

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right 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; the Special Rapporteur on minority issues; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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9 May 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur in the field of cultural rights; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of Indigenous Peoples; Special Rapporteur on minority issues; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/5, 46/9, 44/5, 43/4, 43/16, 51/16, 43/8, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of systemic acts of violence, threats, harassment, and discrimination against Guarani and Kaiowá indigenous peoples and religious or belief minorities, in Mato Grosso do Sul, particularly women spiritual leaders and human rights defenders, which appear to be related to the legitimate exercise of their rights to freedom of expression, freedom of religion or belief as well as their cultural rights.**

According to the information received:

Guarani and Kaiowá peoples are the second largest indigenous population in Brazil, estimated at around 58,000. Guarani and Kaiowá indigenous lands are in the state of Mato Grosso do Sul, along the border between Brazil and Paraguay. Most Guarani and Kaiowá communities experience restricted access to basic human rights such as adequate housing, water and sanitation, healthcare, education, food security, physical security, decent work, and income. Mato Grosso do Sul was the Brazilian state with the second highest number of killings (35 cases) and suicide (also 35 reported incidents) of indigenous persons in 2021. Guarani and Kaiowá spirituality, values, and traditional ways of living include the way land and natural resources are used.

The traditional spiritual leadership of the Guarani and Kaiowá peoples is usually shared by a couple, referred to as *nhanderu* (men) and *nhandesy* (women). They are the guardians of ancient knowledge, culture, and spirituality, and perform rituals and practices related to traditional knowledge. Their spiritual work is mainly carried out in their Oga Psy or prayer houses. For the Guarani and Kaiowá peoples, their prayer houses are not restricted to their religious and spiritual activities, but they also function as spaces for healthcare in line with ancestral practices, the preservation of culture, memory,

and traditional knowledge. It is also a space for the strengthening of intergenerational and community ties, and for political articulation.

From 2020 onwards, there has been an apparent escalation of attacks towards *nhandesys*, in the form of threats, hate speech, acts of public humiliation, physical violence, and stigmatization of these traditional women religious leaders. This has been associated to the rapid spread of a Neo-Pentecostal church in Guarani and Kaiowá indigenous lands, known as [REDACTED]. The presence of other Neo-Pentecostal groups such as [REDACTED] and [REDACTED] have been observed since the 1960's. That doctrine preached by [REDACTED] in these regions is intolerant towards indigenous spirituality and demonizes and discredits the Guarani Kaiowá traditional spirituality, inciting hatred against *nhandesys*. This doctrine particularly enforces harmful gender roles and stereotypes, which contribute towards creating an enabling environment for threats and attacks against them.

More recently, the role of *nhandesys* in protecting their land and natural resources in order to preserve their indigenous spirituality has also come under threat from several actors. In this connection, incidents of intimidation, harassment, and attacks against indigenous prayer houses by those connected to these groups have increased.

In 2021 six prayer houses located in Avaeté (municipality of Dourados), Takuapiry (municipality of Coronel Sapucaia), Amambai and Guapo'y (municipality of Amambai), and Rancho Jacaré (municipality of Laguna Carapã) were burned down. In 2020, four prayer houses located in Guaiviry (municipality of Aral Moreira), Jaguapiré (municipality of Tacuru), and Laranjeira Nhanderu (municipality of Rio Brilhante) were also burned down. In most cases, the attackers remain unidentified, while in some cases, it is reported that the attacks were orchestrated by members of their own indigenous communities who have joined Neo-Pentecostal churches. Some of these fires also destroyed ritual instruments and sacred objects of the Kaiowá and Guarani people, such as ponchitos (traditional clothing) and chirus (family totems passed down from generation to generation). Further, from November 2020 to February 2021, several cases of incitement to hatred and discrimination against *nhandesys* in the Kaiowá and Guarani territories were recorded. These included the dissemination of messages from the Churches portraying *nhandesys* as witches, manifestation of evil forces and affiliated with "Satan" and spreading the view that the prayer houses are used for evil and witchcraft.

Secondly, the escalation of attacks has also been associated with economic interests in the exploitation of the Guarani and Kaiowá collective territories for private use and leasing lands to external parties through informal private arrangements. These practices are illegal and contrary to the traditional use of the territory. They are opposed by the *nhandesys* and other Guarani and Kaiowá human rights defenders as they are contrary to their spiritual ways of living. The demarcation of most Guarani and Kaiowá lands remains an ongoing process and fosters the illegal exploitation of their territories.

Incidents are being reported of *nhandesys* being prevented from practicing spiritual rituals, being expelled from territories, and even being killed. These

incidents appear to be acts of retaliation against spiritual leaders of Guarani and Kaiowá due to their advocacy to protect their ancestral territories which are intimately connected to the exercise of their indigenous spirituality.

On 15 December 2022, *nhandesy* and human rights defender Estela Vera was killed by two unidentified men. The attack took place in the municipality of Japorã, state of Mato Grosso do Sul. Ms. Vera resided in a piece of land at the border with Paraguay. The territory she lived in was a retake area (known as Yvy Katu, which means “Sacred Land” or “Sacred way of being”). The demarcation of the Yvy Katu Land has been pending for almost 40 years. Since the early 2000’s the land is recognized as indigenous by the government and the limits of the indigenous territory have been indicated. However, the final steps to formalize the title has remained pending for a considerable period. Due to this delay and to ensure their survival and livelihood, in early 2000s the indigenous peoples organized a retake, expelling 14 farmers from the land. Guarani and Kaiowá women were at the forefront of this retake, and Ms. Vera was one of the leaders. Since then, she continued to perform her role as a spiritual leader and advocating for the Guarani and Kaiowá traditional ways of living, using the land and natural resources. She was an active voice for the protection of the land and natural resources, denouncing the exploitation of the territory and natural goods, in particular the irregular lease of land for farmers and ranchers.

The killing of Ms. Estela Vera is linked to a broader pattern of discrimination and violence against the female spiritual leaders and human rights defenders belonging to the Kiowa and Guarani people in the peaceful exercise of their rights to freedom of expression, freedom of religion or belief as well as their cultural rights, and rights as members of a religious or belief minority. Other incidents reported in Guarani and Kaiowá territories outline a pattern of gendered religious intolerance.

Since March 2020, *nhandesy* and healer Kuña Yvoty (also known as Lucia Assis) has been receiving continuous threats and harassment from the community. These threats, based on accusations of witchcraft, were orchestrated by a family member, who is a member of the Neo-Pentecostal church and allegedly involved in the irregular exploitation of indigenous lands for his private use and benefit.

In October 2021, the prayer house of the *nhandesy* and healer Nilza Roa burned down in the Guapo'y indigenous territory, municipality of Amambai. The alleged perpetrators are linked to Neo-Pentecostal evangelical religions which claimed that the *nhandesy*'s prayer house was used for evil and witchcraft practices. Despite the incident being reported to the local indigenous leadership and to the National Indigenous People Foundation (FUNAI), there is no information on follow up investigations or protection measures.

In October 2021, the house of prayer and the chiru in the Rancho Jacaré Indigenous Land, located in the municipality Laguna Carapã, were burned by an unknown group, two months after its inauguration. *Nhandesy* Martina Almeida, who in the past led her community in the collective struggle to retake the territory, received threats from members of the local [REDACTED] church

(who are also members of her indigenous community) prior to the inauguration of the prayer house. In the aftermath of the arson attack, she was threatened to not rebuild the prayer house.

On 29 December 2021, the prayer house, *chiru* and *ponchito* of *nhandesy* Mboy Poty Rediy (also known as Teresinha Aquino) were set on fire in a surprise attack carried out during the early morning hours in Itay Ka'agwyrusu territory in the municipality of Douradina. Reportedly, members of a neighboring village and people linked to a Neo-Pentecostal evangelical church poured gasoline on the house and fired guns to start the flames. Several people, including elderly people and children, were sleeping in the house at the time of the attack. *Nhandesy* Mboy Poty Rediy continues to face threats, stigma, and harassment from the community, as well as accusations of witchcraft, and remains restricted in her territory and in her ability to practice her spirituality without fear.

On 5 March 2022, *nhandesy* Joana Benites and one of her daughters were held in private captivity in Aldeia Campestre, in Antônio João Municipality, by an individual who accused her of witchcraft, and as an act of public humiliation, cut her hair, and threatened to burn her alive in front of the community's school.

Without prejudice to the accuracy of the above-mentioned allegations, we wish to express our most serious concern about what appears to be a pattern of acts of violence against Kaiowá and Guarani *nhandesys*, especially female ones, in relation with their roles as spiritual leaders in their communities. These acts include threats, harassment, discrimination and murder, and the burning of religious places and artefacts. We are particularly concerned by the murder on 15 December 2022 of Ms. Estela Vera, reportedly for her leadership in protecting her community lands and places of cult.

These acts of violence appear to be related to the legitimate and peaceful exercise of their rights to freedom of religion or belief and freedom of expression, enshrined in articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), as well as their cultural rights, as members of a religious or belief minority, enshrined in article 15 of the International Covenant on Economic, Social and Cultural rights and in article 27 of the ICCPR.

The protections afforded by article 18 of the ICCPR covers the indigenous spirituality as it extends beyond followers of “institutionalized” belief systems to encompass adherents to “theistic, non-theistic and atheistic beliefs” (see general comment 22 of the Human Rights Committee, CCPR/C/21/Rev.1/Add.4). Indigenous spirituality comprises of “diverse spiritual beliefs and practices that indigenous peoples identify as integral to their indigeneity, such as their distinctive spiritual relationship with traditionally owned or otherwise occupied and used lands, territories, waters, coastal seas, and other resources” (see A/77/514, paragraph 13).

Similarly, human rights protections under article 27 of the ICCPR also extends to “non-religious or non-theistic and other beliefs. This category should be understood broadly to include unrecognized and non-traditional religions or beliefs, including animists, atheists, agnostics, humanists, “new religions” and followers “of non-hierarchical or non-formalized religions or beliefs, including shamanism and new

religions” and therefore covers indigenous belief systems (see thematic report of the UN Special Rapporteur on the different categories of religious minorities, A/75/211, paragraph 59).

According to article 26 of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see A/RES/36/55), the right to freedom of thought, conscience, religion or belief includes the freedom to establish and maintain places of worship. Moreover, for indigenous peoples, land lies at the core of an indigenous identity, and it has a “religious dimension and meaning, it constitutes the matrix for their beliefs and a support for the manifestation of those beliefs” (see E/CN.4/2002/73/Add.1, paragraph 112). In this regard, we would like to recall article 25 of the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007 with an affirmative vote from Brazil, which provides for the right of the indigenous peoples to “maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard”.

Moreover, the allegations appear to depict a pattern of violence primarily against the *nhandesys*, the female spiritual leaders of Guarani and Kaiowá peoples, instigated by multiple actors. The alleged harassment, threats, attacks, discrimination and stigmatisation against *nhandesys* appear to consist in a form of gender-based violence and discrimination against indigenous women contrary to articles 1 and 2 of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). We are also concerned by the perceived lack of protection measures which would enable the *nhandesys* to continue their role as spiritual leaders in their community.

Should they be confirmed, these allegations would contravene , among others articles 1 (self-determination in terms of cultural development), 6 (right to life), and 9 (right to liberty and security), 18 (freedom of thought, conscience and religion), 19 (freedom of expression), and 27 (freedom to practice one’s culture, beliefs or religion) of the ICCPR; article 15 (right to participate in one’s cultural life) of the International Covenant on Economic, Social and Cultural rights (ICESCR); and articles 1 (right not to be discriminated against) and 2 (states duty to eliminate any form of discrimination against women) of CEDAW, both of which Brazil is a party.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information about the circumstances of the murder on 15 December 2022, of *nhandesy* and human rights defender

Estela Vera in Japorã, state of Mato Grosso do Sul; and about the investigation conducted by relevant authorities to establish facts and responsibilities. Has anyone been brought to justice for this murder?

3. What measures have been taken to protect the family of Ms. Vera, her close entourage and other members of her community?
4. Please provide information on the measures taken to recognize and promote the right of indigenous peoples, in particular the Guarani and Kaiowá peoples in Mato Grosso do Sul, to demonstrate and practice their spirituality and including by developing, teaching and preserving their traditions, customs and ceremonies and protect their freedom of thought, conscience and religion according to article 18 of the ICCPR, their cultural rights according to article 15 of the ICESCR, their rights as members of religious or belief minorities under article 27 of the ICCPR and their rights under article 12 of the Declaration on the Rights of Indigenous Peoples.
5. Please provide information on concrete measures adopted to protect in particular the person of indigenous leaders, spiritual guides and any other person who carries out activities for the promotion of indigenous peoples' human rights and in particular the rights of indigenous women and their rights to freedom of expression, to take part in cultural life, to freedom of religion or belief and to practice their own religion or belief with other members of their community.
6. Please explain what measures have been taken to ensure that all human rights defenders in Brazil, in particular those working towards the rights of indigenous communities, can carry out their peaceful and legitimate activities without fear or restrictions.
7. Please provide the details, and where available the results, of any investigations carried out in relation to the killings, violence, harassment and threats against the above-mentioned women as well as on cases of destruction of indigenous prayer houses and cultural and religious objects, measures to punish those responsible, to prevent further attacks and protect indigenous prayer houses against such acts. Please explain whether any such investigation was conducted in compliance with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). If no investigation has been conducted, is yet to take place, or has been inconclusive, please explain why.
8. Please provide information on concrete legislation, policies, programs and other measures adopted by your Excellency's Government to eliminate gender-based violence and discrimination against indigenous women and girls, and whether those measures integrate a gender perspective.
9. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken and information on any penal, disciplinary or administrative sanctions

imposed on the alleged perpetrators.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Fernand de Varennes
Special Rapporteur on minority issues

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to your Excellency's Government to its legal obligations under the international treaties it has ratified and to broader international human rights standards.

We refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Brazil on 24 January 1992. In particular, articles 18 and 27 which provide for the principles which guarantees in terms of the rights to freedom of religion or belief of spiritual leaders belonging to indigenous peoples as religious minorities. Article 18 stresses that "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". Article 18 (2) further provides that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice". We wish to note that while article 18(3) states that freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, any limitations must comply with a series of mandatory criteria. In addition, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992 (A/RES/47/135) stresses in its article 1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 1.2 calls on States to "adopt appropriate legislative and other measures to achieve those ends."

Moreover, the Human Rights Committee, in paragraph 3 of general comment no. 22, stressed that article 18 of ICCPR "does not permit any limitations whatsoever on the freedom of thought and conscience [...]." Peaceful expression of one's thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity. The Committee also noted that the terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason".

We also recall that the Human Rights Committee has also noted that the freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. Accordingly, the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship (CCPR/C/21/Rev.1/Add.4, paragraph 4). Further, the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) highlights in article 6 that the right to freedom of thought, conscience, religion or belief includes the freedom, "to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes".

We would also like to recall that in 2021, the General Assembly called upon States to increase their efforts to protect and promote the freedom of thought, conscience and religion or belief by stating that States should “[t]o ensure that no one within their territory and subject to their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief, to provide adequate protection to persons at risk of violent attack on the grounds of their religion or belief, to ensure that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights” (A/RES/76/156, paragraph 14(c)).

Concerning the reported detention of women human rights defenders, we would like to recall your Excellency’s Government that under article 9 of ICCPR, “[e]veryone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” (ICCPR, art. 9(1)). Furthermore, the Human Rights Committee has established in its general comment n°35 on article 9 that an arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including freedom of opinion, expression, assembly and association, is arbitrary (CCPR/C/GC/35, para. 17).

We would like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’, subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. In its general comment 34, the Human Rights Committee holds that “all forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We also wish to draw the attention of your Excellency's Government to its obligations under article 27 of the International Covenant on Civil and Political Rights, and article 15 of the International Covenant on Economic, Social and Cultural Rights, which Brazil acceded on 24 January 1992, concerning, respectively, the right of everyone to enjoy his or her own culture, and to freely take part in cultural life. As stressed by the Committee on Economic, Social and Cultural Rights, article 15, paragraph 1(a), of “the Covenant also includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership”. (General comment 21, para. 32). In addition, States must adopt appropriate measures or programmes to support minorities or other groups in their efforts to preserve their culture (para. 52.f), and must obtain their free, prior and informed consent when the preservation of their cultural resources is at risk

(para. 55).

In the case of indigenous peoples, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. The Committee has stressed that "indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity". States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources (para. 36). Furthermore, States parties must also respect the rights of indigenous peoples to their culture and heritage and to maintain and strengthen their spiritual relationship with their ancestral lands and other natural resources traditionally owned, occupied or used by them, and indispensable to their cultural life (para. 49d).

We would also like to remind your Excellency's Government that the Special Rapporteur on freedom of religion or belief has noted that "[v]iolence, in all its forms, impairs human rights and undermines sustainable development. Inadequate responses to discrimination and intolerance against religious and belief minorities drive insecurity and violence in two main ways. Firstly, widespread human rights abuses against religious and belief minorities foster permissive environments wherein respect for religious and belief minorities is diminished to the extent that hostility and violence towards such groups is legitimized. Violence in such contexts may be perpetrated by State and non-State actors, and, at times, with the implicit consent of States, especially where perpetrators enjoy impunity. Such violence can and has escalated – resulting in widespread atrocities against religious or belief minorities" (A/75/385, paragraph 30).

Further, in the report on Indigenous peoples and the right to freedom of religion or belief, the Special Rapporteur on freedom of religion or belief notes that "[h]aving imposed patriarchal structures and principles, some States and non-State actors have invalidated or undermined gender dynamics within indigenous communities, stripping women of their elevated status, agency and social mobility... indigenous women as occupying a space that oscillates between invisibility in private – primarily as survivors of sexual and gender-based violence – and hypervisibility in public as "deviant bodies". They are often targeted with discrimination, hostility and violence from State and non-State actors because of their visible, empowered choices regarding religious dress, whether wearing traditional attire or refusing to wear gendered clothing based on interpretations of another religion." (A/77/514, paragraphs 48 and 51).

The Special Rapporteur on freedom of religion or belief has also stressed that many indigenous women across the globe are disproportionately vulnerable to acts of violence, as a result of witchcraft accusations and that the resultant stigmatization from within their communities and authorities, often deter survivors from reporting, which increases their risk of revictimization (see A/77/514 paragraph 50).

In her report on freedom of expression and gender justice (see A/76/258), the Special Rapporteur freedom of expression expressed concern about women, including

women leaders, activists and human rights defenders, being particularly targeted with physical and psychological violence, aimed at silencing women's voices and leading women to self-censor.

We also recall the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in its article 1, states that Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. This includes the rights to life, physical and mental integrity, liberty and security of person (article 7). It further provides in article 2 that Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular based on their indigenous origin or identity. Article 11 recognizes the right to practise and revitalize their cultural traditions and customs. Article 12 stipulates that Indigenous Peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites. Article 13 further elaborates that Indigenous Peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Further, the State also has a responsibility to take “all appropriate measures to deter, prevent and punish perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes, violence or killings committed by non State actors” (E/CN.4/2005/7, paragraph 71).

We wish to emphasise article 7 of the Convention on the CEDAW, ratified by Brazil on 1 February 1984, which establishes the right of women to participate without discrimination in the political and public life of the country, including participation in non-governmental organisations and associations. We would also like to note that State parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are required “under international law to delimit, demarcate, title and ensure security of title to Indigenous Peoples' territories to prevent discrimination against Indigenous women and girls” (CEDAW/C/GC/39, para. 56).

We would like to draw the attention of your Excellency's Government to General Assembly Resolution 68/181, as well as to Human Rights Council Resolution 31/32, in which States expressed particular concern about the systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders. Such policies and programmes should be developed with the participation of women human rights defenders themselves (OP5, 19 and 20).

The Working Group on discrimination against women and girls also underlined that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing

criminalisation and detention as a result of their legitimate public activism, including online activism, and are likely to be subject to criminal prosecution and imprisonment. It recommended that States support women's participation in public and political life, and eliminate any laws or policy measures aimed at criminalizing women's public role (A/HRC/41/33). The Working Group also highlighted how stigmatisation, harassment and direct attacks are used to silence and discredit women leaders, community workers, human rights defenders and women politicians. Women defenders are often subjected to gender-based violence, such as verbal abuse based on their sex; they may experience intimidation, attacks and may also be killed. Violence against women defenders is sometimes tolerated or perpetrated by state actors (A/HRC/23/50). The Working Group also noted barriers girls and young women, in particular those belonging to indigenous peoples face, including language barriers, that deprive them also of the opportunity to network and engage (A/HRC/50/25).

In a joint statement, the Working Group on discrimination against women and girls stressed that women human rights defenders face unique challenges, driven by profound discrimination against women and stereotypes about their supposedly appropriate role in society. Today's growing fundamentalisms of all kinds and populism, as well as authoritarian governments and the unchecked drive for profit, further fuel discrimination against women, exacerbating the obstacles faced by women human rights defenders. In addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks such as misogynist attacks, gender-based violence, lack of protection and access to justice, and lack of resources for women's organisations and support for women defenders' participation in political and public life. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20938&LangID=E>)

General Recommendation No. 39 on the rights of Indigenous women and girls, issued by the Committee on the Elimination of Discrimination against women, which stated that “One of the root causes of discrimination against Indigenous women and girls is the lack of effective implementation of their rights to self-determination and autonomy and related guarantees, as manifested, inter alia, in their continued dispossession of their lands, territories and natural resources. The Committee acknowledges that the vital link between Indigenous women and their lands often forms the basis of their culture, identity, spirituality, ancestral knowledge and survival. Indigenous women face a lack of legal recognition of their rights to land and territories and wide gaps in the implementation of existing laws to protect their collective rights. Governments and third-party actors frequently carry out activities related to investment, infrastructure, development, conservation, climate change adaptation and mitigation initiatives, tourism, mining, logging and extraction without securing the effective participation and obtaining the consent of the Indigenous Peoples affected.” (CEDAW/C/GC/39). It further noted that when responding to gender-based violence against indigenous women and girls, States must, among others, “recognize, prevent, address, sanction and eradicate all forms of gender-based violence against Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence, as well as violence attributable to extractive industries” and “ensure that support services, including medical treatment, psychosocial counselling and professional training, and reintegration services and shelters are available, accessible and culturally appropriate for Indigenous women and girls who are victims of gender-based violence” (CEDAW/C/GC/39, para. 42, “b” and “e”).

We would also like to recall that the Special Rapporteur on violence against women and girls, in her report on violence against indigenous women and girls noted that ‘[i]ndigenous women and girls experience violence at both the individual level and the collective level. These individual and collective rights interact together; they are mutually interdependent and not exclusive. The collective dimension to the violence that indigenous women and girls face is often overlooked and forms an important part of their experience of violence. Discrimination and gender-based violence against indigenous women and girls threaten to disrupt their spiritual and cultural lives, and have an impact on the very essence of the social fabric of their communities and nations.’ (A/HRC/50/26, paragraph 71). It further highlighted that ‘[s]tates have a due diligence obligation to prevent, investigate and punish perpetrators, and to provide reparations for indigenous women and girls who are victims of gender-based violence.’ (A/HRC/50/26, paragraph 76).

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. In particular, we wish to remind your Excellency’s Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right (ICCPR, art. 22(2)).

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;

- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.