



## EXECUTIVE SUMMARY

# 3<sup>RD</sup> REGIONAL REPORT ON HUMAN RIGHTS VIOLATIONS IN THE PAN-AMAZON

WEAVING LIFE AND HOPE IN BRAZIL, ECUADOR, PERU, COLOMBIA, BOLIVIA,  
VENEZUELA AND THE TRIPLE FRONTIER (PERU, COLOMBIA AND BRAZIL)









Photo: Wikipedia: Pedro França/MinC

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In memory of **Carlos David Noteno Ajón.**

“Without land and water, there is no life.  
Caring for the earth as our body”

The information contained in this report is the responsibility of its respective authors.

# Presentation

This document is a summary of the Third Regional Report on Human Rights Violations in the Pan-Amazon. It includes 11 realities, from six countries and the triple frontier area (Peru, Colombia, and Brazil), which convey to us the harsh reality left by the technocratic paradigm, the unlimited exploitation, the plundering of resources, the demonstrations of violence, and the entire regulatory package aimed at accelerating the economy, turning the trampling of rights into government policy.

The Pan-Amazon and its inhabitants are being exterminated by mercantilist theft. We live in continuous violation of fundamental rights. Every day there are reports of murders, deaths full of questions, crimes and threats. The struggle of these people has been continuous, frustrating, and painful.

In recent years, we have lived in times of great challenges and contradictions in the 21st century. Climate change is the biggest crisis of our century, and is expressed through rising temperatures and water stress. It reveals that human rights violations are perpetuated in a context in which the legal and illegal, formal and informal mining industry is developing; hydroelectric plants; hydrocarbons; regional interconnecting roadways; agribusiness; agricultural monocultures and forestry concessions.

This region, in addition to containing one of the largest aquifers in the world, spread across the channels of the Amazon and Solimões rivers, also forms the Pan-Amazonian region, which unites Venezuela, Colombia, Ecuador, Peru, Brazil, Suriname, Guyana, French Guiana and Bolivia. Of the 8.000 million inhabitants that live on this planet, 34 million people,

380 Indigenous peoples, 140 peoples in voluntary isolation live and depend directly on this region, which is vital for the other inhabitants of the planet.

Despite policies to reactivate the economy, communities continue to live in the traditional way, facing pressures that, by all means and with all resources, expand and monstrously feed back on each other.

In this new social context, Amazon has become a dangerous, violent and complex region, in which, in the last 10 years, 1733 land and environmental defenders have been murdered, precisely for defending the forest, water, fauna, land and territory.

REPAM has sought to articulate and work in the 9 countries that make up the Amazon biome: Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, Venezuela and French Guiana as overseas territories. Stemming from the Human Rights and International Advocacy Center, specialized schools are fostered for the "promotion, defense and enforcement of Human Rights in the Pan-Amazon Region," defining the Center as the passion for justice in these dramatic circumstances. Therefore, the Report represents teamwork between the community leaders who took part in the Terceira Escola ("Third School") in Manaus-Brazil, the pastoral agents who accompany the processes of struggle, and the institutions allied to REPAM that are present in the territory.





# REALITIES







## Violation of human rights in Indigenous, peasant and Afro-descendant communities

Six human rights were identified, which are repeatedly violated in these 11 realities. There is no hierarchy between these rights; the relationship is linear. A set of rights cannot be fully enjoyed without realizing the others. This implies that, although some rights have been developed in the Report, within the realities there are many more rights that have been violated, seriously violated. These rights are:

- Human right to access to territory, land and natural resources
- Human right to a healthy environment
- Right to food
- Right to health
- Right to education
- Right to sexual freedom

Identifying these rights allows us to place them at the center of all our actions, demanding that they be incorporated into all development policies, even if this means going against the flow. It also gives us an overview of the critical situation of human rights in this region and the possible ways forward to defend them.



Photo: tsimane.org







## Right to collective property, pieces of land, territories and natural resources

### Reality 1

# Indigenous peoples of the upper Beni River basin and the Bolivian lowlands

The Mosekene, Tsimane, Tacana, Leco, Esse Eja and Uchupiamona Indigenous peoples are inhabitants of the upper Beni River basin. The Tsimane Indigenous communities of the Yacuma Sector of the Bolivian lowlands are located in the José Ballivián Province of the Beni Department. These people are pre-Columbian Indigenous peoples who maintain their ancestral way and style of life. They are resisting various threats from third parties and current governments, which intend to dispossess them of their ancestral domains and their renewable and non-renewable resources. They are being affected:

1. By the Chepete and El Bala hydroelectric megaprojects
2. By the advancement of Illegal Gold Mining in Indigenous Territories and Protected Areas (Madidi and Pilón Lajas)
3. By the expropriation of ancestral territories of the Tsimane Indigenous Communities of the Yacuma Sector in the Department of Beni.

Tsimane Indigenous people live by hunting, fishing, gathering, using non-timber forest resources (jatata) and farming, in a subsistence economy. They are not part of the mercantile economy and market relations. The use of external products leads them to depend on and mediate with other socio-economic groups, which tend to deceive them in business relations and dispossess them of their territorial spaces.

The 14 Tsimane communities that are located between the Chimán Indigenous Land (TICH) and the Pilón-Lajas Biosphere Reserve and Indigenous Land, in an area called the “Yacuma Sector,” are the ones that have no recognition of rights over the pieces of land they have occupied since pre-colonial times. In 2020, there were 202 families in the Yacuma Sector communities, distributed in 13 Tsimane communities and one mixed community. Currently, they are being evicted and suffering the consequences of forest fires.



Photo: Robert Wallace / Wildlife Conservation Society (WCS).





## Reality 2

### **The Maraguá people, municipality of Nova Olinda do Norte, in the Madeira River delta, in the state of Amazonas, Brazilian Amazon**

These people live in the areas of the Guarynamã (Abacaxis), Curupira, and Paraconi rivers. The area claimed by the indigenous people is called the Maraguá Indigenous Land, with around 990,000 hectares. So far, the administrative demarcation process has not begun and is only in the qualification phase.

Demarcation of their lands would solve some problems for the Maraguá people. Without it, public agencies such as FUNAI and IBAMA refuse to monitor the area, which has led to the advance of invasions by loggers, predatory fishermen, land grabbers, tourists, miners, among others.

The Abacaxis massacre is the case that reflects the insecurity they are exposed to. The origin of this massacre is the operation, ordered by the Amazonas Secretary of Public Security, Lourismar Bonates, and led by the general commander of the Amazonas Military Police, Ayrton Norte, where two Munduruku Indigenous People (Josivan Moraes Lopes and Josimar Moraes Lopes) and four riverside dwellers (Anderson Barbosa Monteiro, Vanderlânia de Souza Araújo, Matheus Cristiano Araújo and Eligelson de Souza da Silva) died. Additionally, two people are still missing and there are several reports of torture, threats and illegal detentions. For several days, men, women, young people and even children and the elderly from riverside communities, Munduruku, Maraguá were tortured and treated with great violence.

On July 25, 2020, a group of tourists, including Saulo Moisés Rezende Costa, then executive secretary of the Amazon Social Promotion Fund, invaded territories of Indigenous and traditional communities, located in the region of the Abacaxis and Marimari rivers, in the municipalities of Nova Olinda do Norte and Borba (AM), to go sport fishing on a boat called Arafat in the midst of the Covid-19 pandemic. At the time, they did not have the relevant license granted by the environmental agencies nor the authorization of the communities, exposing the local residents to serious danger.



Source: J. Roshia, CIMI Norte 1, 2018.





Source: Caritas Madre de Dios Institutional Archive, 2023

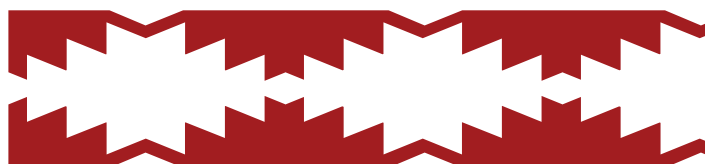
## Reality 3

### **Yine-Asháninka people, community of Puerto Nuevo, Madre de Dios, Peruvian Amazonia**

This municipality is mainly located in the Departments of Cusco, Loreto, Madre de Dios and Ucayali (Peru). The native community of Puerto Nuevo has an area of 29542.4 hectares and is made up of 24 families. The community has been settled in the basin for 20 years, living off nut harvesting, fishing, and handcrafts. The community has been protecting the forests from “illegal” and “legal” activities for around two decades. The “legal” ones are the big logging companies to which the state granted “forest concessions” since 2002 within the area owned by Indigenous communities. In addition to this problem, there is also the threat of drug trafficking.

In 2000, the community of Puerto Nuevo began the process of gaining title. In July 2021, the company Turbina SAC obtained the concession for 42,000 thousand hectares in the same area requested by Puerto Nuevo by means of GOREMAD Resolution 783-2021. After the marches and media pressure at the local and national levels, the authorities began the ex-officio administrative nullity process, thus rendering Resolution 783-2021/GOREMAD null and void.

Extractive activities have also affected the Indigenous Peoples in Isolation and Initial Contact (“PIACI”), who are increasingly becoming more visible, causing confrontations with loggers and communities such as Puerto Nuevo and Monte Salvador.



## Reality 4

### Cerro Yapacana, Amazonas State – Venezuela

Cerro Yapacana National Park covers 320,000 hectares and is home to various Indigenous peoples, such as the Curripaco, Baniwa, Yeral, Warekena or Owottojja, etc.

More than 30 years ago, mining activity began in the region with the use of mining dredges by groups of prospectors. Since 2016, mining activity has expanded due to the implementation of the

government project known as “Orinoco Mining Arc.” In these areas, irregular groups such as el Sindicato, Farc, ELN and miners have seized more territory and induced Indigenous people into becoming miners.

Since the increase in mining activity in the Atabapo, the Indigenous population has been forced to leave their territories, a situation that became known as “The Indigenous Exodus.”

These people do not have territorial titles as established by the Organic Law of Indigenous Peoples and Communities (“LOPCI”) and the Territorial Demarcation Law.



Photo: Pavel Martiarena





## Right to a healthy environment

### Reality 5

## Peasant communities of the municipality of San Vicente del Caguán, Department of Caquetá, Colombian Amazon

Caquetá is one of the thirty-two Departments of the Republic of Colombia. Its capital is the city of Florencia. It is located in the southern part of the country, in the Amazon region.

The Caqueteño foothills were transformed into an area of ever-growing livestock expansion as a result of settlers cutting down forests to convert them

into pastures for raising cattle. This activity was consolidated in this region in the second half of the 20th century, expanding to the Amazonian plains, facing the incorporation of thousands of hectares destined for cattle ranching.

The municipality faces the various causes of deforestation, caused by extensive cattle ranching, land grabbing, and – to a lesser extent – illicit crops. Last year, 197,159 hectares of forest were lost in the nation. According to the Sinchi Institute, the Colombian Amazon has 48 million hectares, of which 10% have been lost in the last 25 years. If these actions continue, it is estimated that by 2040, 30% of the Amazon rainforest in Colombia will be lost.

The STC 4360 ruling was a way of responding to this problem. Established that, within six months, an action plan should be developed to reduce the rate of deforestation in the Colombian Amazon to zero by 2020.



Photo: Guilherme Cavalli



Source: CIR, 2022.

## Reality 6

### **Morcego Indigenous community, Murupú region, Serra da Moça Indigenous land, municipality of Boa Vista, Roraima - Brazil**

The Serra da Moça Indigenous Land (IL) is located in the Murupú area, in the central region of the state of Roraima, in the municipality of Boa Vista.

The territorial demarcation process was carried out without respecting constitutional or communal criteria. The result is a small territory that excludes lakes, rivers, streams and forest areas that are fundamental to the development of community life. Furthermore, it is surrounded by farms, settlements, and soybean croplands, causing negative impacts on health and working conditions.



Foto: Istock Images by saraTM

The Brazilian government has adopted monoculture and the intensive use of pesticides as an agricultural policy to modernize the countryside, making Brazil one of the foremost markets for the pesticide industry. Between 2018 and 2021, there was a 257% increase in the area dedicated to soy, occupying around 75 thousand hectares. Pesticides kill life in the soil, destroy rivers, pollute the air we breathe, contaminate food, poison the human body and make people sick.







## Reality 7

# La Chiquitanía People: Roboré – Tucabaca Valley, Bolivian Amazon

Chiquitano, Chiquito or Besiro is an Indigenous language, native to the plains of Chiquitos and the Bolivian Chaco, currently spoken by the Chiquitanos in the provinces of Ñuflo de Chávez, Velasco, Sandoval, Busch, Ichilo and Chiquitos, in the Department of Santa Cruz; Iténez, in the Department of Beni and in some Brazilian municipalities.

Forest fires were considered the most serious ecological disasters in the last 10 years. More than 400 indigenous communities were affected by the flames. 34% of the territory burned in Ñembi is the area inhabited by Indigenous people in voluntary isolation. It would take 200 years to reforest Chiquitanía.

The IRNA had authorized the settlement of 69 communities across an area of 130,000 hectares of Chiquitanía. The favored ones entered by killing the cattle and burning the land. Forest fires and constant conflicts over invasions of indigenous territories in Chiquitanía have led to clashes between “intercultural” and traditional communities.

The Bolivian government, as part of its 2020–2030 Livestock Development Plan, intends to expand land destined for livestock use from 13 million hectares to 20 million hectares. To do so, on July 9, 2019, in Beni, Supreme Decree 3973 was passed, which authorizes deforestation and controlled fires in areas dedicated to agricultural activities on private and community lands in the Departments of Santa Cruz and Beni.



Photo: Víctor Moriyama



Photo: Víctor Moriyama





## Reality 8

### Kichwa people, on the banks of the Coca River, Ecuador

Families of Amazonian Kichwa nationality are located in the northern and central area of the Ecuadorian Amazon; they develop their ancestral ways of life around rivers such as the Aguarico, Napo, Pastaza, Bobonaza, Misahuallí, and many others, including the Coca River.

The San Rafael sector is once again suffering the effects of the new oil spill. The Crude Oil Pipeline (OCP, for its acronym in Spanish) suffers a new rupture that spilled approximately 6,300 barrels into the river, affecting thousands of families who live downstream on the banks of the Coca and Napo rivers.

The imposition of the oil in the territories bordering the Coca and Napo rivers put pressure on the Kichwa to adapt their way of life. From daily work to consumption patterns and social conditions, they have had to mutate in order to sustain life in their territories in the face of ecological imbalances that violate fundamental rights, such as access to water, food, living in a healthy environment and other related rights.



Source: Amazon Frontlines, Spill in Piedra Fina Sector, Napo, January 29, 2022





## Right to health and education

### Reality 9

## Quilombola people of Santa Fé, Brazil

Located in the municipality of Costa Marques, in Rondônia, on the banks of the Guaporé River, which borders Bolivia. After years of struggle, their lands were only recognized on December 20, 2018, with a demarcated area of 1,452,92.24 hectares.

From the facts, it appears that violating the healthy environment is a State policy in the territory of Rondônia. Starting in the 1970s, with the expansion of the colonization process led by the Brazilian State and the military dictatorship's premises of occupation and invasion of the Amazonian territory, conflicts between

growers and land grabbers began to intensify, as a result of the invasions of territories traditionally occupied by these people. Currently, with the new pattern of expansion of the soybean and corn export market, forests are destined for monocropping, with the application of tons of pesticides.

The Santa Fé Quilombola community is surrounded by farms and subjected to constant exposure to the use of pesticides, which pollute the river and soil, killing animals and fish.

The common violation of Afro-descendant collectives is the territorial invasions suffered by criminal groups such as loggers, land grabbers, miners, cattle ranchers, and predatory hunters and fishermen that affect ancestral uses and customs.





## Right to sexual freedom

### Reality 10

## Sexual exploitation and trafficking of children and adolescents on the Triple Frontier - Brazil, Peru and Colombia (Amazon)

The entry and exit point of human trafficking is located between the municipalities of Atalaia do Norte, Benjamin Constant and Tabatinga, in Alto Solimões in the state of Amazonas, Brazil; Islândia and Santa Rosa de Yavari, which is an island located in the Department of Loreto, Peru. On the Colombian side, in Letícia, Amazonas.

Due to different legal and economic systems, border zones can have an ambiguous meaning, as they can increase conflicts on the one hand, and allow cultural exchanges on the other. On this border, due to abandonment by the State, there is no control over inbound and outbound drug trafficking, illegal mining, timber trafficking, and human trafficking.

Large criminal organizations operate transnationally, making human trafficking a highly profitable transnational activity, generating 117 billion euros a year. The victims are children, adolescents and women, who are socially vulnerable because they are poor, illiterate, indigenous people, riverside dwellers, and foreigners.





## Reality 11

### The Awajún people and the sexual violation of children in the school context

The Awajún people have a population of 55,366 inhabitants and 281 communities, geographically distributed among the regions of San Martín, Loreto, Cajamarca, and Amazonas. The province of Condorcanqui in the Amazon region currently has a high rate of cases of sexual, physical and psychological violence against women, girls and adolescents, especially in the school context.

The inconsistencies in the figures reported by institutions such as UGEL and the Women's Emergency Center (CEM) in Santa María de Nieva highlight the urgent need for more effective cooperation. In addition, there is the omission of complaints motivated by coercion or the position of power of the aggressor, who is predominantly a man aged between 25 and 46, associated with positions of authority in relation to the victims and in the community.

The fragility of the justice system is aggravated by the "mechanism" of internal economic arrangements. This impunity not only undermines justice for the victims, but also contributes to perpetuating an environment that tolerates sexual violence. Justice seems to be a non-existent concept for the students raped in Condorcanqui.



Photo: CAAAP





# Proposals

## 1. Violation of access to territory, land and natural resources

- Carry out the legal physical sanitation of the integral territory of Amazonian communities
- Repeal or declare unconstitutional laws aimed at promoting the expropriation of ancestral territories
- Recognize the Indigenous jurisdiction as a legal support mechanism in the judicial system
- Consider the standards and jurisprudence of the Inter-American Human Rights System in the titling of territories:
  - On ancestral property
  - On natural resources

### a) On Indigenous peoples in Voluntary Isolation and Initial Contact

- Expand Protected Natural Areas
- Controlling the entry of third parties into the territories of Indigenous communities

### b) With regard to peasant and Afro-descendant communities

- Recognize their right to ownership and possession of the area they traditionally use.



Photo: Istock Images by Luzo Reis







Photo: Guilherme Cavalli

## 2. On the violation of the right to a healthy environment

- Analyze and repeal the laws that authorize the use of fire to convert forest into arable land, due to their lack of management, planning and control.
- The mandatory application of the Principle of Non-Regression in the enactment of laws and public policies in development actions in Amazon.
- Strengthen and adhere to some laws that have been enacted with an ecosystem approach to the management of forest heritage and wildlife.
- Strengthen legal controls on logging to prevent the proliferation of illegal logging companies.
- Implementation of policies, laws and regulations that guarantee the traceability of all timber sold.
- Implement management tools such as Environmental Impact Studies.

## 3. On the violation of the right to food

- Implement agrarian policies that reflect the communities' practices and wisdom of land use for planting.
- Implement awareness campaigns about the perverse effects of burning on the soil and the Amazon biome.
- Create subsidy programs to promote the transition to more sustainable and less polluting/contaminating agricultural practices.
- Environmental, ecological, economic and socio-cultural factors, the Indigenous worldview and land use planning and ecological and economic zoning must be taken into account when constructing each policy for the management, use, exploration and exploitation of natural resources.
- Analyze new economic models, such as the bioeconomy.







Photo: Istock by GummyBone

#### **4. On the violation of the right to health**

- Attention to the health of communities due to exposure to the effects of extractive and agro-industrial activities.
- Greater control over the use and control of herbicides, insecticides and fungicides due to their acute toxicity and severe damaging effects on health and the environment.

#### **5. About the protection of the defenders**

- Ratification of the ESCAZÚ Agreement and establishment of the measures for its implementation.
- Protocols for the protection of human rights defenders.
- Implement effective security measures to ensure the life and freedom of environmental defenders.

#### **6. Regarding the recognition of the right to water**

- Declare access to drinking water and sanitation a national need and emergency.
- Prioritizing access to water to fulfill the primary needs of the human person over any other use, even more so in this context of scarcity that plagues Amazonian communities.
- Ongoing scientific analysis and damage studies in watersheds and micro-basins where extractive activities are operating.
- Free screenings for the population exposed to water contamination.







## 7. On the violation of the right to sexual freedom

### a) Human trafficking

- Promote the implementation of the United Nations Convention against Transnational Organized Crime and its Complementary Protocols.
- Developing national, regional and international action plans and strategies.
- International cooperation on matters of criminal liability.
- Adoption of border control to hinder trafficking.
- Establish witness protection policies during and after prosecution and trial.

### b) Sexual assault

- Draw up a regional strategy to tackle violence against children and adolescents.
- Activate mechanisms to ensure the application of sanctions.
- Implement awareness campaigns for prevention.



Photo: Istock by J Brarymi



Photo: Tadeu Rocha





Photo: Tadeu Rocha





**Support:**



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