Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Challenges and obstacles to accessibility for the indigenous community within the prison system. Amazonian

Challenges and obstacles to accessibility of the indigenous community in the Amazonian prison system

Terêncio de Almeida Costa Neto1

SUMMARY

This study aims to investigate the main challenges and obstacles faced by indigenous peoples in the Amazonian prison system. Throughout this qualitative and bibliographical study, the characterization of this violence will be demonstrated within the context of respect for the right to cultural expression of indigenous peoples, based on an analysis of Brazilian and international legislation, such as the 1988 Federal Constitution and Convention No. 169 of the International Labour Organization, which recognize cultural diversity and the specific rights of native peoples. It was found that, despite the relatively smaller number of indigenous people in the Amazonian prison system compared to other groups, the presence of this population highlights a...

A scenario of profound marginalization and disrespect for their specific rights. A simple analysis.
The barriers faced by the indigenous community within the justice system and penal execution in the state of Amazonas highlight a worrying reality. Many of these individuals are incarcerated without their cultures, languages, and traditions being properly respected. The difficulty of access to
Interpreters exacerbate their vulnerability within the judicial system, where they frequently suffer the same degrading conditions as other detainees, without any consideration for their identity.
It was concluded, therefore, that the Brazilian prison system itself, in general, already lacks policies.
Effective in addressing ethnic diversity. This deficiency becomes even more serious in the Amazon, deepening the exclusion of these peoples in the prison context and reinforcing a cycle of invisibility and injustice.

Keywords: Indigenous Community; Prison System; Human Rights; Amazon.

ABSTRACT

The general objective of this study is to investigate the main challenges and obstacles that indigenous peoples face in the Amazonian prison system. In the course of this study, of a qualitative and bibliographic nature, the characterization of this violence will be demonstrated in the context of respect for the right of cultural expression of indigenous peoples, based on the analysis of Brazilian and international legislation, such as the Federal Constitution of 1988 and Convention No. 169 of the International Labor Organization, which recognizes the diversity of culture and the specific rights of native peoples. It was found that, although the number of indigenous people in the Amazonian prison system is relatively lower compared to other groups, the presence of this population exposes a scenario of deep marginalization and disrespect for their specific rights. A simple analysis of the barriers that the indigenous community faces in the justice system and in the execution of penalties in the state of Amazonas highlights a reality, a worrying reality. Many of these individuals are incarcerated without their cultures, languages, and traditions being properly respected. The difficulty of access to interpreters exacerbates their vulnerability within the judicial system, where they often suffer the same degrading conditions as other detainees, without any regard for their identity. It was thus concluded that the Brazilian prison system, in general, already lacks effective policies to address ethnic diversity. This deficiency becomes even more serious in Amazonas, deepening the exclusion of these peoples in the prison context and reinforcing a cycle of invisibility and injustice.
Keywords: Indigenous Community; Prison System; Human Rights; Amazon.

[1] Bachelor of Laws student at Estácio do Amazonas University. Email: terencio.neto123@gmail.com.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

INTRODUCTION

The Brazilian prison system has historically been marked by structural challenges and violations. recurring violations of fundamental rights. This scenario, worrying in itself, becomes even more serious. when the focus shifts to the indigenous population deprived of liberty, especially in the region Amazonian. In this reality, institutional weaknesses are compounded by cultural and social factors that They increase the vulnerability of these individuals within the context of penal execution.

The Amazon, recognized as one of the most culturally diverse biomes on the planet, It is home to a vast indigenous population, composed of multiple ethnicities, languages, and traditions. However, This cultural richness contrasts with a reality marked by exclusion and invisibility. especially in light of the increase in indigenous incarceration. In this context, the... challenges faced by these individuals when interacting with the criminal justice system, which, in In many cases, it fails to recognize their cultural specificities.

Brazil is characterized by its wide ethnic and cultural diversity, with 305 indigenous ethnic groups. who speak 274 different languages. This plurality highlights the sociocultural complexity of the country. The Northern region concentrates about 45% of the national indigenous population, with the state of Amazonas being the most prominent. the main center, with approximately 29% of its inhabitants identified as indigenous. Furthermore, six of the ten Brazilian cities with the largest indigenous populations are located in that state. which reinforces its relevance in the proposed debate (Amazonas, 2022; 2024).

Despite their recognized history of struggle, resistance, and social organization, indigenous peoples They continue to face numerous human rights violations, as well as social, political and other challenges. economic. These difficulties become even more evident when analyzed in the context of prison system, in which their cultural specificities are frequently disregarded and Identity-related.

Therefore, this Final Course Project analyzes the challenges and obstacles to accessibility challenges faced by indigenous peoples in the Amazonian prison system. The notion of Accessibility, in this context, refers to overcoming barriers that prevent full access to... criminal justice, guaranteeing respect for cultural identity, effective communication, through interpreters and translators, and the observance of specific rights guaranteed by the Federal Constitution. and by sub-constitutional norms, such as Resolution No. 287/2019 of the National Council of Justice.

Thus, the aim is to understand what resources are available to the indigenous community in The prison system: what challenges are faced throughout the criminal process, and what guarantees are in place? effectively ensured. The study proves relevant by highlighting that this social group, although Subjected to multiple forms of oppression in prison, he often remains on the margins of society.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

public policies and the debate on human rights contribute to the worsening of violence.
ethnicity and the violation of the right to be different.

Therefore, the overall objective is to investigate the main challenges and obstacles.
challenges faced by indigenous peoples in the Amazonian prison system. Specific objectives include...
The aim is to analyze the historical and legal relationship between indigenous peoples and the justice system.
criminal; identify the main accessibility barriers faced in the prison context; and
to examine the institutional limitations of the State in guaranteeing rights and promoting a
An intercultural approach in the prison system.

Regarding methodology, the research adopts a bibliographic, qualitative, and...
descriptive. According to Gil (2008), bibliographic research is developed based on materials
already produced, such as books, scientific articles and official documents, which allows the researcher
to explore established knowledge on the topic. In this work, sources such as the were used.
Federal Constitution of 1988, publications of the National Council of Justice, scientific articles and
academic databases, with the aim of providing a basis for the proposed analysis.

The qualitative approach prioritizes understanding the subjective and contextual aspects of
object of study, moving away from purely quantitative analyses (Gil, 2019). For Denzin and Lincoln
(2006), this type of research seeks to interpret social phenomena in their natural contexts. Thus,
This allows us to understand the experiences of the indigenous population within the criminal justice system.
especially with regard to cultural conflicts and institutional barriers, which cannot be
reduced to numerical data.

Descriptive methodology, in turn, aims to characterize phenomena and
specific populations. According to Marconi and Lakatos (2007), this type of investigation allows
To identify and detail the factors involved in the problem under study. In this sense, the work describes
The absence of adequate services in the prison system, the lack of interpreters, and the disrespect for culture.
indigenous people, highlighting gaps in the application of specific rights within the criminal justice system.

Finally, based on the content analysis technique proposed by Bardin (2011), the data
They were examined systematically, which made it possible to identify patterns in the narratives.
legal documents, institutional reports, and academic publications. This approach allowed for an understanding of the...
Structural and cultural factors that contribute to inaccessibility and conflicts in the system.
legal and prison-related issues concerning the indigenous population.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

1. THE HISTORY OF INDIGENOUS PEOPLES AND THE JUSTICE SYSTEM CRIMINAL

1.1 INDIGENOUS PEOPLES

The history of indigenous peoples in Brazil predates the arrival of the Portuguese in 1500 and is characterized by the existence of organized societies, with their own customs, beliefs, languages and ways of life. of social organization. These communities already had established ways of life, based on Specific cultural, spiritual, and territorial relationships, which highlight autonomy and complexity. of these populations before the colonization process.

With the arrival of the Portuguese, a profound rupture occurred in this context, initially characterized by exchanges of goods and occasional interactions. However, over time, this contact evolved. towards a logic of domination, in which the colonizers began to impose their customs, beliefs and values. Cultural differences were interpreted from an ethnocentric perspective, leading to construction of a vision that classified indigenous peoples as "savages," which justified practices of cultural and religious imposition, especially through catechization (Schwartz, 1988).

From 1530 onwards, with the consolidation of the first colonial structures and the strengthening of Under the rule of the Portuguese Crown, the process of occupation of Brazilian territory intensified. Data Data from IBGE (2007) indicates that, during this period, approximately 100,000 people arrived. Portuguese, which contributed to the expansion of economic activities and territorial exploration, consolidating the European presence in Brazil.

In this context, the need for labor to sustain the colonial structure became evident. Indigenous peoples began to be exploited as a labor force, often under the This justified unequal exchanges, in which they received tools in exchange for manual labor. This dynamic contributed to the subjugation of these populations and the weakening of their structures. social and cultural.

According to Schwartz (1988), the establishment of sugarcane farming boosted intensive use. of indigenous labor. This process highlights that the exploitation of native peoples was a a fundamental element of colonial economic development, even though it was later replaced by other forms of forced labor. And the author further adds:

> *[...] Large-scale sugar cane farming in the Brazilian colony began with the extensive use of indigenous labor. In retrospect, the enslavement of the aborigines seems to have been—and indeed was—a fleeting moment in the history of colonial export agriculture in the Northeast (Schwartz, 1988, p. 57).*

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Thus, it is clear that, since the arrival of the Portuguese, a continuous process of marginalization of indigenous peoples, marked by attempts to impose beliefs, customs and values. Europeans. From an ethnocentric perspective, the colonizers began to view indigenous culture. labeled as "savage," which contributed to the devaluation of their forms of social organization and cultural identity.

Since then, indigenous peoples have fought for the guarantee of their rights and for preservation. of their spaces and ways of life. Although the Federal Constitution and Convention No. 169 of Although the International Labour Organization recognizes and guarantees these rights, in practice this is still the case. It observes unequal treatment. This reality is clearly evident in the realm of justice. criminal, the prison system, and in various other social spheres.

1.2 Indigenous Peoples and Criminal Justice Processes

In Brazil, the interaction between indigenous peoples and the criminal justice system is marked by Complex challenges and obstacles that compromise the effectiveness of the democratic rule of law. This scenario highlights the need to recognize cultural specificities as a fundamental principle. for a proper understanding of the rights of the indigenous community within the criminal justice system.

In this context, the recognition of cultural difference constitutes a relevant foundation. to guarantee rights. Convention No. 169 of the International Labour Organization (ILO), Incorporated into the Brazilian legal system in 2004, it defines "tribal peoples" as those who, In independent countries, they possess their own social, cultural, and economic conditions, distinguishing themselves— if they are from other sectors of the national community, in addition to maintaining their customs and traditions (ILO, 1989; Brazil, 2004).

There is no denying that this perspective is reinforced by the 1988 Federal Constitution, which It ensures the recognition of the social organizations, customs, languages, beliefs, and traditions of peoples. indigenous peoples. In this way, the Brazilian legal system enshrines the protection of cultural diversity, even though, in practice, difficulties persist in the effective implementation of these rights within the justice system. criminal, as can be seen in article 231 of the aforementioned Political Charter:

> *Article 231 - Indigenous peoples are recognized as having their own social organization, customs, languages, beliefs, and traditions, and their original rights to the lands they traditionally occupy, with the Union being responsible for demarcating, protecting, and ensuring respect for all their assets (Brazil, 1988, no. 1).*

Thus, it is clear that the Brazilian legal system already expressly recognizes the rights of indigenous peoples, especially since the 1988 Federal Constitution. However, in

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

In practice, these peoples continue to be the target of processes of criminalization and invisibility.
noticeable from the investigative phase to the execution of the sentence. In many cases, they are treated as not
Indigenous people, especially when they demonstrate proficiency in the Portuguese language, which ends up being used
inappropriately used as a criterion to deny recognition of their cultural identity.

In this scenario, a significant setback in the realization of indigenous rights can be observed.
especially with regard to preserving its cultural integrity and recognizing
their differences. Although the 1988 Federal Constitution established new parameters for the
The relationship between the State and indigenous peoples, guaranteeing them specific rights, still has a large...
distance between the legal norm and its concrete application in daily institutional life.

Currently, the relationship between indigenous peoples and the criminal justice system is marked by
a profound "conflict of worldviews." This conflict involves distinct ways of understanding the
reality, morality, and social relations, generating tensions that go beyond the legal sphere and reach...
cultural and political dimensions. The often rigid and uniform logic of the state enters into
conflict with the specific forms of organization and conflict resolution of these communities.

In this context, the state system often fails to recognize indigenous identity.
Among legal professionals, there is a significant lack of knowledge regarding rights and
guarantees for these peoples, which results in the use of superficial arguments to deny the application.
Differential treatment. Criteria such as the use of the Portuguese language or access to technology are
improperly used to misrepresent indigenous identity, disregarding aspects
broader sociocultural contexts (Freitas; Lopes, 2024).

This reality can be understood in light of so-called structural racism, understood as
a set of discriminatory practices historically entrenched in social and political structures
and economic. This phenomenon contributes to the perpetuation of inequalities and affects, in a more significant way...
intense, vulnerable populations, such as indigenous peoples. In the judicial sphere, this is reflected,
For example, in disregarding the right to self-identification and in the absence of instruments.
fundamental aspects, such as the anthropological report, could contribute to more appropriate decisions and
less punitive (Biasuz; Cinque, 2025).

In the state of Amazonas, there has been a recent attempt to confront these [issues].
problematic issues through the creation of the Interinstitutional Working Group (GTI) Indigenous Peoples and
Criminal Justice, established in 2022 by joint decree of the Court of Justice of Amazonas. The
The group aims to implement Resolution No. 287/2019 of the National Council of Justice in
within the scope of the state Judiciary, aiming to promote the realization of the rights of indigenous peoples.
in the criminal justice system (Brazil, 2019; Amazonas, 2022).

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

With this, they outline the main objectives so that they can effectively obtain access.
and the rights that belong to them, both in the Federal Constitution and in the CNJ Ordinance. Here are the
main objectives:

> *I - To conduct studies on the current context of criminal justice and the rights of indigenous people, as well as to develop instruments for data collection and qualification; II - To develop protocols aimed at complying with the determinations of Resolution No. 287/2019 of the National Council of Justice, in addition to other normative acts related to the culturally appropriate service of people from indigenous peoples within the scope of the Judiciary of the State of Amazonas; III - To articulate partnerships and other ways of increasing the registry of forensic interpreters and anthropologists accredited to work in judicial proceedings; IV - To act in the creation of instruments to support anthropological expert reports; V - To prepare guidelines for the activities of magistrates, civil servants and technical teams for the culturally appropriate service of those under the jurisdiction of the courts from traditional peoples and communities; VI - To contribute to the development of intercultural flows between the justice system and indigenous communities; VII -*
>
> *To develop mechanisms for the participation of indigenous peoples and to guarantee the right to consultation as foreseen in ILO Convention 169/89 and CNJ Resolution 287/2019. VIII - To coordinate the implementation of training or capacity-building courses aimed at the justice system regarding indigenous rights and criminal justice; IX - To produce subsidies for the School of Magistrates of Amazonas and the School of Civil Servants of The Court of Amazonas aims to provide ongoing training for judges and staff; X - To promote the exchange of projects and actions related to indigenous issues in partnership with other courts and indigenous and pro-indigenous organizations; XI -*
> *To develop proposals on indigenous matters for the regulation, structuring, and operation of auxiliary services to the Court of Justice. XII - To develop proposals for the regulation, structuring, and operation of custody hearings involving indigenous detainees; XIII - To develop the Plan of*
> *Work of the GT (Amazonas, 2022, sp).*

The GTI's role involves defining guidelines and proposing measures aimed at...
guaranteeing access to justice in a culturally appropriate manner. Among its objectives, the following stand out:
preparation of studies, creation of specific protocols, encouragement of interpreter training and
Experts, as well as the training of judges and staff. Such initiatives represent progress.
relevant institutional context, although insufficient given the complexity of the challenges faced in
Implementation of indigenous rights in the Amazonian prison context.

The creation of the Interinstitutional Working Group (GTI) was conceived as a measure to
to ensure that the criminal justice system effectively respects the rights of the indigenous community.
Your institution seeks not only to reaffirm the guarantees already provided for in the legal system, but also
It is also about promoting the implementation of these guidelines in the daily practice of the judiciary. Therefore, it is about...
of an institutional effort to reduce the gap between the norm and the reality experienced by the people.
Indigenous peoples (Brazil, 2022).

In this sense, the GTI acts as an instrument for coordination between different bodies and
agents of the justice system, with the objective of implementing policies and procedures that

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Consider the cultural, linguistic, and social specificities of these populations. The initiative
It aims to promote the adoption of practices that are more sensitive to diversity, contributing to the construction
of a criminal justice model that not only formally recognizes indigenous rights, but
also implement them in a concrete and continuous manner within the Judiciary.

In view of the above, it is clear that, although there are regulatory advances and initiatives
Despite institutional challenges aimed at protecting indigenous rights, the effective implementation of these guarantees still faces obstacles.
Significant limitations within the criminal justice system. The persistence of practices that
They disregard cultural specificities, highlighting a structural difficulty of the State in
to fully recognize other forms of legal organization, which reinforces the need to
To discuss legal pluralism and its crisis, especially with regard to recognition.
of indigenous justice.

1.3 LEGAL PLURALISM IN CRISIS: THE STATE'S FAILURE TO RECOGNIZE IT OF INDIGENOUS JUSTICE

Legal pluralism is a fundamental concept in Brazilian law,
to recognize that the state legal system is not the only legitimate source of norms. This perspective acknowledges
the coexistence of different legal orders, such as those specific to peoples and communities.
traditional laws, which develop alongside state law. However, in practice, this
Coexistence is not established harmoniously, being marked by tensions and conflicts.
structural issues. This scenario highlights a crisis of legal pluralism, which manifests itself in a more...
evident and dramatic in the context of indigenous incarceration, where there is frequent disregard
the unique forms of organization and conflict resolution of these communities.

In this context, Wolkmer (2001, p. 32) teaches well:

> *[...] these considerations allow us to designate the expression "legal pluralism" as The multiplicity of normative manifestations or practices within the same sociopolitical space, which interact through conflicts or consensus, and may or may not be official, stemming from existential, material, and social needs. cultural.*

Thus, it can be observed that, in practice, legal pluralism is not effectively realized.
especially when the state justice system insists on imposing a monolithic model on traditions.
Indigenous peoples. Instead of recognizing and respecting their own forms of organization and problem-solving.
In conflicts within these communities, often focused on reparation and social reintegration, the State
It applies the penalty of imprisonment in a standardized way, disregarding specificities.
cultural factors involved (Amorim, 2025).

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

It should be noted that this failure is reinforced by a persistent lack of institutional awareness and, often, due to practices associated with structural racism. Legal professionals, in several cases, They demonstrate insufficient understanding of the rights guaranteed by the Federal Constitution and by ILO Convention No. 169, resorting to superficial criteria to deny indigenous identity (ILO, (1989). Proficiency in the Portuguese language or the use of technologies, for example, is improperly used as justification for rejecting the recognition of this condition (Freitas; Lopes, 2024).

As a consequence, the refusal to recognize indigenous identity compromises access to essential guarantees, such as the completion of an anthropological report and consultation with community leaders. (Barnabé; Bonissoni, 2021). By being treated as non-indigenous, the individual is inserted into a system a prison environment that is culturally foreign to him, which intensifies his vulnerability and compromises his dignity. The absence of interpreters, the disrespect for cultural practices, and the distancing from their The community contributes to transforming punishment into a process of profound social disintegration and cultural (Amado, 2020).

It is clear, therefore, that overcoming the crisis requires effective action from the State, guided by... in the recognition and appreciation of the rights of indigenous peoples. It becomes fundamental that the The Judiciary should incorporate legal pluralism as a practical guideline, and not merely as a reference. theoretical. This requires investments in intercultural training, as well as the structuring of teams. qualified technicians, including interpreters and experts, capable of ensuring proper legal treatment. more just, appropriate, and respectful of the specific needs of these populations.

2. Challenges and Obstacles to Accessibility in the Prison System AMAZONIAN

2.1 Linguistic and Cultural Barriers

One of the main social, cultural, and legal challenges faced by the indigenous community in the prison system refers to linguistic barriers. In the state of Amazonas, marked by a one of the greatest ethnic and linguistic diversities on the planet, the inclusion of indigenous individuals in The justice system, and subsequently the prison environment, often constitutes a form of Institutional violence, by disregarding their specificities and limiting access to rights. fundamentals (Barnabé; Bonissoni; Silva, 2021).

This obstacle becomes even more evident given the fact that the entire criminal process is... conducted in Portuguese, a language that is not always fully understood by the accused. Indigenous people. In a region with dozens of distinct ethnic groups and languages, the absence of forensic interpreters...

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Bilingual and culturally competent individuals in police stations, custody hearings, and courts cannot be viewed not only as an operational failure, but also as a concrete limitation to the exercise of broad defense (Amado, 2020).

The absence of an adequate translation prevents the individual from understanding the nature of accusations, the workings of the process, and the legal consequences of their actions. This reality It undermines the effectiveness of due process and highlights the violation of guaranteed rights. to indigenous peoples, including internationally, as provided for in Convention No. 169 of International Labour Organization, which guarantees means for these individuals to to understand and to be understood in legal proceedings (ILO, 1989; Amorim, 2025).

In this sense, the Convention itself establishes the obligation to make available Interpreter services or other effective means of communication, in order to ensure participation. otherwise
See:

> *Article 12. The peoples concerned shall have protection against the violation of their rights and shall be able to initiate legal proceedings, either personally or through... their representative bodies, to ensure the effective respect of these rights. Measures should be taken to ensure that members of these peoples can understand and be understood in legal proceedings, facilitating, if necessary, the hiring of interpreters or the use of other effective means (ILO, 1989).*

Finally, it should be noted that the language barrier is inseparable from the cultural barrier. since both are interrelated and directly reflect lifestyles, customs, and beliefs. and practices of indigenous peoples. In the context of the prison system, this reality is exacerbated by... absence of adequate spaces and conditions for carrying out cultural and spiritual practices, including their own rituals and eating habits (Freitas; Lopes, 2023). The inclusion of these individuals in environments that disregard their specificities, often shared with groups of different social contexts, contributes to their marginalization and reinforces processes of exclusion and Invisibility in prison.

2.2 The Role of the State and Constitutional Guarantees

The Brazilian legal system, influenced by international commitments, establishes constitutional and normative guarantees aimed at protecting indigenous communities within criminal justice system. These guarantees reflect the need for recognition of cultural specificities of these peoples, ensuring them differentiated treatment compatible with your fundamental rights.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

In this context, the State, through the Judiciary, issued Resolution No. 287/2019.
National Council of Justice, with the objective of regulating the treatment given to indigenous people.
in the criminal sphere. The aforementioned rule establishes guidelines that direct the actions of judicial bodies,
determining compliance with international instruments, such as Convention No. 169 of
International Labour Organization and the United Nations Declaration on the Rights of Peoples
Indigenous people, with a view to the effective protection of these individuals.

As in CNJ Resolution No. 287/2019, which focuses on ensuring the rights of
Indigenous peoples, as can be seen from Article 1: "establish procedures for the treatment of people
Indigenous people accused, defendants, convicted or deprived of liberty and provide guidelines to ensure the
rights of this population within the criminal scope of the Judiciary" (Brazil, 2019).

Subsequently, CNJ Resolution No. 454/2022 was issued, presenting "guidelines and procedures."
to ensure the right of access to the Judiciary for indigenous peoples and communities", based
based on the following principles (article 2):

> *Article 2. This Resolution is governed by the following principles: I – Self-identification of peoples; II – Interethnic and intercultural dialogue; III – Indigenous territoriality; IV – Recognition of the social organization and forms specific to each indigenous people for conflict resolution; V – Prohibition of the application of the tutelary regime; and VI – Self-determination of indigenous peoples, especially peoples in voluntary isolation (Brazil, 2022).*

Therefore, the regulatory basis was strengthened by Resolution No. 454/2022 of the National Council.
Ministry of Justice, which began establishing guidelines and procedures aimed at guaranteeing access to justice.
for indigenous peoples and communities. The regulation expands existing protection by providing mechanisms and
resources intended to ensure respect for cultural specificities, as well as the implementation of
rights within the criminal justice system and the prison system.

Despite the clarity and breadth of this regulatory framework, state action, in practice,
It is still marked by institutional resistance. Although there are rules that establish a treatment.
Distinctive and respectful towards indigenous peoples, a significant gap can be observed between the forecast
legal framework and its concrete application. In the State of Amazonas, this discrepancy highlights a crisis in...
The actions of the State, which frequently fail to effectively implement the guaranteed rights.
to indigenous communities.

This is emphasized in the statistical report "Indigenous Peoples and Criminal Justice in Amazonas" by the GMF.
(Monitoring and Oversight Group of the Prison and Socio-educational System):

> *[...] The experiences of indigenous people in the criminal justice system are frequently marked by structural inequalities and lack of access to resources.*

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

> *adequate legal systems, racial and cultural discrimination, as well as human rights violations [...], notes the Report (Amazonas, 2024, no. 1).*

Therefore, the document highlights that, despite the recognized ethnic diversity of society...
In Brazil, indigenous peoples continue to face recurring human rights violations. This reality
This demonstrates that formal recognition of diversity does not necessarily translate into protection.
effective in the daily lives of these populations.

In this context, indigenous peoples are constantly challenged by linguistic barriers.
cultural, social, political, and economic factors that manifest themselves throughout the entire process within the system.
of criminal justice and in the prison system of Amazonas. Such obstacles reinforce its vulnerability.
and they highlight the structural limitations in guaranteeing their rights.

3. The Challenge of Intercultural Accessibility in the Prison System AMAZONIAN

The prison system in Amazonas, located in a region of broad and rich ethnic diversity,
This poses specific challenges to guaranteeing accessibility for indigenous peoples. It is a matter of...
which goes beyond mere physical adaptations, requiring a profound reformulation of state practices,
in order to recognize legal pluralism and effectively ensure the rights of individuals.
Indigenous people deprived of their freedom.

As the author Wolkmer (2001, p. 48) states in his book, the need to recognize the
cultural practices:

> *[...] Legal Pluralism, combined with the concept of Multiculturalism, demonstrates the need to recognize, especially in Law, the practices, cultures, and places that, through their consensus or dissent, promote new meanings for improving coexistence, clarifying the exercise of Freedom and Equality in the face of violence such as poverty, hunger, the concealment of the Other (or their elimination) for not belonging to a certain political, cultural, or economic status, the abusive curtailment of freedoms by state entities, among other phenomena.*

Thus, it becomes clear that legal pluralism is an important instrument for guaranteeing...
rights of indigenous peoples, while reinforcing the need to protect the rights
of individuals deprived of their liberty. In this sense, the effectiveness of state action should not be measured
not only through the application of punishments, but also through the ability to adapt its structures and
procedures tailored to the specific needs of the indigenous population under their custody, in accordance with the
current national and international regulations.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

3.1 DOCUMENT ACCESSIBILITY AND ETHNIC IDENTIFICATION

One of the initial barriers faced by indigenous peoples relates to accessibility to documents. Many individuals, especially those with less contact with state bureaucracy, They face difficulties in obtaining basic civil documents, which compromises their integration. formal in institutional systems. This lack of proper identification not only limits full The exercise of rights, as well as hindering the correct ethnic identification in criminal records, hindering the application of specific guarantees within the scope of criminal justice (Amado, 2020).

The lack of this document ultimately causes harm to the life of the indigenous individual. but it also affects the special protection provided for in CNJ Resolution No. 287/2019:

> *Article 6. Upon receiving a complaint or denunciation against an indigenous person, the authority The court may determine, whenever possible, either on its own initiative or at the request of the parties. parties, the carrying out of an anthropological expert assessment, which will provide information for the The establishment of the responsibility of the accused person must contain, at a minimum: I - the qualifications, ethnicity, and language spoken by the accused person;*
> *II - The personal, cultural, social, and economic circumstances of the accused person; III - The customs, traditions, and practices of the indigenous community to which they belong; IV - The indigenous community's understanding of the alleged conduct, as well as the mechanisms of judgment and punishment adopted for its members; V - Other information deemed relevant for clarifying the facts.*
>
> *Sole paragraph. The expert report will be prepared by an anthropologist or social scientist. or another professional designated by the court with specific knowledge in the subject matter (Brazil, 2019).*

Therefore, the absence of civil documentation is not limited to a mere administrative limitation. but it constitutes a concrete obstacle to the realization of fundamental rights within the justice system. criminal. By hindering the correct ethnic identification of the individual, the application of essential instruments, such as the anthropological expertise foreseen in Resolution No. 287/2019 of the CNJ (National Council of Justice), which depends on accurate information about the defendant's background, culture, and community. Consequently, this documentary gap contributes to the invisibility of indigenous people in the system. of justice, reinforcing practices that disregard their specificities and weaken protection. legal guarantee ensured to him.

3.2 Accessibility of materials and differentiated assistance for the INDIGENOUS COMMUNITY

Ensuring accessibility within the prison system, especially with regard to the prison population. Indigenous culture transcends linguistic and procedural barriers, manifesting itself critically in the offering.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

of materials and basic assistance in the prison environment. For indigenous people deprived of their liberty, the The concept of accessibility should be understood as the possibility of access, under conditions of equality, to resources that ensure not only formal rights, but also respect for their dignity and their cultural identity within the prison system.

In this sense are the lessons of Amorim (2025, sp), who in his words on the guarantee of your rights within the prison system emphasizes:

> *[...] The challenges faced by indigenous people in the prison system are diverse and urgent. It is crucial to ensure that their rights are respected, including adequate access to documentation, ethnic identification, linguistic interpretation, anthropological reports, basic hygiene materials, and education in their native language.*
> *your community.*

It is essential to ensure the supply of basic hygiene materials that not only meet... in accordance with the general standards of the prison system, but also taking into account the needs and practices specific to the different indigenous ethnic groups. In that same sense, the provision of health care. A differentiated approach proves indispensable, as it must respect cultural particularities and... specific conditions of these individuals in the context of incarceration.

As highlighted in the guidelines of the United Nations Development Programme (UNDP), access to differentiated health care is an essential requirement, especially due to the greater The vulnerability of indigenous communities to contagious diseases and epidemics (UN, 2020). This This factor reinforces the need for public policies that ensure adequate and continuous care. guaranteeing not only the protection of health, but also the preservation of their dignity. populations in the prison system.

> *[...] The penal administration must monitor the health status of indigenous individuals upon their entry into the penal institution, identifying, as quickly as possible, signs of deterioration in physical or mental health. Furthermore, the aforementioned consideration states that it is the duty of the judicial authority to monitor the execution of the sentence, paying attention to indications of risk to the personal integrity and life of imprisoned indigenous individuals, particularly the risk of suicide, as well as the impact of...*
> *maintaining deprivation of liberty in a penal institution in the deterioration of health conditions of the indigenous person in prison (Amorim, 2025, n.p.).*

Given this, prison systems must be structured to offer care that goes In addition to conventional medical care, also incorporating practices that consider medicine. traditional practices and the physiological and psychological specificities of each indigenous people. This implies that the Prison facilities, especially in the Amazon region, should adopt greater flexibility in their routines. and norms, in order to accommodate customs, rituals and specific forms of care, ensuring respect. to the physical, moral, and cultural integrity of each individual deprived of liberty.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

3.3 Geographic and Logistical Accessibility in Indigenous Incarceration

One of the main accessibility issues faced by the indigenous community in The prison system in Amazonas is aggravated by geographical and logistical factors. The State of The Amazon region has a vast territorial extension and is home to several Indigenous Territories in remote locations. which causes many individuals to be held in prison units far from their communities of origin. This distance imposes a significant burden, both financial and logistical, to families and leaders who seek to maintain contact with the incarcerated individual.

As a consequence, there is a severe restriction on the right to visitation and the maintenance of ties. Family and community involvement are fundamental elements for social reintegration and the preservation of health. psychological impact on the detainee. Furthermore, this distance hinders the effective participation of leaders. Indigenous people in the accompaniment, counseling, and support of the individual, also committing themselves traditional forms of conflict resolution and community support (Amado, 2020).

Given this scenario, the Indian Statute (Law No. 6.001/73) establishes guarantees aimed at... to minimize these impacts, ensuring, whenever possible, conditions for the individual Stay close to your community or family, respecting their specific needs. cultural and social.

> *Article 56. In the case of conviction of an indigenous person for a criminal offense, the sentence shall be mitigated, and in its application, the Judge shall also consider the degree of integration of the indigenous person. Sole paragraph. Sentences of imprisonment and detention shall be served, if possible, under a special semi-liberty regime, at the location of the federal agency for assistance to indigenous peoples closest to the residence of the convicted person (Brazil, 1973).*

It is clear that the Indian Statute establishes specific guarantees for indigenous people during the serving of a custodial sentence, imposing on the State the duty to consider, whenever If possible, the sentence can be served in a location close to the individual's community or family. This guideline seeks to... to preserve the social, cultural, and emotional bonds of the individual, preventing their complete detachment. from their original references. Thus, the aim is to prevent the marginalization of these subjects and to ensure effective respect for their rights within the prison system.

3.4 The Protection of Indigenous People in the Prison System According to the Understanding of COURTS

The initial objective of this study was to analyze the topic based on... jurisprudence of the Court of Justice of Amazonas (TJAM), considering the regional relevance of

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

The theme is the strong indigenous presence in the state. However, during the research, no information was found. sufficient or specific decisions that addressed, in depth, the relationship between peoples Indigenous peoples and the criminal justice system from the perspective of legal pluralism and guarantees. cultural. Given this limitation, it was decided to broaden the analytical scope to encompass other courts, in order to build a more consistent understanding of the subject.

In this context, the analysis moved on to paradigmatic decisions from other judicial bodies. such as the Court of Justice of Rio Grande do Sul, in the judgment of Criminal Appeal No. 70062972922. The case concerns a torture crime involving indigenous defendants and victim, allegedly motivated by... non-compliance with internal community rules. The decision is relevant because it highlights the the need to consider cultural specificities in judgment, when recognizing the application of Legal pluralism and the acceptance of the coexistence of different normative systems within the state.

The decision is thus summarized:

> *CRIMINAL APPEAL. TORTURE. INDIGENOUS RIGHTS. CRIME ARISING FROM DISRESPECT FOR A NORM OF THE TRIBE TO WHICH THE DEFENDANTS AND THE VICTIM BELONG. INVOLVEMENT OF INDIGENOUS CUSTOMS AND TRADITIONS. RELATIVIZATION OF STJ PRECEDENT 140.*
> *JURISDICTION OF THE FEDERAL COURT. Article 109, XI, of the 1988 Brazilian Constitution must be considered in conjunction with the provisions of Article 231 of the same document. Precedents of the Supreme Federal Court. Given that the trial of the crime necessarily involves an analysis of the customs and traditions of the indigenous people, the matter assumes a collective character, since the issue – in this specific case, a document which, according to the defendants, contained the rules that the members of the tribe should follow and which were disregarded by the victim – is of interest to the entire indigenous community. Thus, the jurisdiction of the Federal Court is absolute. Jurisdiction declined ex officio and appeal dismissed as moot (Rio Grande do Sul, 2015).*

The main conclusion of the ruling was the transfer of jurisdiction to the Federal Court. based on a joint interpretation of articles 109, XI and 231 of the Federal Constitution. The Court He understood that the case went beyond the individual sphere and took on a collective character, as it involved... customs and traditions of the indigenous community. In this way, the idea of a common crime was dismissed. isolated, recognizing that the controversy concerned the social organization of the community. indigenous, which justified federal jurisdiction for the trial.

Along the same lines, the judgment of the Federal Regional Court of the 4th Region (ACR) stands out. No. 5001281-12.2024.4.04.7017/PR), which represents an important step forward in guaranteeing rights. of indigenous peoples in the criminal process. The decision overturned a previous sentence due to the absence of anthropological report, reaffirming the indispensability of this instrument in cases involving defendants. indigenous people. The Court recognized that the anthropological expertise, foreseen in Resolution No. 287/2019 of CNJ, is fundamental for a proper understanding of the cultural, social and economic circumstances. of the accused.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

In fact, the annulment of the sentence by the TRF-4 has categorically demonstrated that the Criminal proceedings against indigenous people can no longer do without anthropological expertise. The Court has... elevating the anthropological report, as provided for in CNJ Resolution No. 287/2019, to the category of imperative. constitutional, capable of remedying the procedural defect originating in the court of first instance. Which comes correcting the presumption of "integration" by the judge, and the ruling establishes that the expert report is the A technical instrument necessary to assess the degree of integration and ensure understanding.

> *CRIMINAL LAW. INTERNATIONAL DRUG TRAFFICKING. ARTICLES 33 AND 40, I, BOTH OF LAW 11.343/2006. INDIGENOUS DEFENDANTS. ANTHROPOLOGICAL REPORT.*
> *CNJ Resolution No. 287/2019. Miscellaneous Precautionary Measures. 1. In accordance with Article 6 of CNJ Resolution 287/2019, anthropological expertise should be carried out whenever possible in cases where there is a complaint against an indigenous person, and may be ordered ex officio by the magistrate. 2.*
> *Given the need for an anthropological report to better elucidate, among other pertinent issues, the personal, cultural, social, and economic circumstances of the accused, as well as the customs and traditions of the indigenous community to which they belong, the annulment of the sentence is necessary. 3.*
> *The revocation of the measures prohibiting people from approaching the riverbank and the electronic monitoring system, as well as their effects, is warranted, considering the extent of the situation. time and the provisions of Article 8 of Resolution 287/2019 of the CNJ (Brazil, 2025).*

It is clear, therefore, that the decision of the TRF-4 consolidates the understanding that production The anthropological report is not merely optional, but rather an indispensable requirement for the validity of the... criminal proceedings involving indigenous people. This represents a significant advancement in jurisprudence, as to reinforce the need for differentiated treatment and to contribute to mitigating practices that They disregard cultural diversity, thus avoiding wrongful incarceration and invisibility. of indigenous peoples in the criminal justice system.

CONCLUSION

This study sought to analyze the challenges and obstacles to accessibility. challenges faced by indigenous peoples in the Amazonian prison system, from an approach that It articulated the normative plan to the practical reality experienced by these individuals. It was found that, although the Brazilian legal system has a robust set of guarantees constitutional and sub-constitutional provisions, as well as incorporated international instruments, their Implementation proved limited in the face of persistent structural, institutional, and cultural obstacles. within the scope of criminal justice.

It was also seen that language barriers constituted one of the main obstacles to guarantee of due process, hindering the understanding of procedural acts and compromising The full exercise of the right to a full defense. The absence of qualified interpreters and mechanisms for

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Cultural mediation revealed a significant gap in state action, demonstrating that the Accessibility, in this context, was not limited to the formal dimension, but required a broader approach. broad, capable of encompassing cultural, communicational, and social aspects.

It was also found that structural racism acted as an underlying element in the denial of rights, manifesting themselves in the disregard for indigenous identity on the part of the operators of Law. Therefore, superficial criteria, such as proficiency in the Portuguese language or the use of technology, were improperly used to deny recognition of indigenous status, which resulted The non-application of specific guarantees provided for in the legal system. This scenario highlights... not only a lack of normative knowledge, but also the reproduction of discriminatory practices in institutional scope.

Furthermore, it was observed that the absence or inadequate use of technical instruments, like the anthropological report, it compromised the contextualized analysis of cases involving defendants. indigenous people. Although provided for in regulations such as Resolution No. 287/2019 of the National Council of Justice, this mechanism has not yet been fully incorporated into judicial practice, which has weakened the building fairer decisions that are more compatible with legal pluralism.

Within the prison system, it has been demonstrated that there is a lack of adequate infrastructure to meet the needs of the inmates. The disregard for the cultural specificities of indigenous peoples contributed to their marginalization and invisibility. The absence of policies focused on differentiated healthcare, respect for customs, and the maintenance of Community ties worsened the conditions of serving sentences, especially in a context Geographically, there is the state of Amazonas, characterized by vast distances and logistical challenges.

Therefore, the need for the State to adopt concrete measures was observed. aimed at overcoming the identified barriers. Among them, the importance of creating was highlighted. a permanent panel of cultural interpreters and mediators, valuing and making mandatory the anthropological report and implementation of continuing education programs for operators of justice system, with a focus on legal pluralism and indigenous rights.

Finally, it was concluded that the effective implementation of the rights of indigenous peoples within the prison system It depends not only on the existence of rules, but also on their concrete and sensitive application to... cultural specificities of these groups. In this sense, it is suggested that further studies be carried out that Follow the development of the case law understanding of the Courts of Justice of Amazonas and the Regional Federal Court of the respective region, considering the scarcity of decisions. identified in this research, as well as the carrying out of empirical investigations that delve deeper into the... Understanding the reality experienced by indigenous people deprived of their liberty.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

REFERENCES

AMADO, Luiz Henrique Eloy (Ed.). **Criminal Justice and Indigenous Peoples in Brazil.** São Leopoldo: Karywa, 2020.

AMAZONAS. Court of Justice of the State of Amazonas. **Indigenous peoples and criminal justice.** Manaus: Interinstitutional Working Group on Indigenous Peoples and Criminal Justice, 2022. Available at: https://www.tjam.jus.br/index.php/povos-indigenas-e-justica-criminal. Accessed on: April 25, 2026.

AMAZONAS. Court of Justice of the State of Amazonas. **Statistical report:** Indigenous peoples and justice. Criminal justice in Amazonas. Manaus: Monitoring and Inspection Group of the Prison System and... Socio-educational System, 2024. Available at: https://www.tjam.jus.br/joomlatools-files/docman-files/gmf-grupo-de-monitoramento-carcerario/relatorios-1/relatorios-estatisticos-1/rijam24-2.pdf. Accessed on: April 25, 2026.

AMORIM, Priscila Caetano. Legal pluralism and the incarceration of indigenous people in Mato Grosso. From the South: a necessary dialogue for justice in the Brazilian prison system. **Tellus,** v. 24, n. 53, 2025. Available at: https://tellus.ucdb.br/tellus/article/view/1087. Accessed on: April 25, 2026.

BARDIN, Laurence. **Content Analysis.** São Paulo: Edições 70, 2011.

BARNABÉ, Eduardo Gomes; BONISSONI, Natammy Luana de Aguiar; SILVA, Dayanna. A History of Brazilian Indigenous Peoples. In: TEIXEIRA, Iara da Paixão et al. **Access to Rights Fundamentals:** An Approach to the Indigenous Agenda. Brasília: National School of Administration Public (ENAP), 2021. Available at: https://repositorio.enap.gov.br/handle/1/6820. Accessed on: 25 Apr. 2026.

BIASUZ, Ana Carolina; CINQUE, Helena. The impacts of structural racism on the prison system. Brazilian. **UNIDEP Journal of Contemporary Law,** v. 4, n. 2, 2025. Available at: https://periodicos.unidep.edu.br/rdc-u/article/view/374. Accessed on: April 25, 2026.

BRAZIL. **Guidebook:** Procedures for the custody of indigenous people in the prison system. Brasilia: National Secretariat of Penal Policies (SENAPPEN), 2023. Available at: https://www.gov.br/senappen/pt-br/centrais-de-conteudo/notas-tecnicas/coletanea-vulnerabilidade-em-pauta/cartilha-pessoas-indigenas-no-sistema-prisional.pdf. Accessed on: April 25, 2026.

BRAZIL. National Council of Justice. **Resolution No. 287, of June 25, 2019.** Establishes procedures for the treatment of indigenous people accused, defendants, convicted or deprived of freedom and provides guidelines to ensure the rights of this population within the criminal justice system. Judiciary. Brasília, DF: CNJ, 2019. Available at: https://atos.cnj.jus.br/atos/detalhar/2959. Accessed

Published: April 25, 2026.

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

BRAZIL. National Council of Justice. **Resolution No. 454, of April 22, 2022.** Establishes guidelines and procedures to ensure the right of access to the Judiciary for individuals and Indigenous peoples. Brasília, DF: CNJ, 2022. Available at: Access CNJ Resolution No. 454/2022. Accessed on: April 25, 2026.

BRAZIL. Constitution (1988). **Constitution of the Federative Republic of Brazil of 1988.** Brasília, DF: Senate Federal, 1988. Available in: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on: April 25, 2026.

BRAZIL. **Decree No. 5,051, of April 19, 2004.** Promulgates Convention No. 169 of the Organization. International Labour Organization (ILO) on indigenous and tribal peoples. Brasília, DF: Presidency of the Republic, 2004. Available in: http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5051.htm. Accessed on: April 25, 2026.

BRAZIL. **Law No. 6,001, of December 19, 1973.** Provides for the Statute of the Indian. Brasília, DF: Presidency from the Republic, 1973. Available in: http://www.planalto.gov.br/ccivil_03/leis/l6001.htm. Accessed on: April 25, 2026.

BRAZIL. Federal Regional Court of the 4th Region. **Criminal Appeal No. 5001281-12.2024.4.04.7017/PR,** Rapporteur Judge Ângelo Roberto Ilha da Silva, judgment dated March 11, 2025. Published March 12, 2025. Available at: https://www.jusbrasil.com.br/jurisprudencia/trf-4/3809841509/inteiro-teor-3809841516. Accessed on: April 25, 2026.

DENZIN, Norman K.; LINCOLN, Yvonna S. **The planning of qualitative research:** theories and Approaches. 2nd ed. Porto Alegre: Artmed, 2006.

FREITAS, Pedro Lucas Figueira; LOPES, José Augusto Bezerra. Ethnic violence against people Indigenous people in the Brazilian prison system. **Ibero-American Journal of Humanities, Sciences and Education,** v. 10, n. 10, p. 1081–1098, 2024. Available in: https://periodicorease.pro.br/rease/article/view/15948. Accessed on: April 25, 2026.

GIL, Antonio Carlos. **How to prepare research projects.** 4th ed. São Paulo: Atlas, 2008.

GIL, Antonio Carlos. **Methods and techniques of social research.** 7th ed. São Paulo: Atlas, 2019.

Brazilian Institute of Geography and Statistics (IBGE). **Indigenous people in the Census . Demographics of 2000: general characteristics of the population and** results of the universe. Rio de Janeiro. January: IBGE, 2007. Available at: https://biblioteca.ibge.gov.br. Accessed on: April 25, 2026.

LAKATOS, Eva Maria; MARCONI, Marina de Andrade. **Fundamentals of scientific methodology.** 5th ed. São Paulo: Atlas, 2007.

UNITED NATIONS (UN). United Nations Programme for Human Development. Development (UNDP). **Human Development Report 2020:** The Next Frontier –

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

Human development and the Anthropocene. New York: UNDP, 2020. Available at: https://hdr.undp.org. Accessed on: April 25, 2026.

International Labour Organization (ILO). **Convention No. 169 concerning Peoples Indigenous and tribal peoples.** Geneva: ILO, 1989. Available at: https://www.ilo.org. Accessed on: April 25. 2026.

RIO GRANDE DO SUL. Court of Justice of the State of Rio Grande do Sul. **Criminal Appeal No. 70062972922.** Rapporteur: Luiz Mello Guimarães. Second Criminal Chamber. Decided on: April 16, 2015. Published on: May 19, 2015.

SCHWARTZ, Stuart B. **Internal Secrets:** Sugar Mills and Slaves in Colonial Society. São Paulo: Companhia das Letras, 1988.

SILVA, Danielle Costa da; HERNÁNDEZ, Lorena Granja. Methodological application of the analysis of content in research on foreign policy. **Brazilian Journal of Political Science,** p. e218584, 2020. Available in: https://www.scielo.br/j/rbcpol/a/QFmq77JnT468fcBKCdh99ms/?format=html&lang=pt. Access Published: April 25, 2026.

WOLKMER, Antonio Carlos. **Legal pluralism:** foundations of a new culture in law. São Paulo: Alfa Omega, 2001.

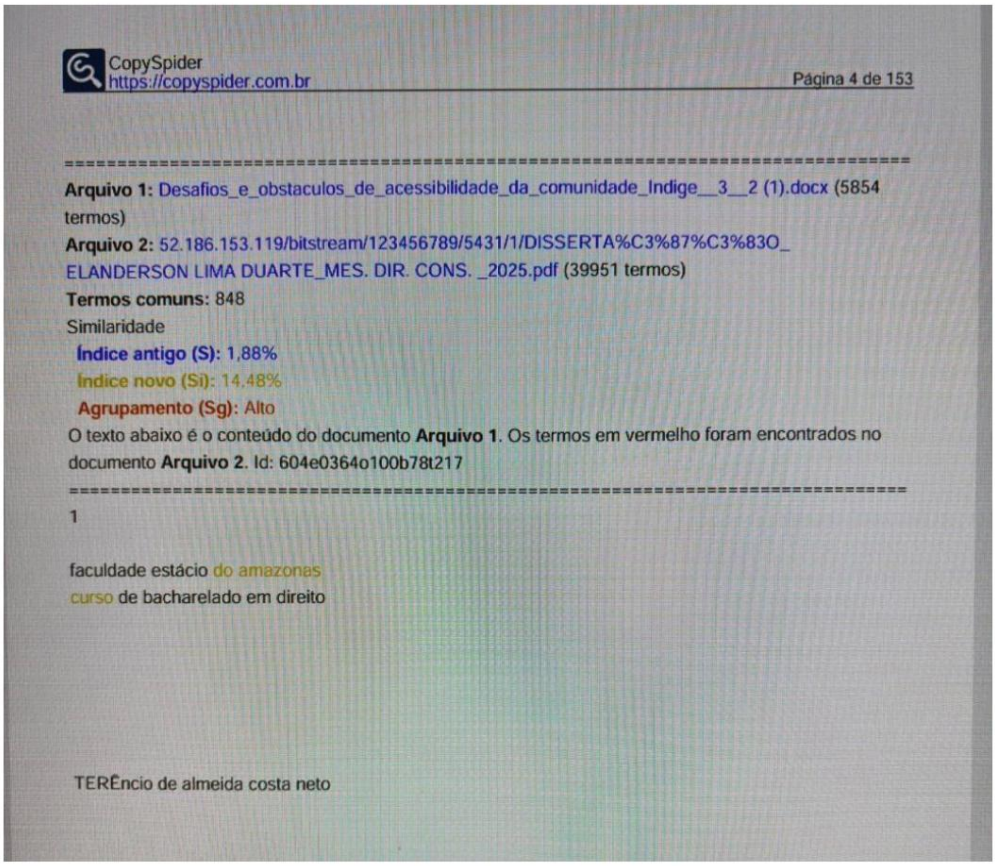
This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 10, 2026 | Accepted: April 18, 2026 | Publication: April 28, 2026

APPENDIX 1 – Copy Spider Report



CopySpider
https://copyspider.com.br
Página 4 de 153

==========

Arquivo 1: Desafios_e_obstaculos_de_acessibilidade_da_comunidade_Indige__3__2 (1).docx (5854 termos)
Arquivo 2: 52.186.153.119/bitstream/123456789/5431/1/DISSERTA%C3%87%C3%83O_ELANDERSON LIMA DUARTE_MES. DIR. CONS. _2025.pdf (39951 termos)
Termos comuns: 848
Similaridade
Índice antigo (S): 1,88%
Índice novo (Si): 14,48%
Agrupamento (Sg): Alto
O texto abaixo é o conteúdo do documento **Arquivo 1**. Os termos em vermelho foram encontrados no documento **Arquivo 2**. Id: 604e0364o100b78t217

==========

1

faculdade estácio do amazonas
curso de bacharelado em direito

TERÊncio de almeida costa neto

This is an open access article published under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.