

# Beyond the Huts: Public Policies for the Protection of Indigenous Communities in the State of Mato Grosso-Brazil

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## Abstract

This article aims to analyze public policies focused on the protection of indigenous peoples in the state of Mato Grosso-Brazil, assessing their effectiveness. The research addresses the intersectorality of actions directed towards this population, as well as the challenges and impacts of implementing these policies. The study utilizes bibliographic sources and data provided by the Legislative Assembly and the Fundação Nacional dos Povos Indígenas (FUNAI), exploring government initiatives in guaranteeing and protecting the fundamental rights of the indigenous population. Furthermore, the study presents suggestions for improving and enhancing the effectiveness of state regulations, ensuring the safeguarding of indigenous communities and respecting them in their fullest form.

## Keywords

Indigenous Communities, Human Rights, Public Policies, Intersectorality, Mato Grosso

## 1. Introduction

The main focus of this study is to analyze public policies at protecting indigenous population in the state of Mato Grosso in Brazil, verifying their effectiveness.

Therefore, this work seeks to answer the following questions: are there public policies to protect indigenous peoples in the state of Mato Grosso? If they exist, are they effective?

Furthermore, aiming to address the issue of social vulnerability and the challenges faced by indigenous in preserving their rights and culture, this work is justified by the need to understand the effectiveness of public policies in the indigenous

context, aiming to contribute to the formulation of more effective and inclusive strategies.

In this sense, the objective of this research is to identify existing policies in the state of Mato Grosso, and more specifically, to evaluate the effectiveness of public policies focused on protecting indigenous, as well as to investigate the challenges and obstacles in the implementation of these policies, in order to suggest recommendations for improvement.

The methodology used comprised basic research, with a qualitative and exploratory approach, based on a bibliographical review, presenting an overview of public policies and their impacts on the protection of indigenous communities in the state of Mato Grosso.

This research is structured into three chapters. The first chapter presents an analysis of public policies focused in protecting indigenous in the state of Mato Grosso. The second chapter addresses intersectorality and challenges in implementing indigenous policies, and finally the last chapter lists some suggestions for improving and making state regulations more effective in seeking to protect indigenous groups.

## **2. Analysis of Public Policies Focused on the Protection of Indigenous Communities in the State of Mato Grosso-Brazil**

Before addressing the public policies regarding the state of Mato Grosso, it is important to understand the general situation of indigenous communities in Brazil, [IPEA \(2021\)](#), stated that are countless vulnerabilities which indigenous peoples are exposed, especially when it comes to the perception of their culture. This kind of perception adds difficulties to the effectiveness of individual and collective rights, and in consequence make it even harder to apply public policies ([IPEA, 2021: p. 1](#)).

“The condition of indigenous peoples in the Brazilian reality has been historically and socially neglected or treated with great prejudice and violence. The term ‘Indian’ itself has no concrete or semantic unity, expressing the contradictory historical mark of colonization. The diversity of the ethnic-linguistic groups of Latin America does not fit within this generic term; however, it has historically come to be assumed as a strategic definition of a social group in the general process of political organization and demands.” ([Silva, 2018: p. 482, translated by the author](#)).

The CIMI—Conselho Indigenista Missionario, published in 2022 a report with informations about violence against indigenous in Brazil. This report brings an overview of the humanitarian crises generated with the lack of land demarcation, insufficient health and education services and the many invasions for illegal resource exploitation ([CIMI, 2022](#)). This report exposes a historical marginalization for indigenous rights in Brazil, and demonstrates that indigenous communities

were vulnerable to human rights abuses and environmental destructions, which also affects global biodiversity and climate change.

For indigenous, participation in the Brazilian political system is guaranteed. This system must recognize their involvement in all procedures of their interest, whether legislative or administrative. The State must also respect the specificities of indigenous and ensure the full exercise of their citizenship rights.

Kambeba (2013), in the form of poetry, said: “We are part of a story, we have a mission to fulfill, To guarantee the tanu muariry, Their memory, their future. Living in the white man’s rytama, My uka has changed, But our fight for respect, This is not over yet.” (Kambeba, 2013: p. 35).

Despite the complex universe that represents so many different communities, across the most varied ethnicities, with their own internal rules, the state must respect the free will of indigenous communities, so that it is possible to implement public policies for development and protection of human rights, whether in the scope of land demarcations, health, education, promotion of family farming, among others.

However, before we enter the topic of public policies, it is necessary to understand, even briefly, the concept of human dignity, and even more so, the concept of existential minimum.

Ramos (2022), thereby defines the concept of human dignity:

“Thus, human dignity consists of the intrinsic and distinctive quality of each human being, which protects them against all degrading treatment and hateful discrimination, as well as ensuring minimum material conditions for survival. It consists of an attribute that every individual possesses, inherent to their human condition, regardless of any other condition regarding nationality, political option, sexual orientation, creed, etc.” (Ramos, 2022: p. 86, translated by the author).

The same author, André de Carvalho Ramos (2022), when describing the concept of human dignity, sought to emphasize that this is a fundamental principle, which gives it “ethical content”, as it is in the category of all rights, and that right can be standardized (Ramos, 2022: p. 87).

The author highlights human dignity as an essential and interesting characteristic for all human beings, rooted in their essence, placing everyone in the same situation as bearers of rights and duties, regardless of individual differences, this principle is a way of ensuring that no one is considered inferior or treated unfairly, regardless of nationality, politics, sexual orientation or even ethnicity.

It is a universal principle, and it leads us to meet the definition of existential minimum, as described by Ana Paula Barcellos (2008):

“[...] the so-called existential minimum, formed by the basic material conditions for existence, corresponds to a nuclear fraction of the dignity of the human person to which positive or symmetrical legal effectiveness must be recognized.” (Barcellos, 2008: p. 278, translated by the author)

The existential minimum refers to the basic conditions of human subsistence with dignity, including access to water, food, housing, health, education, that is, everything necessary for a dignified life. The Author, [Barcellos \(2008\)](#) also mentions the “positive legal effectiveness or symmetrical” ([Barcellos, 2008: p. 278](#)), in other words, it is not enough for it to be just a legal principle, it must be protected in the legal system, and guaranteed by laws and public policies, without any distinction or discrimination, everyone, without exception, must have access to the minimum conditions for a dignified life.

Another concern that must be addressed on this research, according to [Jerry Mander and Victoria Tauli-Corpuz \(2008\)](#), is the fact that indigenous communities have been more negatively impacted by the current global economic system more than any other has. [Doyle and Gilbert \(2011\)](#) affirm “that their territories and cultures remain the final and most sought-after frontier in its latest expansion and their resistance its final obstacle. They stand, both physically and ideologically, at the frontlines of the struggle to transform the globalization model”, ([Doyle & Gilbert, 2011: p. 221](#)). The concept of development, industry and globalization, for indigenous people could often mean dispossession of their lands and resources, what could be seen as an aggression, for a few reasons. The first one related to their philosophies and perspectives, the second one related to policies applied without consultation, and the last one regarding the impacts and results of it ([Doyle & Gilbert, 2011: p. 225](#)).

Regarding the first reason, [Kaphle, Panthi, and Acharya \(2020\)](#), on their research regarding influence of indigenous philosophies bring an important overview of their impacts on many areas, including administration, justice, and even education, since they are “basis of human behavior and governance code of conduct”. The authors also affirm that indigenous philosophy can affect the formulation of public policies, specially strengthening inter-governmental relations ([Kaphle, Panthi, & Acharya, 2020: p.182](#)). Economics, politics, culture, administration, all should be taken into consideration by the government in order to formulate their policies. Another research of [Camaya and Tamayo](#) establishes the importance of observing indigenous cultures and traditions, and they willing to embrace changes without disrespecting their traditions, the government must create mechanisms to protect their lands, and resources ([Camaya & Tamayo, 2018](#)).

Understanding such concepts, the impacts of globalization, historical problems regarding indigenous communities, their philosophies, culture, and the state’s obligation to guarantee public policies without distinction, let’s turn the analysis of such policies to indigenous, making it possible, from now on, to identify that the State must create minimum material conditions, that is, the their cultural and social autonomy, as a premise of preserving human dignity, and its existential minimum, as well said by [Silva \(Silva, 2022: p. 593\)](#).

The obligations to guarantee the application of minimum existential conditions are not exclusive of the Federal Government, states and municipalities can and should guarantee that public policies are created for this purpose.

The starting point analyzed here will be public policies related to education. The state of Mato Grosso, currently have in force the Internal Regulations of the Indigenous School Education Council (CEEI/MT), Decree No. 195 of July 15, 2015, which is responsible for promoting and advising indigenous school education in the state, acts as a consultative body and one of its functions is to ensure intercultural, multilingual and specific education for indigenous communities, with respect for their identity and culture ([Mato Grosso. Decreto No. 195, de 15 de julho de 2015](#)).

Other important standards related to public educational policies are decree No. 1.497 ([Mato Grosso. Decreto No. 1.497, de 10 de outubro de 2022](#)), which addresses issues of equal opportunities, regardless of where the student lives, their social origin and their economic condition, everyone must have the same learning opportunity, receiving supports designed specifically for your challenges, and Law No. 11.422 of June 2021 ([Mato Grosso. Lei 11.422 de 14 de junho de 2021](#)), which approves the state education plan, with specific contexts for indigenous communities, such as the expansion of secondary education and professional education, promotion of integrated environmental education with the competent bodies, guaranteeing infrastructure and materials appropriate teaching materials for indigenous schools, in addition to creating and monitoring educational policies and events that value indigenous culture, as well as ensuring the continued training of teachers by offering professional and higher education accessible to specific communities and reducing ethnic-racial inequalities in postgraduate programs.

Recently, the state of Mato Grosso also announced a new state policy on indigenous education, which establishes new teaching and learning parameters with actions that aim to preserve and strengthen mother tongues in indigenous education, counting on the development of teaching materials in the mother tongues of the 45 ethnicities served by the State Education Network, however, until now there has been no publication of this document yet ([SEDUC, 2023](#)).

As for health, according to the Health Ministry (2024-2027), today we have the Secretariat of Indigenous Health (SESAI) in charge of coordinating and implementing the National Policy for Health Care for Indigenous, in addition to managing the entire process of the Indigenous Health Care Subsystem (SasiSUS) within the System. Unified Health System (SUS), this subsystem configures a network of services implemented in indigenous lands based on geographic, demographic and cultural criteria, and is organized into 34 Special Indigenous Health Districts (Dsei), which carry out primary care and surveillance actions in health for the indigenous population ([Ministério da Saúde, Plano Nacional de Saúde 2014-2027, p. 140](#)).

There are some projects and environmental determinants of indigenous health, these projects are also all federal in scope, aligned by the Secretariat of Indigenous Health (SESAI), by the DEAMB department, and all of them are guided by care in accordance with the specific needs of indigenous communities ([Ministério da Saúde. Projetos Determinantes Ambientais da Saúde indígena](#)), as announced by

the Ministry of Health (2024-2027).

At this point, it is important to emphasize, in line with Law 8.080/90 (Brasil, 1990), that the Federal Government is responsible for financing the indigenous health care subsystem with its own resources, and that this subsystem must be decentralized, hierarchical and regionalized. Just as importantly, the SUS will serve of support and reference to the Indigenous Health Care Subsystem, and to this end, adaptations must occur in the structure and organization of the SUS in the regions where indigenous populations reside, to provide this integration and the necessary care at all levels, without discrimination.

In the National Health Plan, it is stated that there are difficulties identified in structuring surveillance due to the turnover of health professionals. It requires continuous qualification of indigenous health and sanitation agents, updating of the SIASI, lack of internet in the districts and problems in the supply of inputs and equipment, in addition to the difficulty of inter-federative coordination with municipal and state departments.

Regarding proposed projects being processed in the state Legislative Assembly, with regard to public policies on indigenous health, most of the proposals were related to the request for inputs to combat Covid19. There is a project proposed in the year of 2016, related to adaptation of indigenous health care at SUS, but without conclusion, another one of year 2021, requesting ambulance for CASAI Querência, and a request for support to reform the health care structure of Aldeia Hawalorá (Mato Grosso Legislative Assembly. Normas e projetos que versam a respeito da saúde dos povos indígenas, 2024).

Regarding land demarcation, there are numerous controversies involving this subject in the legislative and judicial sphere, the main concerns are regarding the “time frame”, and the Law 14.701 of October 20, 2023 (Brasil. Lei 14.701 de 20 de outubro de 2023). This law defines guiding principles, the modalities of indigenous lands (traditionally occupied, reserved and acquired), demarcation procedures, the role of states and municipalities, and the rights and responsibilities of indigenous communities and third parties. The law also amends other laws related to the protection and rights of indigenous communities.

Numerous actions involves the Law 14.701 of October 20, 2023, such as ADI 7582, ADI 7583, ADI 7586, ADO 86, and ADC 87. One of them with allegations of declaring the constitutionality of the Law (ADC 87) (Brasil. Supremo Tribunal Federal. Ação Declaratória de Constitucionalidade (ADC) 87), others dealing with its unconstitutionality (such as ADI 7582) (Brasil. Supremo Tribunal Federal. Ação Direta de Inconstitucionalidade, ADI 7.582, 7.583, 7586), this is because in such law, it is stated that the absence of the indigenous community on October 5, 1988 in the intended area, prevents the characterization of traditionally occupied land. The matter is so complex that the Rapporteur of ADC 87, Gilmar Mendes, issued a joint decision, determining the creation of a Special Commission, as a self-compositive method.

The discussion brought by indigenous communities and argued in the initial

petition by APIB (Articulation of Indigenous communities of Brazil), regarding the time frame, in ADI 7582 itself, is outlined in the sense that such law disfigures the rights inscribed in it by the original constituent. In addition, according to provisions, it amends the federal constitution by means of ordinary law, imposes forms of proof of forced expulsions through a de facto conflict that lasted until October 5, 1988 or by possessory action. Also, prohibits the review of the demarcation procedure even in case of error, it revives dictatorial paradigms, suppresses the right of consultation of indigenous communities provided for in ILO convention 169, and creates obstacles to demarcation (*Brasil. Supremo Tribunal Federal. Ação Direta de Inconstitucionalidade, ADI 7.582, 7.583, 7586*).

Another important point on this topic is that the Inter-American Court of Human Rights has already ruled on the recognition of traditional territories. The Court understands that the State must carefully evaluate the legality, necessity and proportionality of the expropriation of lands to achieve a legitimate objective in a democratic society, and that this assessment must consider the particularities of the indigenous community, its values, uses, customs and customary law (*corte interamericana de derechos humanos. Caso da Comunidade Indígena Yakye Axa Vs. Paraguai*).

The Inter-American Commission, in a report on the situation of human rights in Brazil, highlighted its concern with the adoption of the “time frame”. Also remembering that Brazil ratified the American Convention on Human Rights, through Decree No. 678/1992, and the American Declaration on the Rights of Indigenous Peoples, approved by the Organization of American States (OAS), on June 15, 2016. In the aforementioned report, the Commission highlighted the following:

“66. In the opinion of the IACHR, the time frame thesis disregards the countless cases in which indigenous peoples had been violently expelled from the territories they traditionally occupied and, for that reason alone, did not occupy them in 1988. In this sense, the Commission considers the thesis as contrary to international and inter-American human rights norms and standards, especially the American Convention on Human Rights and the American Declaration on the Rights of Indigenous Peoples”. (*Corte Interamericana De Derechos Humanos, 2005; Comissão Interamericana de Direitos Humanos, 2021: p. 33*).

In state terms, there are no specific territorial demarcation policies, especially because indigenous lands constitute Federal Government assets (*Brasil. Constituição Federal, 1988*), but there are also controversies regarding issues of exchanging areas with the Federal Government, as is the case with Mato Grosso state Law 9.564/2011 (*Mato Grosso. Lei 9.564 de 27 de junho de 2011*), which authorizes the state government to carry out an exchange with the Federal Government, through the FUNAI, of the areas of the Araguaia State Park with the Mawawaitsede Reserve, the law is clearly unconstitutional, since a state law does not have the power to oblige the Federal Government to any type of exchange.

The administrative procedure for demarcating indigenous lands involves 9 stages. The first of these concerns the Identification and Delimitation Studies, here a Funai Technical Group carries out research and prepares the Identification and Delimitation Report (RCID), subsequently states, municipalities and interested parties can contest the RCID with Funai, in the third stage the Minister of Justice declares the limits of indigenous land via ordinance, then Funai carries out the physical demarcation of the limits of indigenous land, in the fifth stage Funai and Incra evaluate improvements and register non-indigenous occupants, in the sixth stage the President of the Republic approves demarcation via presidential decree, in the seventh stage Funai and Incra remove and resettle non-indigenous occupants, with compensation for improvements, then Funai registers the indigenous lands with the Federal Government's Heritage Secretariat, and finally such areas are closed off to protect indigenous (Brasil. Decreto No. 1.775 de 8 de janeiro de 1996).

Some other actions of Mato Grosso government, however, should also be mentioned here, such as, for example, Ordinary Law 12.598/2024, which amends the provision of Law No. 12.286/23, which provides for the National Driver's License, including natives peoples as beneficiaries within the scope of the state of Mato Grosso, the state qualification program, through law 12.521/24, which guarantees the implementation and expansion of secondary education linked to professional education with specific assistance to indigenous communities, as well as face-to-face, blended and online professional education courses. distance, directly benefiting these communities (Mato Grosso. Lei 12.598 de 05 de julho de 2024; Mato Grosso. Lei 12.521 de 17 de maio de 2024).

The aforementioned law (12.521/24) is inclusive, and defines in its fourth article that the program will primarily serve traditional, indigenous, quilombola, riverside communities, women at risk and in vulnerability, the LGBTQI + community, people with specific needs, young people and adults in conflict with the law.

The state of Mato Grosso was also concerned with including indigenous as family farmers, and also beneficiaries of the resources available in the Family Agriculture Support Fund (FUNDAAF), through Law 12.386/24, this was an important step by the state of Mato Grosso, since countless ethnicities not only work with handicrafts, but also work with agriculture (Mato Grosso. Lei 12.386 de 08 de janeiro de 2024).

It is also necessary to highlight that the state created the SER FAMILIA program, which includes the SER INDIGENA card, for indigenous of the state of Mato Grosso (added by Law No. 12.013/2023) of up to 1 (one) UPF/MT, to be deposited monthly or bimonthly, considering the availability and budgetary and financial capacity of the State, to implement this card, SETASC is authorized to seek cooperation with the Ministry of Indigenous communities (Mato Grosso. Lei 12.013 de 26 de janeiro de 2023).

Another issue to be considered on this study, even briefly, is related to invasions at the Indigenous communities, and if there is any public policies regarding this

matter, and the answer is no, there isn't, Mato Grosso does have a project of law for public policies related to preservation of the culture (265/2023), but none regarding specifically invasions (Mato Grosso (2023). Projeto de lei No. 265/2023).

Santos (2022), on their research mentioned that there was sixteen conflicts regarding indigenous territories on the state of Mato Grosso on the year of 2021, most of the conflicts, not only in Mato Grosso state, but all over the Country, are related to illegal extraction of wood, sand, nuts and others natural resources, illegal hunting and/or fishing, damage to the environment possessory invasion of farmers and/or squatters, deforestation, garimpo or mining, land grabbing and/or land subdivision, agriculture (livestock farming, monocultures, land lease, etc.), damage to property (destruction of houses, fences, pray, etc.), fires or burning, works and undertakings within or with a direct impact, use of pesticides, withdrawal, retention or pollution of waters and rivers, invasions with armed attacks and/or threats, drug trafficking and tourism (Santos, 2022: p. 9).

Invasions on indigenous lands are in debate since the discovery of Brazil, their habitat have been historically occupied for many reasons, including the ones described above. Brazilian constitution establishes indigenous lands are assets of the Federal Government, and it should guarantee that these lands are protected. The fact that they don't have the property doesn't mean that they don't have a permanent possession, the law is clear regarding their exclusive rights to benefit the earth's resources where they live, but what was meant to guarantee the protection has been finding some failures, and invasions are still on the agenda.

It is preeminent to highlight one last issue regarding the indigenous communities' culture. On this matter, Swiderska (2020), a researcher on traditional knowledge and biocultural heritage, explain that around the world indigenous peoples are playing a critical role in conserving their biodiversity, on her words:

“[...] indigenous cultures and practices are being eroded by modernization, commercial development pressures, lack of secure rights to land and resources, migration and lack of cultural education. As a result, many are struggling to save their unique cultures, knowledge systems and identities from extinction. This is despite growing recognition that they hold the key to solving many of today's environmental problems”. (Swiderska, 2020)

What Krystyna Swiderska (2020), is trying to show with her work, is that efforts to save nature can't be successful without the preoccupation and actions to save indigenous cultures, and the government must work on this matter as well.

Regarding the preservation of their cultural issues, on Mato Grosso state, the legislative proposal (265/2023) mentioned above, was submitted with the intention of “regulate the preservation of cultural and intangible heritage, ensuring the guarantee of rights that favor overcoming their socioeconomic vulnerability and encompass the social, economic, and cultural rights guaranteed in our legal system”. It has not been approved yet, but it still on the agenda (Mato Grosso (2023). Projeto de lei No. 265/2023).

### 3. Intersectorality and Challenges in Implementing Indigenous Policies

Vulnerabilities, specificities, minorities, social risks and precautions to prevent human rights violations from occurring, require intersectoral efforts, and require the involvement of different policies and actors at all levels of government, whether federal, state or municipal.

Intersectorality is essential for indigenous protection, and is not the exclusive responsibility of the Federal Government, since it demands the involvement of diverse policies related to health, education, food security, education, culture, among others, in this sense, therefore, there must be flows of sectoral information so that all entities are jointly aligned on the demands.

Monnerat and de Souza (2010) bring a clear understanding of intersectorality and its challenges, attesting that actions of this nature could contribute to combating the ineffectiveness of social policies. At first, these authors argue that they are mechanisms of dialogue, which break with the modern logical and partial tradition of organization in a fragmented way and without communication, it is a management strategy that minimizes the “historical characteristics of fragmentation of social policies” (Monnerat & Souza, 2010).

Just as an example, a view from education or health at indigenous problems must also take into account their culture and specificity, different actors must be integrated for an effective solution. The authors further argue that “the desired intersectoral integration necessarily involves the creative construction of a new object of intervention common to the different sectors of the State, which deal with social issues” (Monnerat & Souza, 2010), It would then be a proposal to build common objectives, even with the existence and due importance of physical spaces for managing sectoral policies, the objective would be integration and facilitated dialogue.

Understanding the importance of intersectorality in managing policies for indigenous, we started talking about their demands and the challenges of implementing policies that protect them. In Brazil, according to data from the Brazilian Institute of Geography and Statistics (IBGE), we have around 1.693.536 indigenous, in the state of Mato Grosso, the number is 56.687, that is, a very representative number, since we are talking about a state with 3.658.649 inhabitants (Instituto Brasileiro De Geografia E Estatística (IBGE), 2022).

Due to its representativeness, and especially due to the constitutional recognition of its social organization, customs, languages, beliefs and original rights, its rescheduling, recently, on April 5, 2024, a public hearing was held in which policies for indigenous were debated, at this time it was said that all the problems discussed in the public hearing held on the previous year, persist in their entirety (Assembléia Legislativa do Estado de Mato Grosso. Audiência pública realizada em 05 de abril de 2024). It was also mentioned, the role of the movement created, Acampamento Terra Livre (ATL), which according to the indigenous representatives present, in the voice of Eliane Xunakalo, is a political act and a resistance

movement, which aims to claim rights, related to health, education and demarcation of lands.

In the speech of one of the indigenous leaders of the Cerrado Pantanal, Gilmar Koloizomae, requested at the aforementioned hearing, among other topics, the creation of intercultural games focused on reducing the suicide rate. On this topic, the epidemiological bulletin issued in February 2024, by the Ministry of Health, shows that a high rate of suicides among indigenous communities in relation to other racial groups, as evidenced by the high proportional mortality from this cause (*Assembléia Legislativa do Estado de Mato Grosso. Audiência pública realizada em 05 de abril de 2024*).

The same bulletin points out some of the causes for the suicide rate, including the following:

[...] “the sociocultural changes resulting from contact with non-indigenous society, with the abandonment of traditions and resulting cultural weakening, the weakening of family and community ties, the lack of access to education and work, territorial confinement, among others. It is therefore necessary to investigate the impacts of social vulnerabilities resulting from historical processes that impacted indigenous communities in the phenomenon of suicide in this population.” (Translation by the author, *Ministério Da Saúde, 2024: p. 13*).

The state of Mato Grosso, based on a research by DATASUS-SIM, points out that from 2015 to 2024, there were at least 30 deaths by suicide (*Mato Grosso (2024). Repositório de dados dos Sistemas de Informação da Secretaria de Estado de Saúde de Mato Grosso—SES-MT*).

Gilmar Koloizomae also addressed the issue of high rates of malnutrition in his speech, calling for public entities to take care of this issue. The data from DATASUS, indicate that there were more than 80 indigenous deaths (from 2015 to 2024) due to malnutrition. The research becomes even more alarming when it indicates that indigenous from Mato Grosso are dying at high rates from preventable diseases, such as diarrhea and gastroenteritis of infectious origin, there were 122 cases (*Mato Grosso, 2024*). From a simple speech, and research just as simple, we don't have such a simple answer, the need to think about public health policies in indigenous territories, in addition to those already developed at federal level, are imperious.

Just to demonstrate the worrying analysis of this scenario, we have that the number of deaths for the white population in the same period (2015-2024) due to diarrhea and gastroenteritis was 140 (one hundred and forty) cases, according to the system of the State Department of Health of Mato Grosso-SES-MT (*Mato Grosso, 2024*). However, the number of white residents in the state, according to IBGE data, is 1.181.590 (one million one hundred and eighty-one thousand five hundred and ninety) (*Instituto Brasileiro De Geografia E Estatística (IBGE), 2022*), that is, around 21 times the indigenous population number.

Datasus also points out alarming data on pneumonia cases, with more than 136 deaths in recent years (Mato Grosso, 2024), which also indicates some problems related to the indigenous vaccination framework.

In addition to all cases mentioned in this topic and the previous topic, there is also a huge difficulty in the logistical access. There are villages with limited access, the Court of Justice of the state of Mato Grosso reported that the Perigara village and the Córrego Grande village, for example, at certain times of the year can only be accessed by boat or plane (Tribunal De Justiça Do Estado De Mato Grosso), this difficulty in accessibility to the location hinders the receipt of basic services.

The public policy debate brought to light other problems also faced by indigenous communities, which is deforestation and river pollution. The author Silva (2022) vehemently states that indigenous culture is associated with the territory, and that it must be protected (Silva, 2022: p. 593), however, Fearnside (2006) demonstrates that indigenous areas do not offer an automatic guarantee that deforestation will be avoided, this author even says more:

“Disturbing evidence of deforestation on some indigenous lands indicates the urgency of developing mechanisms to reward environmental services as an alternative form of development” (Fearnside, 2006).

On this subject, Antunes Vieira et al. (2023), state that public policies aimed at preserving indigenous lands do not represent a favor from the Brazilian State. In fact, more than just recognizing the rights of Brazil’s native peoples, the fight for the preservation of their lands, ways of life, culture and interaction with nature must be a fundamental commitment for everyone who values the continuity of human life on the planet.

Regarding indigenous lands, it’s an institutional role of Funai to protect and monitor indigenous lands, against invasions and illicit activities, as said before guaranteeing the exclusive benefit of natural resources for their inhabitants, this is specified on article 231 of the Brazilian Constitution.

Surveillance actions are recognized by the State and trained by bodies with police power, that will be used for protection of indigenous lands, if a law is disrespected, measures should be taken. The problem is that FUNAI, that is the agent responsible for surveillance and protection, do not have a police power regulated by law, so it must act in association with another agents/entities, such as Federal Police, Ibama, Incra, among others.

FUNAI, in order to protect the indigenous lands on the year of 2013, established the Ordinance number 320/PRES (FUNAI, Portaria No. 320, 2013), which establishes guidelines regarding actions to safeguard indigenous lands, but, what about state policies? If FUNAI must act in association in order to protect, shouldn’t partnerships in all levels be taken into consideration?

Given the challenges presented, it is imperative that indigenous public policies are approached with an intersectoral and collaborative perspective. The integration of different sectors and levels of government is crucial to ensure that solutions

are comprehensive and effective, as long as cultural and social specificities are respected. The preservation of their lands, the right to health, education, cultural respect and their ways of life and rights is a collective responsibility that transcends mere state obligation, requiring a continuous and integrated commitment from all social and governmental actors. Only in this way will it be possible to promote social justice and ensure a dignified future for indigenous not only in the state of Mato Grosso, but throughout the country.

#### **4. Suggestions for Improving and Enhancing Effectiveness of State Regulations in Order to Protect Indigenous Communities**

Based on the previous topics, here are some suggestions for improving state policies in order to make them more effective in protecting indigenous:

The first suggestion concerns intersectoral integration, as outlined by [Monnerat and de Souza \(2010\)](#). This approach aims to promote a coordinated strategy across various policies, so that health, education, food security, and other areas work together collaboratively. In this case, the establishment of intersectoral working groups could help identify problems in a more holistic manner and subsequently propose joint solutions.

The second suggestion is related to strengthening indigenous participation, so that this population participates effectively in the formulation, implementation and monitoring of policies, with the creation of advisory councils or with the active participation of the Federation of indigenous communities of Mato Grosso (FEPOIMT), this Federation works as a main interlocutor indigenous peoples of Mato Grosso with non-indigenous people, civil society, and governments in all levels.

The third suggestion is related to infrastructure and logistics, it would be important to promote partnerships/terms of cooperation on the three levels (national, state and municipal), so that basic infrastructure in indigenous areas could guarantee service to all the demands of the indigenous population, especially those who live in regions that are difficult to access.

The fourth suggestion, despite being mentioned as being developed during the public hearing on April of 2024, should be taken into consideration the final implementation of policies that value and preserve indigenous languages, with the production of bilingual teaching material and the promotion of events cultural activities that celebrate indigenous diversity.

The fifth suggestion is related to actions to prevent invasions. According to the Technical Report on Indigenous Lands, released by the National Council of Justice, there are proves that invaders “did not stop their illegal activities and that the absence of energetic measures on the part of the Brazilian State, expose indigenous people to degradation environmental and violation of human rights” ([Alencar, Ribeiro, Fellows, Santos, & Arruda, 2020](#)). The need for active surveillance is imperative, all levels of the government should act in partnership, otherwise, super-

vision will not be accurate, especially on areas of poor access, to prevent is the best way to stop invasions, along with strong and effective laws.

The sixth suggestion is implementing technology to improve the provision of services in indigenous areas, and strengthening programs to support family farming.

Finally, the last suggestion goes towards the recognition and protection of indigenous culture. As said by Swiderska (2020), the government must work to save their culture, in order to save the nature, this means protecting their territories, their natural resources, recognize their knowledge and self-determination, in all levels and sectors, and also strengthening participation as mentioned on the second suggestion. The legislative proposal (265/2023), should also be analyzed at the earliest opportunity.

It is worth clarifying, based on the proposed theme, that each of the suggestions and studies on the topic must always be based on respect and guarantee indigenous ethnic-cultural specificities, as outlined in the Federal Constitution.

## 5. Conclusion

Based on the study above, it is possible to conclude that public policies aimed at protecting indigenous in the State of Mato Grosso have advanced in some aspects, with recent actions and programs, but still face significant challenges.

Policies focused on education have made significant advances. While in the areas of health they still need to be adjusted for their improvement, especially in terms of infrastructure and solutions for professional turnover, in terms of land demarcation, this proves to be a complex situation that requires an improved study at all levels so that it does not interfere with any pre-established rights.

To improve the protection of indigenous communities, it is suggested that policies be intersectoral in order to promote an integrated approach to public policies. Furthermore, it is essential that the State of Mato Grosso develops mechanisms to guarantee the implementation of health policies, whether through partnerships or cooperation terms, in order to guarantee access to the basics, especially in terms of health and sanitation. Finally, the preservation of indigenous lands, active surveillance, and the promotion of a dignified life for them must be a continuous priority, demanding a collective and integrated commitment from all social and governmental actors.

## Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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