the PPHRD-BA are indigenous leaders, corresponding to around 70% (seventy percent) of the people currently included in the program: there are 61 (sixty-one) leaders included and 15 (fifteen) in the process of analysis, for a total of 72 (seventy-two). The indigenous people are from five ethnic groups: Kamakã, Pataxó, Pataxó Hã Hã Hãe, Truká Tupan and Tupinambá.
20. In addition, in the same communication, the SJDH highlighted the expansion of the program in partnership with the MDHC, through a new agreement signed for a period of 36 (thirty-six) months, between May 2024 and May 2027. The contribution of approximately R\$14 million represents an increase of 432% compared to the previous agreement, making it possible to expand the technical team in Salvador (capital of the state of Bahia), improve protection actions and implement a new service center in the municipality of Porto Seguro/BA, a city on the south coast close to the conflict areas.
21. It is also important to note that the Ministry of Indigenous Peoples (MIP) has been following situations of violence involving the Pataxó and Pataxó Hã Hã Hãe peoples in the southern part of the state of Bahia with extreme attention, particularly in relation to four Indigenous Lands, namely: the Barra Velha do Monte Pascoal

Indigenous Land; the ComexaEbá Indigenous Land; the Águas Belas Indigenous Land; and the Caramuru/Paraguassu Indigenous Land. In the medium term, it would be essential to establish Territorial Protection Plans for these territories, in conjunction with local leaders and communities, as well as to deepen the dialogue between federal and state security forces to deal with this situation. In the more immediate context, an attempt was made to record the main policing needs, together with surveys of critical locations carried out after the MIP's technical visits, with the aim of identifying the places of greatest attention, and drawing up suggestions for measures related to public security that could deal with the situation of violence experienced by the indigenous communities in the region.

22. On January 21, 2023, violent attacks took place when indigenous people of the Pataxó Hã Hã Hãe ethnic group were peacefully occupying part of the "Inhuma" Farm, located in the municipality of Potiraguá, in southwest Bahia, an area they claim is part of the Caramuru-Catarina Paraguaçu Indigenous Land (municipalities of Camacan, Itaju da Colônia and Pau Brasil/BA), which culminated in the death of [REDACTED], the shaman known as "[REDACTED]", and the gunshot wounding of her brother, the chief [REDACTED]. A police inquiry into the case has already been reported, according to information from the Federal Police in the state of Bahia.
23. In this context, and with a view to verifying the situation on the ground, the MIP organized an inter-ministerial delegation, from 15 to 19 January 2024, which travelled to the site of the attack, provided solidarity to the relatives of the victims, as well as starting to listen to the communities attacked and held the first meetings with the local authorities about investigating the crimes committed. The delegation visited 12 villages and retaken areas in the territories of Barra Velha, Coroa Vermelha, and ComexaEbá, of the Pataxó Peoples. In the Caramuru Indigenous Land of the Pataxó Hã hã hãe People, a meeting was held to address issues of security and support for environmental and territorial management.
24. The visit diagnosed the need to draw up and/or revise the Environmental and Territorial Management Plan (ETMP) for the ComexaEbá, Barra Velha, Coroa Vermelha and Caramuru-Paraguaçu Indigenous Lands, taking into account the context of redefining the boundaries of indigenous lands, environmental degradation, protection of water sources, processes of retaking areas of traditional

occupation, the dynamics of urban expansion and real estate speculation, public security and inter-ethnic conflicts, among others. The MIP team gathered information to draw up a territorial protection plan together with the communities for the 12 indigenous territories visited.

25. On January 18, the delegation held a meeting with the Bahia State Military and Civil Police, the Federal Police, members of the Bahia State Government's Secretariat for the Promotion of Racial Equality, the National Foundation for Indigenous Peoples, the Special Secretariat for Indigenous Health, the Bahia State Public Defender's Office and the region's indigenous movements. On the occasion, the Integrated Action Plan to Combat Violence Against Traditional Peoples and Communities, approved by Joint Ordinance no. 004, of March 22, 2023, and the creation of the Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities, through Joint Ordinance no. 01, of January 20, 2023, were presented as measures that are being adopted at state government level in view of the situations experienced by the Pataxó peoples in the region.
26. On the same day, January 18, through Ordinance GM/MIP no. 02, the MIP established a "Crisis Office", with the aim of monitoring the conflict situation in the far south of Bahia, which resulted in the death of indigenous leaders of the Pataxó people. Initially planned to operate for a period of 60 (sixty) days, the Crisis Office had its duration extended by 45 (forty-five) days, by means of Ordinance GM/MIP No. 83, of March 28, 2023, and this period expired in the middle of this month of May. According to the meetings held within the Cabinet, several fronts of action were opened, all aimed at providing faster responses from the public bodies involved in dealing with the situation, namely:
 - a) reinforcement, by the Bahia State Public Security Secretariat (SSP/BA), of the actions of the "task force" made up of the Bahia State Civil Police and the Federal Police, who were already working in the area;
 - b) articulation for the deployment of the National Public Security Force (FNISP);
 - c) a survey of ongoing investigations by the Federal Police and Civil Police, as well as complaints filed by the Parquet and information on the progress of related criminal proceedings;
 - d) FUNAI's updating of information on the land situation of indigenous lands in the far south of Bahia, the resumption of field missions by the Southern

Regional Coordination Office and the progress of actions to build the ethno-environmental plan for the region's villages;

- e) to present a report on the indigenous leaders in the region who are under threat and have already been included in the PPHRD, as well as any requests for inclusion that are still pending;
 - f) to inform the Bahia State Public Prosecutor's Office of any measures underway or already adopted within the scope of external control of police activity, such as procedures to ascertain civil, administrative and criminal liability;
 - g) formulation of a request for the Federal Police in Brasilia/DF to send specialized personnel to the region to investigate homicides and also to carry out an operation to monitor and combat arms trafficking;
 - h) to inform the Federal Public Defender's Office and the Public Defender's NOTE of the State of Bahia of the procedures underway within their respective bodies;
 - i) the need to draw up a more articulated and permanent security plan, with joint action by the police and coordination by the MJSP;
 - j) installation of Federal Police bases closer to the conflicting territories, albeit in an initial "outpost" format;
 - k) Integration of the National Institute for Colonization and Agrarian Reform (INCRA) in the discussions, in order to urge it to take action to combat illegal occupations and illicit sales of plots within indigenous territories.
27. The MIP also requested that an investigation be launched to determine the responsibility of the members of the "Zero Invasion Movement", especially its coordinators. A complaint against the modus operandi of this self-styled "movement" also reached the MIP via the "Note Denouncing Acts of Genocide against Indigenous People on the Occasion of the Murderous Attack by an Armed Militia Gang against a Group of the Pataxó Hãhãhãe People in the State of Bahia", drawn up by the National Association of Indigenous Action - ANAÍ.
28. Finally, it should be noted that negotiations are underway to set up Ethno-Territorial Laboratories in Higher Education Institutions (HEIs), particularly in areas characterized by intense land conflicts involving indigenous peoples and territories, an initiative of the MIP, in partnership with the Foundation to support the Federal University of Southern Bahia (UFSB). The aim is to establish an Ethno-Territorial Laboratory at the UFSB, linked to the Memories of Southern Bahia Documentation

and Research Center and the Indigenous Legal Practices Center, focusing on the context of the Barra Velha do Monte Pascoal Indigenous Lands (located in the municipalities of Itabela, Itamaraju, Porto Seguro and Prado) and ComexaEbá (Cahy-Pequi) (in Prado), inhabited by the Pataxó people, with the aim of monitoring conflicts and promoting rights in these territories.

1.3 Guarani-Kaiowá people (MS)

29. Through Ordinance GAB/GM/MIP No. 217, of September 22, 2023, the MIP established the Guarani Kaiowá Crisis NOTE, whose purpose is to propose concrete actions in the face of human rights violations against the Guarani Kaiowá people in the southern region of the state of Mato Grosso do Sul. The body was renewed by Ordinance GAB/GM/MIP No. 52, of February 22, 2024, and subsequently by Ordinance DOU-GM/MIP No. 253, of August 30, 2024.
30. Among its members and guests, in addition to the MIP secretariats, are the National Foundation for Indigenous Peoples (FUNAI), the Ministry of Justice and Public Security (MJSP), the Ministry of Human Rights and Citizenship (MDHC), the Ministry of Development and Social Assistance and Fight against Hunger (MDS), the Ministry of Agrarian Development and Family Agriculture (MDA), the Mato Grosso do Sul State Government, the CNDH, the National Justice Council (CNJ), the Federal Public Prosecutor's OFFICE (MPF), the Federal Public Defender's Office (DPU), the Mato Grosso do Sul State Public Defender's Office (DPE/MS), the Articulation of Indigenous Peoples of Brazil (APIB), Aty Guasu Guarani Kaiowá, among others. It is coordinated by the Department for Mediation and Conciliation of Indigenous Land Conflicts (DEMED/GM/MIP).
31. The actions carried out by this body cover three main areas: i) territory; ii) social rights; and iii) public security. Each of these unfolds into a set of strategic actions focused on guaranteeing rights and strengthening this community. Fourteen meetings have been held so far, during which progress has been made in identifying priority actions and liaising with the actors responsible. They take place every two weeks, covering each of the axes individually or cross-cutting issues at general meetings.
32. The coordination within the Public Security axis includes the PPHRD's involvement in the inclusion of new leaders and the improvement of existing protective

measures, as well as initiatives aimed at promoting ostentatious policing and the work of the investigative police.

33. According to information from the PPHRD, received through the aforementioned NOTE No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, the agency has been working since 2021 on a specific strategy to accompany this community in the state of Mato Grosso do Sul. Since September 2023, the Federal Team has performed its functions in a decentralized and multidisciplinary manner, with the following composition: Lawyers (2), Psychologists (2) and Social Workers (2). The PPHRD in Mato Grosso do Sul is being monitored by 40 people, 19 of whom have already been included and 21 of whom are being analyzed, including the municipalities of Dourados, Amambai, Caarapó, Coronel Sapucaia, Japorã, Naviraí, Rio Brillhante, Douradina, Aral Moreira, Paranhos, Iguatemi, Juti, Tacuru and Miranda.
34. Also within the scope of the Crisis Office, in order to draw up a diagnosis of the conditions experienced by the Guarani Kaiowá in retaken areas and in other areas of concern, providing support to this body, DEMED, with the support of the Executive Secretariat (SE), as well as FUNAI, through the Dourados, Ponta Porã and Campo Grande Regional Coordination Office's (CRs), the Mato Grosso do Sul State Government and the National Public Security Force (FNSP), carried out three inspections in the south of the state, totaling 51 visits to locations inhabited by the Guarani Kaiowá in 20 municipalities. The first stage of the work took place in December 2023, the second in January 2024 and the last in April 2024.
35. Based on the information gathered in the field, in order to guide and direct the actions of the Crisis Office, seven preliminary technical reports were prepared, concerning the guarantee of the right to basic and differentiated school education, differentiated health care, access to electricity, drinking water and basic sanitation, social assistance and housing in areas generally retaken by the Guarani Kaiowá people in the southern region of Mato Grosso do Sul. One of the reports also provides information on the situation of the prayer houses in these locations. In addition to other preliminary technical reports to be drawn up as data analysis progresses, a general technical report is planned, detailing the social reality in each area visited. In order to tackle the water insecurity plaguing the Guarani Kaiowá communities, the MIP has signed a Decentralized Execution Term (TED) with the Federal University of Grande Dourados (UFMG), whose work plan provides for the

drilling of more than 20 wells within 12 months, covering approximately 1,000 people.

36. In mid-June, there was an inspection into the use of pesticides in the southern region of Mato Grosso do Sul. Conducted by the Federal Public Prosecutor's Office (MPF), in partnership with the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA), FUNAI and the State Agency for Animal and Plant Health Defense (IAGRO/MS), and with the support of the Federal Highway Police (PRF), the initiative focused on the Jaguapiru indigenous village in the Dourados Indigenous Reserve, the Panambizinho Indigenous Land (both in the municipality of Dourados/MS) and the Guyraroka Indigenous Land (in Caarapó/MS). Since April of this year, the MIP has been in talks with researchers from the Oswaldo Cruz Foundation (FIOCRUZ) with a view to drawing up a proposal to tackle the health problems and environmental damage caused by exposure to pesticides in Guarani Kaiowá indigenous communities.
37. The MIP also signed a TED with the UFGD, with the aim of setting up an Ethno-Territorial Laboratory, linked to the Intercultural Indigenous Faculty (FAIND) and the Anthropology Laboratory of the Postgraduate Program in Anthropology at the Faculty of Human Sciences (LA/PPGANT/FCH), which will seek to support the improvement of advocacy actions in the fields of land regularization, basic rights (in particular, access to water and basic sanitation) and public security. The activities will be structured along three lines: i) support for the implementation of local/territorial actions, with the strengthening of ongoing multidisciplinary actions and projects within the UFGD and the Guarani and Kaiowá that enhance the expected results; ii) production of data for diagnosis, and iii) coordination and training with indigenous leaders and students, public agents and other actors in the field of indigenous rights and indigenous policy. The launch took place on August 14 at UFGD.
38. Also noteworthy is the proposal for the Teko Porã Program: Strengthening the well-being of the Guarani Kaiowá people, made up of a set of six initiatives, which includes drawing up Territorial and Environmental Management Plans (PGTAs); encouraging actions to empower indigenous women and young people; monitoring environmental damage and health problems resulting from contamination by pesticides; implementing activities aimed at the social reintegration of indigenous

people in a situation of incarceration in Amambai Prison and the protection of prayer houses; and publishing a book recording these actions. The Teko Porã Program will be implemented by the Federal Institute of Mato Grosso do Sul (IFMS), through the signing of a TED. The launch took place on August 14 at UFGD.

39. It is also worth noting that, since September 2023, the MIP, in order to prevent the co-occurrence of violent actions in the context of conflict between indigenous and non-indigenous people, has been coordinating with the MJSP with a view to publishing ordinances authorizing the use of the FNSP in indigenous villages located in the Southern Cone region of Mato Grosso do Sul.
40. More recently, on the occasion of the attacks on the retaking of the Panambi-Lagoa Rica Indigenous Lands (TIs), in Douradina/MS, and Amambaipegua I, in Caarapó/MS, on July 26, the Situation Room for emergency action to monitor land conflicts involving indigenous peoples was set up, made up of various ministries and government bodies. As part of the Situation Room, a mobile team coordinated by the MIP was organized to travel to the city of Dourados, arriving in the region on August 2. Since then, professionals linked to the Ministry have been in the region in rotation. Mediation actions are ongoing with indigenous leaders and security agencies and, based on the diagnosis made by the teams, actions coordinated by the MIP are implemented in conjunction with other ministries and government agencies.
41. In this context, Ordinance MJSP No. 726/2024 was published, which provides for the use of the FNSP in support of the Federal Police (PF) in the state of Mato Grosso do Sul. Since then, the FNSP Command has operated regularly in these territories, even assigning reinforcements.
42. Finally, with the aim of qualifying the work of the FNSP agents mobilized in Operation Tekoha IV, who have been working to reinforce public security in the region in the context of the conflict, the MIP, in partnership with the MDHC and the MDA, held contextualization workshops on the land conflict involving indigenous Guarani Kaiowá people and non-indigenous rural producers in the region.

Points 2, 3, 4 and 5: Information on investigations into the murders of leaders

43. As stated in NOTE No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, Chief Merong Kamakã Mongoió, indigenous leader of the Kamakã Mongoió Territory, was found lifeless on March 4, 2023, with signs of hanging, in his territory, located in Córrego de Areia, in Brumadinho. The chief was in charge of the ancestral retaking process, in the context of a land dispute with the Vale company. It should be noted that the request to include the chief in the PPHRD/MG had never been received. It was only after the crime that the new chief applied to be included in the program, in April 2024.
44. With regard to the investigations carried out into cases of violence, harassment, intimidation and threats against the Ka'apor, Guarani and Kaiowá and Pataxó Hã Hah Hãe indigenous peoples and their human rights defenders, the PPHRD informed that, within the scope of its competencies, it repeatedly formalizes requests for information to the competent bodies, as a way of monitoring the risk context of the leaders and communities accompanied by the Program.
45. The PPHRD has therefore listed the data it has from the follow-up of cases:
- Technical Report No. 688/2023-ANPMA/CNP, which was drawn up by the MPF's National Forensics Center, and which deals with the occupations that have been carried out in the territory of the Katurãma Village, damaging the integrity of the territory of the Pataxó and Pataxó Hã Hã Hãe people and generating situations of insecurity.
 - The conflict in the Kamakã Mongoió indigenous retaking intensified after a decision by the judge of the 8th Federal Civil Court of the SSJ of Belo Horizonte, at the request of Vale S/A., in case no. 1106063-69.2023.4.06.3800, which issued an urgent injunction "to prevent the burial of [REDACTED] on the lands that are the subject of this action, given the notorious controversy over his ownership". However, in honor of the ancestral commandments of the Kamakã people, the chief's body was planted in the territory, before any court decision, respecting indigenous culture to sow the chief's struggle in order to give continuity to the retaking.
 - Civil Inquiry No. 1.22.000.000418/2019-12 - Non Xohã Paraopeba Village;

- Case No. 1063985-69.2021.4.01.3800 - Nao Xohã Village and Katuramã Village, Vale S.A.

- IPL 2022.0004800 (Pje 1035464- 89.2022.4.01.3700). This refers to an investigation into a threat that the Sarapó Ká'apor Indigenous Leader allegedly suffered on January 22, 2022, in the municipality of Santa Luzia do Paruá/MA, from loggers in the region. According to the Federal Police, the main loggers in the region were identified, a Federal Police operation was launched against them, with the collection of telephone handsets, which were examined, the data analyzed, but no link was found to the possible threat and death of [REDACTED]. The people under investigation were indicted for various crimes related to the illegal extraction and trade of timber acquired from the Alto Turiaçu indigenous land.

46. The information from the PPHRD was supplemented by the Federal Police, as explained in the following paragraphs.
47. In relation to the Guarani-Kaiowá indigenous people of the state of Mato Grosso do Sul, the Federal Police in Mato Grosso do Sul, reported that there are 3 ongoing investigations related in some way to the human rights situation of the Guarani-Kaiowá peoples, on indigenous lands located in the circumscription of that body: a) IPL No. 2023.0089570: opened at the request of the Federal Public Prosecutor's Office, to investigate reports of gunfire by security guards from Fazenda Cachoeira on the road on the way to the village; b) IPL no. 2023.0099248: instituted due to the receipt of Official Letter No. 112/2023-DPU/DRDH MS on November 22, 2023, from the Federal Public Defender's Office, reporting allegations of human rights violations against Guarani and Kaiowá indigenous people from the Pyelito Kue indigenous land, located in the municipality of Iguatemi/MS; c) NCV No. 2024.0013590: instituted to investigate the occurrence of gunshots and threats against indigenous people."
48. Regarding the request to indicate what measures have been taken to ensure security on the Iguatemi I indigenous lands (Mato Grosso do Sul), the Federal Police, with the support of the National Public Security Force, traveled from Naviraí to Iguatemi on November 22, 2023, the day they became aware of a possible conflict between indigenous residents of the Pyelito Kuê Camp and landowners in the region, as reported in Official Letter No. 112/2023 - DPU/DRDH MS, from the Federal Public Defender's NOTE. In order to ascertain the facts alleged and/or occurred, steps are being taken in Police Inquiry No. 2023.0099248 - DPF/NVI/MS.

49. There are also 5 investigative procedures underway to investigate facts involving the conflict between landowners and nationals of indigenous origin that took place in the vicinity of the indigenous settlement located in the city of Douradina/MS. The procedures in question are in progress and, under the terms of Art. 133, caput of DG/PF NORMATIVE INSTRUCTION No. 255, OF JULY 20, 2023, access to the case files is prohibited until they are concluded. As soon as the investigations are concluded, their reports will be made available to the public domain and the information requested can be shared with all interested parties, unless there is any legal prohibition and/or court order to the contrary.
50. In relation to the Ka'apor indigenous people of the state of Maranhão, the Federal Police in that state referred to the death of the indigenous leader of the T.I. Alto Turiaçu community, SARAPÓ KA'APÓR, on May 14, 2022, near the municipality of Centro do Guilherme/MA, under suspicion of having been poisoned after consuming a fish that had been poisoned. The Legal Police Inquiry (IPL) 2022.0039485 (Pje 1069948-33.2022.4.01.3700) was opened to investigate the alleged commission of the crime typified in art. 121, § 2, III, of the Brazilian Penal Code, and during the course of the IPL several steps were taken, including: exhumation of the corpse; expert report on the Exhumation Examination; collection of biological material to search for exogenous substances; toxicology expert report; statements/interviews with witnesses and with the person identified as the one who delivered the supposedly poisoned fish. The technical expert evidence ruled out the possibility of drugs and pesticides being found, concluding that the death had an undetermined cause.
51. In this sense, the PF states that, taking into account that the suspicion that it was a homicide by poisoning was not confirmed, as the expert evidence showed, and the cause of death was identified as "undetermined cause of death", authorship was not indicated, because "it is not possible to conclude that there was a homicide, either by poisoning or even by another cause, in the absence of evidence that points to such a conclusion. Furthermore, there is not enough evidence to point to a specific person as having wanted or even tried to murder the indigenous leader," as the Federal Public Prosecutor's Office stated. The Police Inquiry has been finalized, as well as the judicial process closed, in view of the considerations mentioned above,

Points 6 and 13: Measures to protect those who work for the rights of indigenous peoples

6.1 Ka'apor people

55. According to information from the PPHRD, transmitted in the aforementioned NOTE No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, the Ka'apor Management Council, as a collective, is undergoing a protection process, which is justified by the high risk faced by the indigenous people and the great distances to travel in the territory, with long journeys between one village and another. To remedy these difficulties, the protection process has also been possible through virtual contacts, following the installation of satellite internet in 3 villages, through international cooperation. In this way, the PPHRD/MA supports and participates in training activities, helping the leaders of the Management Council to take part in public and external activities, as well as trying to articulate public bodies to be present in the territory. Another positive point highlighted by the indigenous leaders in protection are the on-site visits, which provide a better understanding of the dynamics of the territory, the risks faced and the threats suffered, as well as facilitating the recording and marking of attacks on indigenous land, via Google Maps, of important landmarks in the territory. In addition, there is a group for collective and immediate dialog with the 6 leaders of the Management Council and the PPHRD/MA team. As part of the inter-institutional dialog, the PPHRD/MA stressed the importance of strengthening coordination and resuming negotiations with the Federal Police, FUNAI Maranhão and IBAMA to investigate environmental crimes.
56. The PPHRD detailed, in summary, 4 protective measures agreed and re-agreed with the Ka'apor Management Council: 1) creation of a WhatsApp group with all the people on the Ka'apor Management Council; 2) affirmation of the commitment to improve the communication structure with the support of solar panels and satellite internet; 3) support for community training activities, especially in the villages and protected areas where there are more invasions and 4) demand progress on pending investigations with the Federal Police, Maranhão regional superintendence, and

demand a visit from FUNAI, Maranhão regional coordination, to the Ka'apor Management Council.

6.1 Pataxó-Hã-Hã-Hãe People

57. With regard to the Pataxó-Hã-Hã-Hãe indigenous peoples (NOTE No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC), throughout 2023, the PPHRD/BA visited protected territories and defenders, made contact with their protection network, as well as establishing focal points with protection agencies and formulating specific police patrol strategies, considering the demand of each territory or protected person. The PPHRD/BA liaised with security agencies with a view to protection, and often arranged pre-established escorts for defenders to carry out daily activities outside their territories, such as health treatment or travel to the airport. However, the PPHRD pointed out that sometimes there are factors that interfere with the effectiveness of security measures, such as the distance between the Military Police Companies and the villages, and especially the distrust or refusal of the protected to deal with the state police.
58. Faced with the escalation of violence in the territory, the PPHRD//BA reported that monitoring of the Pataxó Hã-Hã-Hãe leaders had been intensified. Some defenders were sent to the capital (Salvador) to deal with bodies that are often not present in the territory. The PPHRD/BA also reported that it had arranged for interviews to be held at specialized police stations, in order to take account of cultural appropriateness, made it possible for leaders to go to Brasilia to make political contributions, granted temporary shelter, subsidies and support, among other protective measures specific to each case/context, such as: Arranging for the establishment of police patrols, as requested by the defenders, with the Justice and Human Rights Secretariat (SJDH) and the Violence Prevention Superintendence (SPREV) of the Public Security Secretariat (SSP); Arranging and making referrals for psychological counseling; Arranging with the State Public Defender's Office, the Federal Public Defender's Office, bodies of the Judiciary, representatives of the Legislative Branch and civil society organizations in order to create collective measures capable of mitigating the risks faced by the protected; liaison for hearings

with the Special Group for Mediation and Monitoring of Agrarian and Urban Conflicts (GEMACAU), of the Bahia Civil Police's Land Conflict Coordination (CCF), and with the Federal Public Prosecutor's Office (MPF); accompaniment and legal guidance for the leaders at the hearings; on-site visits to the territory; support for the temporary departure of threatened leaders in the Caramuru Catarina Paraguassu Indigenous Land; the granting of per diems and emergency and temporary financial aid from the PPHRD to leaders who, as a result of the threats, are in a situation of high risk or social vulnerability.

59. With regard to the Pataxó-Hã-Hã-Hãe accompanied by the PPHRD-MG, it has carried out actions aimed at protecting indigenous territories, including: regular visits to the territory; coordination of police protection (patrols); meetings with FUNAI; coordination with the Federal Police; coordination with the technical advisors accompanying those affected by the dam; monitoring Vale's actions and agreements; holding several meetings with municipal bodies to guarantee basic rights, such as: access to health, education, water, electricity, social assistance, basic sanitation, access to public transportation, construction of an indigenous school, among others; holding several meetings with justice bodies to follow up on cases. In the case of the village of Não Xohã, the PPHRD-MG articulated at various times the constant presence of the Military Police on the outskirts of the territory, due to the situation of serious threat (end of 2021 and 1st half of 2022), as a result of the presence of land grabbers and invaders occupying the indigenous territory.
60. Among the threats reported by the chiefs, the PPHRD described: unknown people circulating in the villages; irregular construction work carried out by companies that are said to be outsourced by Vale. S.A.; obstruction by these companies of indigenous people's right to come and go; lack of access to drinking water and electricity; sounds of gunfire near the territory; felling of sacred trees in the region; and the presence of armed people near the villages. The PPHRD-MG technical team carries out systematic monitoring of indigenous people: every incident is reported to the team, which, based on the report, immediately takes action on the case. The main actions are liaison with the bodies involved in resolving the threats; liaison with police protection; liaison with other public policies; and publicizing the situation in agreement with the defender.

6.1 Guarani and Kaiowá peoples

61. With regard to the PPHRD's work on the conflicts experienced by the Guarani and Kaiowá peoples, since November 2023 the Federal Technical Team has been monitoring the situation in Mato Grosso do Sul and highlights the following actions taken:

- On November 18, 2023, the federal team made contact with the CIMI (Indigenous Missionary Council) in order to maintain a dialogue with other institutions in order to continue the articulations.
- On 18/11/2023, FUNAI in the Ponta Porã region was contacted - the officials said they were aware of the situation at that time and would be monitoring the case.
- On 19/11/2023, the Federal Police in Dourados were called in to request emergency intervention in the Iguatemi region, but were informed that there was no possibility of the PF acting in this situation due to the lack of staff over the weekend, at which time the team was instructed to call in the Military Police.
- On 19/11/2023, when contacting the Military Police, the team received information that the agency did not have the authority to act in the event of an emergency in the indigenous community, so the Federal Police had to be called in.
- Contact was made with the DPU (Federal Public Defender's NOTE), which helped to coordinate with the National Force.
- The Technical Team contacted the Coordinator of the DSEI (Special Indigenous Health District), asking for information on the follow-up of the injured. In response, [REDACTED] said that there was already a DSEI team in Pyelito Kuê.
- On 22/11/2023, FUNAI was called and informed that it was moving into the territory together with the Federal Police from Navirái;
- On 23/11/2023, during the PPHRD's risk monitoring action, a report was received regarding the particularized action of the PM and DOF (Department of Border Operations) regarding the security of landowners, identified as tormentors of this community;
- Also on 23/11/2023, an action was established to coordinate care for injured people with the DSEI/MS, with the Japorã/MS Base Center as a reference, which moved the multidisciplinary indigenous health team to provide care in the territory;
- There was coordination with the National Force, which visited the area and provided a focal point for dialogue with the team in order to maintain up-to-date information on the follow-up;

- A dialog was established with CRAS in the municipality of Iguatemi. At the time, the CRAS team informed them that they were monitoring the situation, and that they had recently made an on-site visit to deliver a basic food basket, blankets and to re-register with CADúnico.
- In December 2023, the defenders identified as "journalist and anthropologist" who suffered violence by hooded men in the events reported, were referred to the PPHRD.
- In April 2024, the defenders, "a journalist and an anthropologist", told the PPHRD that they would be back in the state of Mato Grosso do Sul in May 2024. In view of this, the team asked what the defenders' routes would be, and arranged with FUNAI in Ponta Porã for the institution to accompany them along the entire route to the Pyelito Kue village. The request was sent by letter.
- In May 2024, a letter was sent to the National Public Security Force (FNPS) and to the Secretary of Public Security of the State of Mato Grosso do Sul, requesting support to escort the communicators on their route.
- During the entire period in which the defenders, identified as "journalist and anthropologist", were in the state of Mato Grosso do Sul, the team monitored them daily by telephone, providing guidance on the security and self-protection measures needed to guarantee their physical integrity. They returned to their cities of origin on May 30.
- In an effort to monitor the established scenario of access to rights by the Pyelito community and in close contact with the leaders, on June 20, 2024, an institutional liaison was made with the Federal Public Prosecutor's NOTE to take action, in the face of a power cut at the community's school (Extension of the 8 de Maio School - Iguatemi/MS) by the City Hall, where the company reported a high value debt.
- On July 23, 2024, Official Letter No. 1251/2024/CG.PPHRD/DDH/SNDH/MDHC was sent to the Director of the National Public Security Force requesting that a focal point be agreed upon to support emergency protective measures. The focal point is the professional appointed by the agency to engage in a more agile dialog with the technical teams and enable greater effectiveness and assertiveness in resolving emerging situations.
- Given the conflict scenario in the region in question and elsewhere in the state, the PPHRD team in Mato Grosso do Sul was expanded to deal with the growing number of cases of indigenous people at risk.
- With regard to the instances at the state level, for the articulation and monitoring of actions for access to rights policies, an institutional meeting was held for approximate actions by the Federal Team with the Secretary of State for Citizenship on

08/07/2024. It should be added that this State Secretariat includes: Undersecretary for Public Policies for People with Disabilities; Undersecretary for Public Policies for the LGBTQIA+ Population; Undersecretary for Public Policies for Youth; Undersecretary for Public Policies for Women; Undersecretary for Public Policies for Original Peoples; Undersecretary for Public Policies for the Elderly; Undersecretary for Public Policies for Community Affairs and Undersecretary for Public Policies for Racial Equality.

Points 7 and 15: Actions related to Human Rights and Business

62. According to information from the General Coordination of Business and Human Rights, provided in NOTE No. 492/2024/CGEMPDH/GM.MDHC/MDHC, dated August 30, 2024 (Annex 4), the Ministry of Human Rights and Citizenship is leading an Interministerial Working Group (GTI), established by Decree No. 11.772/2023, which aims to draw up a proposal for a National Policy on Human Rights and Business, with powers to:

I - to draw up studies on the national and international legal systems for the protection of human rights in relation to business activity, with a view to drafting and implementing the National Policy on Human Rights and Business; and

II - propose measures and actions to improve the effectiveness of public policies:

a) regulating the actions of companies in promoting and defending human rights;

b) reparation for human rights violations and their monitoring; and

c) the implementation of corporate policies in line with national and international regulatory guidelines.

63. In addition, the guidelines for drawing up this national policy include, in Article 3:

I - improving the effectiveness of current sectoral public programs and policies related to the defense and promotion of human rights in the corporate sphere;

II - encouraging the implementation of business mechanisms to prevent human rights violations;

III - monitoring to ensure compliance with human rights obligations; and

IV - alignment with the United Nations Sustainable Development Goals.

64. The collegiate body is made up of 17 bodies from the Federal Executive Branch. These include the Federal Attorney General's Office; the Federal Comptroller General's Office; and the ministries of Development, Industry, Trade and Services; Entrepreneurship, Microenterprise and Small Businesses; Sports; Management and Innovation in Public Services; Racial Equality; Justice and Public Security; Environment and Climate Change; Mines and Energy; Women; Ports and Airports; Indigenous Peoples; Labor and Employment; Transport; Agriculture and Livestock; as well as the Ministry of Human Rights and Citizenship, which coordinates the collegiate body.
65. In addition, with the aim of developing an effective public policy that is inclusive and legitimized by society, four mechanisms for social participation were established - public hearings, hearings with experts, self-managed events and the public consultation (which will be held at a later date) - aimed at gathering input and recommendations.
66. The General Coordination of Business and Human Rights reported that the National Human Rights Council (CNDH) held three public hearings on those affected in territorial conflicts and in the world of work. During these hearings, ninety-four recommendations were presented covering key areas such as strengthening mechanisms to protect the rights of traditional peoples and communities, structuring effective reparation processes and preventing human rights violations. The recommendations also highlighted the importance of expanding mechanisms for social participation, improving monitoring and inspection of business activities, as well as outlining state responsibilities in relation to violations, among other pertinent aspects.
67. Eleven meetings were held, attended by experts from various fields, including fifty new entities. These events resulted in four hundred and eighteen recommendations, organized into thirty-four different categories, according to the analysis attached to this process.
68. As far as self-managed events are concerned, eighteen reports containing various recommendations from the business sector and civil society were submitted to the GTI for promotion of the Human Rights and Business agenda.

69. These mechanisms ensured the legitimacy of the process, providing active listening and the participation of diverse groups and communities, strengthening democracy, social justice and transparency, essential pillars for the protection and promotion of human rights and ensuring that the interests of vulnerable groups are adequately considered and protected.
70. Also noteworthy is the ongoing support and coordination for the advancement of Bill 572/2022, which creates the "*National Framework Law on Human Rights and Business*" and establishes guidelines for public policies on the subject. According to the bill's justification, despite the existence of sparse legislation on environmental protection, labor rights and fundamental rights guaranteed by the Constitution, there are significant gaps in the regulation of corporate action in Brazil and in the reparation of socio-environmental damage, a central issue for the General Coordination of Human Rights and Business.
71. The legislative proposal in question proposes:

 Holding companies responsible for direct or indirect human rights violations: Article 5 provides for companies to be held responsible for human rights violations caused directly or indirectly by their activities. It also provides for joint and several liability between business groups, as well as its extension to the entire value chain, also imposing the adoption of control, prevention and redress mechanisms capable of identifying and preventing human rights violations arising from their activities.

 Full reparation for victims of human rights violations: full reparation for victims of human rights violations is one of the fundamental principles of the legislative proposal, as set out in Article 3(IV). This principle reaffirms the right of affected people and communities to full reparation for human rights violations committed by companies, in line with the principle of the centrality of the victim's suffering. In addition, the legislative proposal provides for the right to prior, free, informed consultation carried out in good faith with those affected, ensuring the right to consent.

 Adoption of immediate measures to cease business activity that presents risks: as established in Art. 6, companies must promote, respect and ensure human rights in the context of their activities, guiding their actions by the following guidelines:

I - Avoid causing or contributing to human rights violations by preventing harm caused through its own activities or services provided in its business relationships, and address such harm when it occurs by providing for the immediate cessation of the violating activity in progress; (...)

XIX- In the event of identification of a violation in progress in the

production chain, immediately cease the activity or act so that the violation ceases immediately, through its influence in the chain. (emphasis added)

Participation of affected communities in the reparation process: provided for in article 5, item XVI, companies must create mechanisms to materially enable community participation, especially of leaders, in decision-making about the reparation and compensation processes, including transportation and food during events aimed at popular consultation. In addition, they must ensure access to independent technical advice for people affected by disasters, by paying for this work, providing all the conditions for the work to be carried out and not interfering in the choice of such entities, which must be made democratically by the people affected themselves.

Right to information and publicity of business acts: companies and economic sectors will be responsible for disseminating information about their activities to affected communities, by appropriate means of notification, taking into account the situation of remote, isolated communities without access to the internet or non-literate, and ensuring that said notification is not only delivered, but understood using the languages of the affected individuals and collectives (article 6, item XIII).

Protection of Human Rights Defenders: as established in Article 6, companies must respect collective processes, associations, trade unions, organizations, movements and other forms of representation of workers, communities, human rights defenders, as legitimate subjects in establishing dialogue and defending the interests of those whose human rights have been violated or are under threat of violation. They should also ensure mechanisms for the protection of people affected by human rights violations by companies, as well as human rights defenders who find themselves in a situation of risk and threat as a result of their actions in denouncing violations.

Respect for the territorial and self-determination rights of indigenous peoples: it is important to highlight the provision for respect for the territorial and self-determination rights of indigenous peoples, quilombolas and traditional communities, as well as their sovereignty over natural resources and local genetic wealth, in line with ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples.

72. The General Coordination of Business and Human Rights also informs that, in contemporary times, after the approval of Resolution 26/9 in 2014, as a response to the growing mobilization of organized civil society on the subject, the United Nations Human Rights Council began to lead two parallel initiatives to strengthen

the normative frameworks on human rights and business. The first gave rise to the creation of the *Working Group on Business and Human Rights*, whose mandate concerns the dissemination and implementation of the UN Guiding Principles on Business and Human Rights. The second concerns the drafting of an international treaty to hold transnational corporations accountable for human rights violations.

73. Brazil's recent action in the discussions around the aforementioned international treaty is also noteworthy. The primacy of human rights, the centrality of victims' suffering, social participation, special attention to traditional peoples and communities, as well as the emphasis on anticipating risks and guaranteeing processes that ensure free, prior and informed consultation, are priority issues for the Brazilian state. Since the resumption of this agenda in 2023, led by the Ministry of Human Rights and Citizenship, these issues have been treated with due importance, especially with regard to the defense of full reparation for the violations committed.
74. In addition, according to information from the PPHRD, contained in Office No. 1565/2024/CG.PPHRD/DDH/SNDH/MDHC, the National Policy for the Protection of Human Rights Defenders is in the process of being reformulated, through the work carried out by the Sales Pimenta Technical Working Group, established by Decree No. 11,562 of June 13, 2023. Aimed at meeting the terms of the court decision handed down in Civil Action No. 5005594-05.2017.4.04.7100/RS, this GTT has the purpose of drawing up the National Plan for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPHRD) and the Draft Law replacing PL 4575/2009, and has the participation of civil society. As a result of the WGT's work, it is hoped to improve the PPHRD so that it can work with human rights defenders, paying attention to conflicts and violations caused by companies, with the aim of making actions more effective and encouraging actions to promote and preserve the cultural, historical, social and economic values of indigenous peoples and, above all, to guarantee their right to life, territory and their ways of life.
75. These measures represent significant progress on the Human Rights and Business agenda in Brazil.

Point 10: Mechanisms for dialogue between government, business and civil society on business and human rights issues

76. In addition to institutional coordination, the PPHRD reports that federal coordination spaces have been strengthened, such as participation in the Situation Room to monitor conflicts and participation in the National Commission to Combat Violence in the Countryside. The PPHRD pointed out that, with regard to liaising with companies in order to mitigate the impact of their actions on indigenous peoples, the PPHRD is not always successful in holding dialogues, such as with the Vale company, with which, despite the Program's attempts, there was no possibility of dialogue.
77. Still on the subject of companies and human rights, the PPHRD pointed out that the Alto Turiaçu indigenous territory, especially the indigenous members of the Ka'apor Management Council, suffer from violence and harassment from large companies. One example is the REDD+ project, run by Wildlife Works. According to a complaint made by the Tuxa Ta Pa Me Management Council (one of the two organizations working within the Alto Turiaçu Indigenous Land), adherence to REDD+ would imply the "commodification of nature and the ceding of forest management to the corporate interests of the market". It was pointed out that, among the Ka'apor, there are those who defend adherence to REDD+ and the perception that this resource could help the Ka'apor to protect the forest itself. However, what is happening is the accentuation of external divisions and the imposition of a mercantile logic, as well as the violation of the principle of self-determination of peoples, since adherence to REDD+ is not consensual.
78. On the other hand, the PPHRD highlighted successful initiatives in Minas Gerais with technical advisory services that accompany indigenous communities, based on the achievement of the community itself, which aims to guarantee the right to information and informed participation in the processes of full reparation for the damage caused by the dam collapse. In the villages of Naô Xohã Paraopeba and Aldeia Indígena Nao Xohã, accompanied by technical advice from the Nenuca Institute for Sustainable Development (INSEA), actions are being developed in dialogue with the community, such as: construction of the indigenous school;

construction of housing for indigenous families; dialogue with municipal bodies for access to basic rights; return of cultural and religious rituals.

Point 14: Plan to develop a security program or initiative

79. As informed by the PPHRD, the agency acts through a specific analysis of each case, in order to identify all the demands that refer to the protection and guarantee of rights in the territory. With regard to the Pataxó Hã-Hã-Hãe in the state of Minas Gerais, the main actions carried out more recently refer to monitoring the legal proceedings and agreements made with the Vale company, regular visits to the indigenous territory (the last on-site visit took place on August 23, 2024), regular contact with the cacicas and caciques and the construction of protection strategies for the indigenous candidates running in the 2024 municipal elections.
80. Furthermore, with regard to security measures, in addition to coordinating with the public security bodies in the states of Bahia and Mato Grosso do Sul, the PPHRD said that it is working with the National Force, under the Ministry of Justice and Public Security, to build alternatives for the force's actions, specifically with a view to guaranteeing the security of human rights defenders and their threatened territories.

3. FINAL CONSIDERATIONS

81. The Brazilian state will continue its efforts to guarantee the protection of the members of the Ka'apor (MA), Guarani-Kaiowá (MS) and Pataxó Hã-Hã-Hãe (BA/MG) indigenous peoples and remains committed to implementing its international obligations.