The history of indigenous peoples in Brazil is marked by serious material and immaterial losses. The Figueiredo Report and the Final Report of the National Truth Commission (CNV) have recorded systemic violations resulting from actions or omissions by the Brazilian State. The brutal extermination of the indigenous population is one of the facts that back up this claim. Several historians estimate that when the Portuguese arrived in Brazil in 1500, there were 5 to 6 million indigenous peoples living here. According to the 2010 census by the Brazilian Institute of Geography and Statistics (IBGE), there were 896,917 indigenous people in total, which is 0.4% of Brazil’s population.4

Given the fact that their right to territory and cultural identity is neither respected, protected nor promoted, all other rights are violated and/or threatened, including the human right to adequate food and nutrition. For this reason, indigenous peoples fare worse in living conditions indicators than the total population. For example, the food and nutrition insecurity of three Guarani and Kaiowá communities, which were the subject of research by FIAN Brazil, stands at 100%,6 compared to 22.6%7 for the Brazilian population and 18.2% for Mato Grosso do Sul (MS).8 In MS, a state in the Centre-West region of Brazil, bordering Paraguay and Bolivia, this is the context that the Guarani and Kaiowá people find themselves in. The geopolitical occupation of this border region and the economic exploitation of the state of MS, intertwined with actions and omissions by the State of Brazil, led to serious violations of rights. A case in point is the process of agricultural settlements in the state of MS.9 It is worth highlighting that it is here in MS, that the second largest indigenous population and one of the worst indices (1.8%) of demarcated Indigenous Territories can be found.10 Demarcation is the administrative process that identifies and signals the limits of the territories that were traditionally inhabited by indigenous peoples.11

The Guarani and Kaiowá currently make up a group of over 45,000 people in MS.12 Some live in urban centers, but in general, they find themselves in one of the following three situations. First, a minority lives on demarcated land. Second, a large majority lives in reserves, where violence, malnutrition and suicide indicators are the
The right to food and nutrition is a fundamental right, protected by the United Nations' Universal Declaration of Human Rights. However, indigenous peoples in Brazil face significant challenges in accessing adequate food and nutrition. A study by IBGE (Brazilian Institute of Geography and Statistics) indicates that 81.8% of the southern Mato Grosso do Sul (MS) region live in poverty, with many indigenous communities experiencing food insecurity.

Indigenous peoples in Brazil, such as the Guarani-Kaiowá, are particularly vulnerable to hunger and malnutrition. A 2014 study by IBGE showed that 85.8% of the indigenous population in the region suffer from food insecurity. This is exacerbated by the disruption of traditional hunting and gathering practices, as well as the lack of access to stable food sources.

Suicide is also a significant concern among indigenous populations. A 2016 study by the National Council on Food and Nutrition (CONSEA) found that suicide rates among indigenous peoples in Brazil are higher than the national average. The study highlighted the need for targeted interventions to address mental health issues and suicide risks.

The right to food and nutrition, as well as other human rights, are often violated by the Brazilian government, which is responsible for upholding these rights in the country. The executive power has backed actions that go against the rights of indigenous peoples, such as the promotion of agribusiness in areas where there are indigenous lands, and has failed to fulfill its obligation to demarcate indigenous land. The interministerial government—resulting from an impeachment process devoid of legitimacy—puts the rights of indigenous peoples at an even higher risk.

Regarding the legislative power, the initiatives that violate the rights of indigenous peoples are countless. The Proposed Constitutional Amendment (PEC) 215 is one of the most serious attacks against indigenous rights. Furthermore, Parliamentary Commissions of Inquiry (CPI) have been established with the purpose of criminalizing the indigenous struggle and its supporters. An example of this is the CPI against the Missionary Council for Indigenous Peoples (CIMI), established by the legislative powers of MS. In a final report, the CPI requests, among other things, that all crimes and illicit acts committed by CIMI members be investigated with the utmost rigor and severity by competent authorities.

The judiciary power, in turn, has failed to guarantee the indigenous peoples’ condition as rights-holders in proceedings over land tenure concerning ethnic dignity. From the outset, the judiciary has opted for measures that affect their right to territory. There are inefficiencies in reaching the final ruling on actions that have an impact on indigenous rights. Therefore, they are being denied access to justice. Therefore, they are being denied access to justice. The controversial ‘Marco Temporal’ theory worst. To illustrate this, from 2003 to 2010 there were 250 homicides and 176 cases of suicide. During the same period, 4,000 children suffered from malnutrition. This regard, it is worth noting that in certain years the suicide rate in MS may even exceed 100 per 100,000 inhabitants, compared to the national average of 5.7 per 100,000, according to the National Council of Health. Finally, the rest live in camps on the sides of the roads or in areas that they have retracted by occupying parts of farms that overlap with their traditional territories and are thus in a situation of conflict. This is a reaction to the omissions by the state, which does not guarantee the right to territory, and a way of not having to submit to the precarious living conditions in the reserves. They are surrounded by sugar cane and grain monocultures that require intense use of agrochemicals. Many complaints have been filed regarding the contamination of water. These have also been complaints about communities being intentionally targeted and sprayed with agrochemicals.

These peoples use the term tekohá for their territory. Pereira and Mota make it clear that this term reflects the deep connection between cultural identity and ancestral territory. They state that the prefix teko represents a series of norms and customs, while the suffix ho has a connotation of place. Without teko there is no tekohá and without tekohá there is no tekohá.

There are major conflicts between representatives from the agribusiness sectors and indigenous communities. As a reaction to the struggle over tekohá, the murder of leaders and evictions are ongoing. Ever since Marçal was murdered in 1983, ten leaders have been killed. In some cases—as with Nísio Gomes of the Tekohá Guaviiry people—their bodies were never found. Apart from the murder of leaders, conflicts over land lead to hundreds of deaths. MS accounts for 54.8% of criminal acts of murder against indigenous peoples in the country—the fourth cause of these assassinations is land conflicts.

The local context is a reflection of violations of the laws, which the State of Brazil is responsible for, given the three spheres of power conferred upon it. The executive power has backed actions that go against the rights of indigenous peoples, such as the promotion of agribusiness in areas where there are indigenous lands, and has failed to fulfill its obligation to demarcate indigenous land. The interim government—resulting from an impeachment process devoid of legitimacy—puts the rights of indigenous peoples at an even higher risk.

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arising from a 2009 land demarcation judgement by the Brazilian Supreme Federal Court (STF) is one of the major threats to indigenous peoples’ original rights.

This is the context in which FIAN has supported CIMI and indigenous communities in their struggle for their rights. In notes and documents that aim to denounce the situation, FIAN has highlighted that the causes of these violations stem not only from the denial of their right to territories and ensuing disputes, but also from discrimination. The violations that affect the Guarani and Kaiowá not only reflect a violation of their cultural identity, the violations of indigenous peoples’ rights generally take place because of their cultural identity. They are discriminated against because they are ‘different’, living in poverty and victims of violence. It is because they are ‘different’ and use their land for traditional customs and not to accumulate material wealth that they are considered ‘lazy’ or ‘criminals’. It is because they are different that public policies that should realize their rights either do not exist or are not adequate. Therefore, the lack of respect, protection and promotion of their cultural identity is the structural cause of all the violations of rights that the Guarani and Kaiowá people suffer from; starting with the violation of their territorial rights, paving the way towards the denial of other rights, including the human right to adequate food and nutrition and the right to life.

In this context, one of the strategies adopted to support the struggle for rights is a complaint to be lodged against the Brazilian State with the Inter-American Commission on Human Rights (IACHR). The international complaint is of particular relevance first and foremost because Aty Guasu, the Assembly that brings together the Guarani and Kaiowá of MS, is taking this action. Moreover, it is an important strategy for the enforcement of rights, as it records and highlights omissions and actions that violate the rights of the Guarani and Kaiowá peoples in Brazil. FIAN, together with CIMI and indigenous leaders have also been seeking to influence the international arena such as political bodies of the European Union and its member states and United Nations human rights bodies. Another strategy is to concentrate all efforts against the ongoing process of criminalizing CIMI.

Despite the huge efforts, the struggle on the ground is always guided by courage, faith, huge resistance to and contestation of the cowardly historical violations that have been affecting Guarani and Kaiowá children, men and women for centuries.