



For immediate release

Statement to the Brazil Press Corps by USG Alice Wairimu Nderitu on conclusion of her visit to Brazil 1st to 12th May 2023

12 May 2023, Rio de Janeiro, Brazil

I held my first official visit to Brazil from 1st to 12th May 2023. Firstly, I extend my appreciation to the Brazilian Government.

Let me be clear on the main objective of this visit. I am in Brazil at the invitation of the Government of Brazil. This is expected, as I have a global mandate and visit several other countries too. The purpose of my visit was to hold consultations with senior government officials, colleagues working in the United Nations Country Team, civil society representatives, community leaders and other relevant actors on enhancing the protection of the indigenous peoples of Brazil, Brazilians of African descent, and other groups at risk.

In Brasilia, I held meetings with Ministers and senior Government officials of the Ministries of Foreign Affairs, Racial Equity, Human Rights and Citizenship, Indigenous Peoples, Women, Sport, Health, and Justice and Public Safety. I also met the Public Defender's Office (PDU), the General Prosecutor, the Attorney General's Office (AGU), the National Human Rights Council (CNDH) and civil society organizations in Brasilia.

I also traveled to Roraima State and held meetings with government and state officials, including the Governor Mr. Antonio Denarium and representatives of the indigenous peoples and civil society. I visited the Indigenous Health Center in Boa Vista (CASAI) and witnessed first-hand the very precarious situation of the Yanomami people, who have been suffering abuses and violations for decades. I held meetings with the Yanomami leaders. I also visited other indigenous people and other communities in Roraima that have been receiving support from the national government since the beginning of this year, and yet continue to be in very vulnerable situations.

I then travelled to the State of Mato Grosso do Sul and held meetings with the Governor Mr. Eduardo Riedel. I also met with State officials and civil society in Campo Grande. I visited the Guarani Kaiowa community in *Guapo'y* territory as well as other parts of the state. I interacted with academicians at the University of Dourados and made a presentation on ways to enhance the protection of the Guarani Kaiowa people and other indigenous groups. I also visited indigenous displaced populations of Guarani Kaiowa and a Quilombo, where I met the Quilombolas, a Maroon community.

I then travelled to Rio Janeiro and met with the Acting Governor, Mr. Thiago Pampolha. I also met the Regional Prosecutor and participated in an event organized by civil society. I also held consultations with representatives of the Afro descendant communities that have faced serious acts of violence, as well as Government officials and representatives of the civil society representing and promoting the rights of various vulnerable groups.

Before I delve into a summary of my findings, let me clarify the role of my mandate which has been explained in all engagements I had here in Brazil.

I am not here to characterize the nature of crimes being committed or determine whether the crime of genocide has been committed or not in Brazil.

Only a competent judicial court (national or international) can determine whether genocide, war crimes or crimes against humanity (atrocity crimes) have been committed. My mandate is prevention of genocide against national, ethnical, racial or religious groups, commonly referred to as protected groups.

In discharging the role of monitoring and early warning, my Office uses the [Framework of Analysis for Atrocity Crimes](#) to analyze the risk factors for genocide and other atrocity crimes and makes recommendations to prevent these crimes. My Office does this by taking into consideration any mitigating measures, including the Government's commitment to protect its population as well as existing policy and legal frameworks and international support – including from the United Nations and regional bodies– to support the Government to discharge this primary responsibility to prevent atrocity crimes. Also, as the UN system-wide focal point for the implementation of the [UN Strategy and Plan of Action on Hate Speech](#), my Office assesses the prevalence of hate speech. We work with UN entities, Governments, civil society, new and traditional media, including tech and social media companies, and other relevant actors to counter and address hate speech. Hate Speech is one of the risk factors for genocide and other atrocity crimes.

Please also allow me to recall that Brazil has ratified the 1948 Convention on the Prevention and Punishment of the crime of Genocide (1952), the Rome Statute of the International Criminal Court (2002) and several Human Rights Treaties and Conventions.

Now, I will share a Summary of the findings, based on consultations held across the country in these two weeks.

1. The situation of Indigenous Peoples

- i. When I visited Roraima in north Brazil, I received very disturbing reports and testimonies of abuses and violations committed against the **Yanomami Indigenous peoples**. According to the Brazilian constitution, Indigenous territories, and in this case, the Yanomami territory, is protected from mining. Yet, illegal mining in this territory has taken a toll on the people leading to widespread violations and abuses against the Yanomami. Their rights to access and use of land, healthcare and education have been impacted adversely and negatively. The invasion of Yanomami territory for mining purposes has resulted in killings, including murder of their leaders and human rights and environmental defenders, mercury contamination of the waters and land with serious impact on health, including, spread of malaria and other diseases, and worsening malnutrition especially among children. In this context, I also received reports of rapes of women and girls as well as forms of other gender-based violence.

The Yanomami life depends on the forest where they live, rivers and surrounding biodiversity. The destruction of the forests for mining purposes has imposed very harsh conditions against this population. This may constitute an attack on the Yanomami.

This destruction has also caused climate change and the rivers in the territory are drying up very fast. The indigenous population has serious difficulties in growing food. For instance, common colds quickly deteriorate to pneumonia and kill many of the indigenous population, especially children. The stories of many indigenous parents who have lost their children were painful to hear. No parent should ever lose a child under circumstances which could be prevented. The cases of patients, for example in CASAI health centers in Roraima, are emblematic of the pain inflicted on this indigenous population. This record of violations against the Yanomami peoples should end immediately.

- ii. **The case of the Guarani Kaiowa** is not different from that of the Yanomami and other indigenous peoples in Brazil. The major difference is that the land of the Guarani Kaiowa community has not been demarcated and subjected to land dispute, especially with large scale farmers, across Mato Grosso do Sul state. Most of the indigenous people have been expelled from their traditional land, in most cases violently. Some live along the highways in degrading and inhumane conditions, with no basic amenities or services, including clean water, food, healthcare, and education for the children. They are discriminated against accessing basic services. I was shocked by their extreme poverty.

The violent attacks against the Guarani Kaiowa people are emblematic of the many cases of excessive use of force by the security agencies against unarmed civilians, leading to killings, arbitrary arrests, and detentions, and imposing serious physical and mental harm on the population contrary to the Articles of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

While in Mato Grosso do Sul, I received several reports and testimonies of the humiliating and degrading treatment of the Guarani Kaiowa, leading to high increase in suicides among the youth in this community. I was personally moved by the testimony of one elderly couple who are 104 and 96 years old respectively. This elderly couple have spent their lives fighting for their land rights in Mato Grosso do Sul, in futility. They have lost their whole family, children, grandchildren, and great grandchildren in this struggle. Imposing such squalid conditions, on the Guarani Kaiowa people in general and on this elderly couple in particular, is inhuman and degrading. They begged for the demarcation of their land at least before they die. Their advanced age calls for more urgency in demarcation of land for this community in Mato Gross do Sul, and across Brazil.

Farmers spray harmful pesticides on their crops which are inhaled by the Guarani Kaiowa people causing serious health problems, including deaths in children. The infant mortality rate, according to the World Health Organisation (WHO) has significantly increased. I received reports of killings, murder, assassinations, maiming and detention of the community leaders with lack of any accountability. These allegations are serious and should be investigated.

The defunding of the Foundation for the Indigenous Peoples (FUNAI) in the past years limited and, in some cases, disabled the ability and capacity of the Foundation to provide services and protection to the

indigenous people. This deliberate policy to deny protection through administrative means, is not only discriminative but a violation of the indigenous people's universal human rights.

Indigenous people are also victims of hate speech in the Brazilian society. Hate speech is perpetrated predominantly by some politicians and amplified on social media. In Boa Vista, I experienced first-hand hatred expressed through hate speech directed towards the leader of the Yanomami indigenous people, civil society, and the United Nations, in a public place – I was not spared in this incident of hate, and no one should be subjected to it.

Indigenous people are targeted nonstop with hate speech that discriminates, scapegoats, and dehumanizes them, making it easy to marginalize and attack them. If this hate speech remains unchecked, it could escalate into incitement to discrimination, hostility, or violence, that is prohibited under international human rights law, and could possibly lead to systematic and widespread violent attacks against the indigenous population in Brazil.

2. The situation of Brazilians of African Descent

My mission in Brazil also included a focus on the situation of people of African descent. I met the leaders of Afro and Maroon communities in Brasilia, Mato Grosso do Sul and Rio de Janeiro. I listened to the painful stories of more than 40 mothers of victims of police violence. They said all the victims were people of African descent, mostly youth. I saw the sorrow in the eyes of the mothers for the loss of their beloved children. No mother should experience this. It's a suffering that never goes away. Brazilians of African descent constitute more than 55% of the population, yet structural racism and discrimination against this population is appalling. Widespread insecurity and violence in their communities hampers their right to education and access to basic services with obvious impacts on their health, nutrition, and employment opportunities. The State has been failing to guarantee sexual and reproductive health of black girls and women. One woman I met told me that Afro-descendant women are perceived as "future mothers of criminals". Regarding women's rights, the dire situation of sexual minorities subject to extreme poverty and violence was brought to my attention.

In this context, black people in Brazil are targeted by the police in the pretext of combating crime in the communities they live. One of the mothers I met told me that they do not know of any State policies that addressed their issues, they only know bullets. The incarceration of black men remains very high, amounting to 70% of the total inmates in Brazil. Accountability for killing of people of African descent is quasi non-existent.

In Conclusion;

Looking at the risk factors for genocide and atrocity crimes in regard to the situation of the indigenous people, Brazilians of Afro descent and other groups at risk in Brazil, I note with concern that there has been a record of serious violations of international human rights law against these groups; situations of instability especially as relates to the conflict between indigenous population and farmers; excessive use of force by the security agencies especially against black people, intergroup tensions between indigenous communities and other groups, and a number of policies that have facilitated the discrimination and abuse of these protected groups on the basis of identity.

The presence of these risk factors for atrocity crimes calls for urgent measures by the authorities, civil society, media, the United Nations, and other relevant actors to correct the trajectory.

Before I conclude, allow me to make a few recommendations for enhancing the protection of indigenous groups, people of African descent and other communities at risk in Brazil.

- ✓ I thank the Government of Brazil for the acknowledgement of the challenges facing the country, especially the indigenous people, people of Afro descent and other groups at risk. I applaud the government for creating very specific Ministries of Indigenous Peoples, Racial Equality, Women, and Human Rights and Citizenship to enhance the protection of Brazilians' rights, especially the protected groups.
- ✓ I also thank the United Nations Country Team, led by the Resident Coordinator, Silvia Rucks, for supporting the Government in delivering life-saving assistance to affected populations and working hand in hand with relevant actors to support Brazil in advancing human rights, humanitarian assistance, and development.
- ✓ Brazil being a signatory to the Genocide Convention and other human rights treaties, should combat impunity, especially among the security forces that have committed serious violations against the indigenous people and Brazilians of Afro descent. This should be done in an independent and impartial manner with the sole purpose of achieving justice for the victims, while promoting national cohesion.
- ✓ The Government should ensure that the new measures to support the indigenous people, especially in the Yanomami territory are enhanced, continuous and sustainable.
- ✓ Apart from removing miners from the Yanomami indigenous territory, it is crucial for the government with support of other actors to address the issues of the youth, especially in the protected groups. Brazil cannot afford to continue losing its youth through suicide, violence, mental health, and exploitation, including sexual exploitation.
- ✓ Let me emphasize here also the invaluable role that – representatives of the media – have in educating, informing, raising awareness, and alerting on situations at risk of genocide and related atrocity crimes, and countering narratives of hatred and segregation with verified facts.
- ✓ Hate speech can lead to discrimination, hatred, violence and in its extreme, atrocity crimes and must be addressed in line with international human rights standards. This is especially so for hate speech directed against the protected groups I have mentioned and other populations that are at risk, for example human rights defenders, community leaders, and women among others. My Office stands ready to provide technical support to the Government, UN Country Team and other relevant actors in Brazil in this area.
- ✓ The government should examine the current policies to combat crime including crimes related to drugs, that have impacted heavily on the black population. The government should vigorously investigate all incidents of murder and extrajudicial killings. For example, deaths in the hands of police classified as “acts of resistance to arrest” should fully be investigated by independent bodies.

Before I end and invite you to ask questions,

I once again thank the Government, the UN Resident Coordinator, Act Alliance and all those who have immensely contributed to the success of my visit. I sincerely appreciate this support. This is the beginning of a long journey, and we will remain engaged.

Thank you.

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