



Institutional Justice in Practice: The Federal Public Prosecutor's Office and the Protection of Traditional Peoples in São Bernardo Do Campo, Brazil

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Abstract The role of the Federal Public Prosecutor's Office (Ministério Público Federal – MPF) extends beyond environmental matters and encompasses the protection of the rights of traditional populations. Given

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the ethnic and cultural diversity of Indigenous communities, combined with the discretionary nature of the MPF's activities, it becomes essential to reflect on how the protection of an ecologically balanced environment is ensured, including its social dimension. Aligned with the justice framework adopted in this volume, which interprets justice as a dynamic process integrating institutional and social dimensions, this study analyses how the MPF's actions contribute to both environmental and Indigenous justice. This applied, exploratory, and descriptive research adopts a quantitative methodology supported by bibliographical and documentary review. It provides an overview of the activities carried out by the MPF office located in the municipality of São Bernardo do Campo, São Paulo, Brazil, between 2018 and 2023, focusing on the protection of traditional populations. The data analysed concern procedures initiated and made available by the MPF, which were processed using the Python programming language and subjected to exploratory data analysis employing descriptive statistics techniques. The findings indicate that, considering the relatively small size of the Indigenous population residing in São Bernardo do Campo, the MPF's activities have become increasingly significant—both in quantitative terms and regarding the thematic scope of their interventions—offering a concrete example of institutional justice in action and its interaction with community-driven processes of social participation.

Resumo O papel do Ministério Público Federal (MPF) vai além das questões ambientais e abrange a proteção dos direitos das populações tradicionais. Diante da diversidade étnica e cultural das comunidades indígenas, somada ao caráter discricionário da atuação do MPF, torna-se essencial refletir sobre como se assegura a proteção de um meio ambiente ecologicamente equilibrado, incluindo sua dimensão social. Alinhado ao marco teórico de justiça adotado neste volume—que compreende a justiça como um processo dinâmico que integra dimensões institucionais e sociais—este estudo analisa de que maneira as ações do MPF contribuem

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para a justiça ambiental e indígena. Trata-se de uma pesquisa aplicada, exploratória e descritiva, que utiliza metodologia quantitativa sustentada por revisão bibliográfica e documental. O trabalho apresenta um panorama das atividades desenvolvidas pela Procuradoria da República no município de São Bernardo do Campo (SP), Brasil, entre 2018 e 2023, com foco na proteção das populações tradicionais. Os dados analisados correspondem aos procedimentos instaurados e disponibilizados pelo MPF, processados por meio da linguagem de programação Python e submetidos a análise exploratória utilizando técnicas de estatística descritiva. Os resultados indicam que, considerando o tamanho relativamente reduzido da população indígena residente em São Bernardo do Campo, a atuação do MPF tem se tornado cada vez mais relevante—tanto em termos quantitativos quanto no que se refere à amplitude temática de suas intervenções—constituindo um exemplo concreto de justiça institucional em ação e de sua interação com processos comunitários de participação social.

Abstract Il ruolo del Pubblico Ministero Federale brasiliano (Ministério Público Federal – MPF) va oltre le questioni ambientali e comprende la tutela dei diritti dei popoli tradizionali. Considerata la diversità etnica e culturale delle comunità indigene, unita alla natura discrezionale dell'azione del MPF, diventa essenziale riflettere su come venga garantita la protezione di un ambiente ecologicamente equilibrato, includendo la sua dimensione sociale. In linea con il quadro teorico di giustizia adottato in questo volume—che interpreta la giustizia come un processo dinamico che integra dimensioni istituzionali e sociali—questo studio analizza in che modo l'azione del MPF contribuisca alla giustizia ambientale e indigena. Si tratta di una ricerca applicata, esplorativa e descrittiva, che adotta una metodologia quantitativa sostenuta da revisioni bibliografiche e documentali. Il lavoro offre una panoramica delle attività svolte dall'ufficio del MPF nel comune di São Bernardo do Campo, San Paolo, Brasile, tra il 2018 e il 2023, con particolare attenzione alla tutela delle popolazioni tradizionali. I dati analizzati riguardano i procedimenti avviati e resi disponibili dal MPF, trattati mediante il linguaggio di programmazione Python e sottoposti a un'analisi esplorativa con tecniche di statistica descrittiva. I risultati indicano che, considerando le dimensioni relativamente ridotte della popolazione indigena residente a São Bernardo do Campo, l'azione del MPF è diventata sempre più significativa, sia in termini quantitativi, sia rispetto all'ampiezza tematica, costituendo un esempio concreto di giustizia istituzionale in atto e della sua interazione con processi comunitari di partecipazione sociale.

Keywords Institutional justice • Indigenous justice • Environmental protection • Federal Public Prosecutor's Office • Participation • São Bernardo do Campo

Palavras-chave Justiça institucional • Justiça indígena • Proteção ambiental • Ministério Público Federal • Participação • São Bernardo do Campo

1 INTRODUCTION

The promulgation of the 1988 Constitution of the Federative Republic of Brazil substantially modified and expanded both the rights of citizens and the institutional capacities of bodies such as the Federal Public Prosecutor's Office (Ministério Público Federal—MPF), with the aim of ensuring greater effectiveness in safeguarding so-called “new rights,” such as the right to an ecologically balanced environment and the rights of traditional populations.¹ This constitutional framework elevates the Public Prosecutor's Office (MP) to the status of guardian of the Brazilian Constitution and democracy,² and as a defender of the public interest,³ even where such action may run counter to the majority opinion.⁴

To that end, the MP employs a range of administrative instruments, notably Civil Inquiries (Inquéritos Cíveis—ICs),⁵ to investigate situations where there is evidence of material irregularities. Such inquiries

¹ Brazilian Constitution 1988, art. 127; art. 129, III; Canotilho, J. J. G.; Mendes, G. F.; Sarlet, I. W.; Streck, L. L. (Eds.), (2014) *Comentários À Constituição Do Brasil*. São Paulo: Saraiva, Almedina; Oliveira, C. M.; Aragão, A.; Lopes, D. M. J.; Britto, M.; Albuquerque, C., (2022) *Ministério Público Como Promotor Da Democracia Participativa Ambiental: Análise De Experiências No Município De São Carlos-Sp*. *Revista De Direito Ambiental*. V. 108, Oct./Dez, P. 45–68. São Paulo: Ed. Rt.

² Mello Filho, J. C., (1997) *O Ministério Público Como Guardião Da Constituição Federal*, In *Anais Do Ii Congresso Do Ministério Público Do Estado De São Paulo*, São Paulo, P. 45–49; Lemgruber, J.; Ribeiro, L.; Musumeci, L.; Duarte, T., (2016) *Ministério Público: Guardião Da Democracia Brasileira?*. Rio De Janeiro: Centro De Estudos De Segurança E Cidadania (Cesec).

³ Arantes, R. B. (2002) *Ministério Público E Política No Brasil*. Sumaré: Educ/Fapesp; Vianna, L. W.; Carvalho, M. A. R.; Melo, M. P. C.; Burgos, M. B. A., (2014) *Judicialização Da Política E Das Relações Sociais No Brasil*. 2. Ed. Rio De Janeiro: Revan.

⁴ Nunes Júnior, V. S. (2004), *Ministério Público E Defesa Da Cidadania*, in: Pinsky, J. (ed. by) *Práticas De Cidadania*. São Paulo: Contexto, P. 21–30.

⁵ Brazil, 1985, art. 8, §1; Brazil, 1988, art. 129, III; Franco Jr, R. M., (2016) *O Inquérito Civil E A Tutela Do Meio Ambiente*. *Revista De Direito Do Iap*, V. 1, N. 1, Recife, P. 159–174.

may culminate in the signing of Conduct Adjustment Terms (Termos de Ajustamento de Conduta—TACs) and/or the initiation of Public Civil Actions (Ações Cíveis Públicas—ACPs).⁶ In this context, the present study seeks to examine these procedures in light of the MP's discretionary powers and institutional autonomy.⁷

This research is part of a broader project aimed at analysing, through a literature review and empirical study, the nature of participatory mechanisms—such as meetings, public hearings, or consultations—in both Brazil (federal jurisdictions of Araraquara and São Bernardo do Campo; and state jurisdictions of São Carlos and São José do Rio Pardo) and Portugal (Coimbra district). The overarching research question is: how is environmental civic participation being carried out through the Public Prosecutor's Office in Brazil and Portugal?

In the present study, we focus specifically on environmental procedures initiated by the Federal Public Prosecutor's Office in São Bernardo do Campo (SBC) between 2018 and 2023. The objective is to understand the MPF/SBC's engagement with environmental matters over this eight-year period, highlighting the thematic priorities addressed by the institution.

Among the various forms of research classification,⁸ this study is considered applied research, as it aims to generate knowledge with a focus on practical application. Methodologically, it adopts both quantitative and qualitative approaches. From an objective standpoint, the study is exploratory and descriptive, seeking to provide a deeper understanding of the issue at hand and to establish relationships among variables. In regards to

⁶ Vasconcellos, E. B., (2008) O Ministério Público Na Tutela Do Meio Ambiente. *Revista Do Ministério Público Do Rs*, N. 60, P. 163–187; Mazzilli, H. N. O., (2015) Inquérito Civil. 4. Ed. São Paulo: Saraiva; Farias, T., (2022) 10 Anos Da Lei Complementar 140: Desafios E Perspectivas. Andradina: Meraki.

⁷ Brazil, 1988, art. 127; Kerche, F., (1999) O Ministério Público E A Constituinte De 1987/88, in SADEK, M. T. (ed. by) *O Sistema De Justiça*. São Paulo: Idesp, P. 61–77; Arantes, R. B. (2002) *Ministério Público E Política No Brasil*. Sumaré: Educ/Fapesp; Oliveira, V. E., Lotta, G.; Vasconcelos, N. P. (2020), *Ministério Público, Autonomia Funcional E Discrecionalidade: Ampla Atuação Em Políticas Públicas, Baixa Accountability*. *Revista De Estudos Empíricos Em Direito*, V. 7, N. 1, P. 181–195.

⁸ Gil, A. C., (2002) Como Classificar As Pesquisas? In *Como Elaborar Projetos De Pesquisa*. 4. Ed. São Paulo: Atlas, P. 41–58; Silva, E. L.; Menezes, E. M., (2005) A Pesquisa E Suas Classificações, in SILVA, E. L.; MENEZES, E. M. A (ed. by) *Metodologia De Pesquisa E Elaboração De Dissertação*. 3. Ed. Florianópolis: Laboratório De Ensino À Distância Da Ufsc, P. 19–24.

research design, it is classified as both bibliographical and documentary through utilising survey methods and a case study approach.

To meet its stated objectives, this paper is structured into three main sections. Section 2 presents the socio-environmental context of São Bernardo do Campo, with emphasis on territorial characterisation and the demographic profile of the Indigenous population residing in the region. Section 3 outlines the methodological procedures adopted for data collection, systematisation, and processing based on records from the MPF, and provides a theoretical overview of how the institutional and social dimensions of justice intersect in the MPF's practice. Finally, Sect. 4 offers a critical analysis of the data collected, discussing the findings in light of the political-institutional context and evaluating the relevance of the MPF/SBC's actions in protecting the rights of traditional populations. In Sect. 5, the study concludes by reflecting on the growing number of cases involving Indigenous populations in São Bernardo do Campo, contextualising this trend within recent socio-political developments in Brazil.

From the perspective of the justice framework proposed in this volume, justice is defined as the institutional protection of Indigenous rights and environmental interests, carried out by the Federal Public Prosecutor's Office of São Bernardo do Campo (MPF/SBC). Justice materialises through formal legal instruments—such as civil inquiries, public civil actions, and policy monitoring—which aim to prevent or remedy violations affecting Indigenous communities. Therefore, the case study primarily reflects the institutional dimension of justice. The social dimension appears indirectly, since MPF actions respond to demands presented by Indigenous populations living in the municipality. These dimensions interact because institutional action depends on social claims—Indigenous demands generate administrative and judicial procedures, which in turn may influence living conditions, access to rights, and state accountability.

In this Chapter, justice develops primarily through formal institutional mechanisms employed by the Federal Public Prosecutor's Office of São Bernardo do Campo. The MPF initiates civil inquiries, files public civil actions when necessary, and monitors public policies related to environmental protection and the rights of Indigenous populations. These procedures are supported by systematic data collection, tabulation, and statistical analysis, which reveal trends and help structure institutional decision-making. The chapter shows that institutional action is triggered by the demands and reports of Indigenous communities, demonstrating a chain of responsiveness between social needs and legal intervention. Thus,

justice emerges through a continuous relationship between community claims and formal state mechanisms, reflecting the interaction between grassroots' concerns and institutional framework.

The central actors in this case are Indigenous populations residing in São Bernardo do Campo, including those in situations of territorial vulnerability. They become drivers of justice because their complaints, reports, and requests for state intervention lead the MPF to initiate procedures, investigate situations, and adopt legal measures. Their presence and demands determine the thematic scope of the MPF's institutional agenda—land issues, public services, environmental protection, and cultural rights.

The case study contributes to a broader understanding of justice by demonstrating that environmental and Indigenous rights require active and continuous institutional protection, even in urban contexts where Indigenous populations are numerically small and often socially invisible. The work of the MPF/SBC reveals how systematic monitoring, legal action, and policy oversight can address structural inequalities and reinforce constitutional guarantees. By documenting patterns of institutional intervention and analysing the increase in Indigenous-related demands, the study highlights the strategic role of the Public Prosecutor's Office in promoting environmental and Indigenous justice. Although the text does not explicitly propose replication, the experience presented suggests a potential model for other municipalities: one in which institutional autonomy, data-driven analysis, and responsiveness to community demands operate together to ensure the protection of collective rights.

2 SÃO BERNARDO DO CAMPO: SOCIO-ENVIRONMENTAL CONTEXT AND PROFILE OF THE INDIGENOUS POPULATION

São Bernardo do Campo was selected as the case study for this research due to the positive response given by the Federal Public Prosecutor's Office of this jurisdiction regarding its intent to promote participatory democracy. This confirmation was provided via a questionnaire submitted to the 4th Chamber for Coordination and Review (Environment and Cultural Heritage) of the Federal Public Prosecutor's Office in 2021.⁹

⁹ Farias, C. A.; Moraes, T. V.; Sousa, M. C. C.; Saleme, E. R.; Amaral, R. M.; Oliveira, C. M., (2022) Instrumentos Participativos: Análise De Seu Uso Em Procedimentos Ambientais Do Ministério Público. *Revista Jurídica Da Escola Superior Do Ministério Público De São Paulo*, V. 22: P. 187–205.

2.1 *Geographical, Demographic, and Environmental Overview of São Bernardo do Campo*

Situated between the city of São Paulo and the Port of Santos, São Bernardo do Campo¹⁰ is part of the south-eastern sub-region of the São Paulo Metropolitan Area and is a member of the Greater ABC municipal consortium. According to the 2022 Demographic Census, the municipality has a population of 810,729 inhabitants and a territorial extension of 408.57 km², combining an urban-industrial profile with significant environmental assets.

With 99.54%¹¹ of the population residing in urban areas, the municipality is densely populated (1,979.7 inhabitants/km²), reaffirming its urban character. Nonetheless, approximately 43% of its territory is covered by remnants of Atlantic Forest vegetation, and 52% fall within the jurisdiction of the Billings Watershed Protection and Recovery Area (Área de Proteção e Recuperação dos Mananciais—APRM-B). The Serra do Mar State Park, which houses nearly 60% of the aforementioned vegetation, underscores the ecological significance of this territory.

From a legal-territorial perspective, 44,330,557 m² of the municipality are recognised as Indigenous Lands, while 126,895,812 m² are designated as Full Protection Conservation Units, totalling over 171 million m² of formally protected areas.¹²

2.2 *Demographic Profile and Living Conditions of the Indigenous Population*

Prior to the analysis of data concerning the Indigenous population in the municipality, the Statistical Panel¹³ includes an essential methodological clarification regarding the definition of “Indigenous” adopted in census

¹⁰São Bernardo do Campo demographic data were extracted from the 2024 Statistical Panel of São Bernardo do Campo (Painel Estatístico de São Bernardo do Campo 2024 – Ano Base 2023, p. 47).

¹¹The IBGE’s 2022 demographic census changed the approach to define urban and rural population, disregarding the municipality’s borders but instead, classifies an urbanized area for statistical purposes; identifying each sector according to its territorial situation, guided by its morphology and occupational functionality.

¹²São Bernardo Do Campo, (2024) Painel Estatístico 2024 – Ano Base 2023. Secretaria De Obras E Planejamento Estratégico, <https://www.saobernardo.sp.gov.br/web/sbc/Painel-estatistico>, (active only in Brazil 2026), last access May 20, 2025, p. 29.

¹³São Bernardo Do Campo, (2024) Painel Estatístico 2024 – Ano Base 2023. Secretaria De Obras E Planejamento Estratégico, <https://www.saobernardo.sp.gov.br/web/sbc/painel-estatistico>, (active only in Brazil 2026), last access May 20, 2025, p. 53.

data. It explains that, for census purposes, “an Indigenous person is one who identifies and declares themselves as such.” This criterion aligns with the principle of ethnic self-identification as established in international human rights guidelines for Indigenous peoples and adopted by the Brazilian Institute of Geography and Statistics.¹⁴

This approach is fundamental for the interpretation of demographic data, as it upholds the right to cultural self-identification of Indigenous peoples, in accordance with Convention No. 169 of the International Labour Organisation¹⁵ and the United Nations Declaration on the Rights of Indigenous Peoples. It recognises that Indigenous identity is not limited to externally imposed racial or territorial criteria, but rather encompasses cultural, linguistic, historical, and spiritual dimensions as defined by the communities themselves.¹⁶

However, this method of measurement also entails significant limitations, as it may result in the underrepresentation of the actual Indigenous population. Individuals residing in urban contexts, distanced from their ancestral communities, or exposed to discrimination, may refrain from self-identifying as Indigenous, thereby reducing their statistical visibility and, consequently, their access to targeted public policies. Accordingly, any reading of the data—especially concerning the “Indigenous” category—must be approached with caution, acknowledging both the advances in the inclusion of ethno-racial diversity in censuses and the persistent challenges in statistically representing Indigenous populations within urban Brazil.

The Statistical Panel¹⁷ indicates the racial composition of the municipality is predominantly White (58.96%), followed by mixed-race (32.24%), Black (7.23%), East Asian (1.44%), and Indigenous (0.13%). According to Table 2.11,¹⁸ in 2022, 1,043 individuals self-identified as Indigenous, comprising 0.13% of the total population. Gender distribution reveals a

¹⁴<https://www.ibge.gov.br/>, (active only in Brazil 2026) last access May 20, 2025.

¹⁵ILO, 1989, art. 1, <https://www.ilo.org/media/458651/download>, last access May 20, 2025.

¹⁶United Nations. Declaração Das Nações Unidas Sobre Os Direitos Dos Povos Indígenas, (2008). https://www.acnur.org/fileadmin/documentos/portugues/bdl/declaracao_das_nacoes_unidas_sobre_os_direitos_dos_povos_indigenas.pdf, last access June 3, 2025.

¹⁷São Bernardo Do Campo, (2024) Painei Estatístico 2024 – Ano Base 2023. Secretaria De Obras E Planejamento Estratégico, <https://www.saobernardo.sp.gov.br/web/sbc/painei-estatistico>, (active only in Brazil 2026), last access May 20, 2025, p. 53.

¹⁸São Bernardo Do Campo (2024), cited above, p. 53.

slight female majority (574 women versus 469 men, as per Table 2.10). This represents an increase compared to 2010, when Indigenous individuals accounted for 0.10% of the total population.¹⁹ Table 2.12 of the Statistical Panel demonstrates that the median age of the Indigenous population rose from 34 years in 2010 to 40 years in 2022. This indicates that, in 2022, half of the Indigenous population was below 40 years of age, and half was above, suggesting a demographic trend towards population ageing.

According to Table 2.14,²⁰ a total of 1,300 individuals declared themselves Indigenous in 2022. Among them, 115 resided in households located within officially designated Indigenous Lands, while 1,185 lived outside such territories. This means that only 8.8% of the municipality's Indigenous population lives in demarcated lands, while the overwhelming majority (91.2%) reside in conventional urban settings or other types of dwellings not formally recognised as Indigenous territories. These figures underscore the process of urbanisation among Indigenous populations, likely driven by factors such as forced migration or pursuit of public services. This process presents numerous challenges, as urban Indigenous individuals often face political invisibility, linguistic barriers, difficulties in accessing specific public policies, and cultural mischaracterisation. Urbanisation should not be equated with integration, but rather understood as an ambiguous process that may exacerbate vulnerabilities.

Indeed, while the municipality boasts a relevant legal and territorial infrastructure for the protection of Indigenous rights—including recognised lands and protected areas—this does not automatically translate into improved living conditions or equitable access to quality public services.

3 SOURCES, CRITERIA, AND DATA PROCESSING METHODS

The data employed in this study were provided in PDF format by the Federal Public Prosecutor's Office of São Bernardo do Campo. These data refer to procedures initiated between 2018 and 2023 and were tabulated for analysis. The responsibilities of the civil prosecutors of São Bernardo do Campo were formally established by the Office of the Attorney General

¹⁹ Statistical Panel, 2025, Table 2.11, p. 53.

²⁰ São Bernardo Do Campo, (2024) Painel Estatístico 2024 – Ano Base 2023. Secretaria De Obras E Planejamento Estratégico, <https://www.saobernardo.sp.gov.br/web/sbc/painel-estatistico>, (active only in Brazil 2026) last access May 20, 2025.

through Resolution No. 1,441/2022-PGJ, dated 7 March 2022 (SEI N° 29.0001.0225557.2021-08). This resolution designated the First Prosecutor to handle matters related to the Environment—including the filing of Public Civil Actions—and Urban Housing and Planning, including all corresponding judicial actions, in accordance with Article 1, item 1, sub-items “d” and “e”.

For data processing purposes, the tabulated information was converted into electronic spreadsheets. Within the legal-analytical framework, the proper structuring of data is essential to ensure both clarity and efficiency in data interpretation. One methodological approach that contributes to this objective involves the prior classification of the legal domain under scrutiny before delving into the specific subject matter that prompted the analysis. In this regard, the initial classification provided by the MPF was disregarded in the present study, as all cases examined pertained to issues affecting Indigenous populations.

The exploratory analysis of the dataset was conducted using descriptive statistical techniques, including frequency distributions²¹ and measures of central tendency.²² Additionally, graphical and tabular representations were developed to facilitate interpretation and to characterise the activities of the Federal Public Prosecutor’s Office in São Bernardo do Campo during the period under review.

4 ACTIONS OF THE MPF/SBC REGARDING INDIGENOUS DEMANDS: ANALYSIS AND INTERPRETATION OF THE DATA

Between 2018 and 2023, the Federal Public Prosecutor’s Office in São Bernardo do Campo initiated 61 procedures, with a notable predominance of the civil inquiry as the primary instrument of intervention (see Fig. 1).

In general terms, more than half of the procedures consisted of Civil Inquiries, which accounted for 52.9% of the total. This underscores a

²¹ A frequency distribution, according to Gaspar *et al.* (2023, p. 35), is a “graph or table that shows the frequency that each value or range of values occurs in a dataset. There are two main types of frequency distribution: simple (absolute values) and relative (percentual values)”.

²² Santos, C. S.; Salum, C. O. R.; Moura, D. A.; Claessens, P. M. E., (2013) *Noções De Estatística, Correlação E Regressão*, in MARIETTO, M. D. B.; MINAMI, M.; WESTERA, P. W. (ed. by) *Bases Computacionais Da Ciência*. Santo André: Universidade Federal Do Abc, P. 63–112.

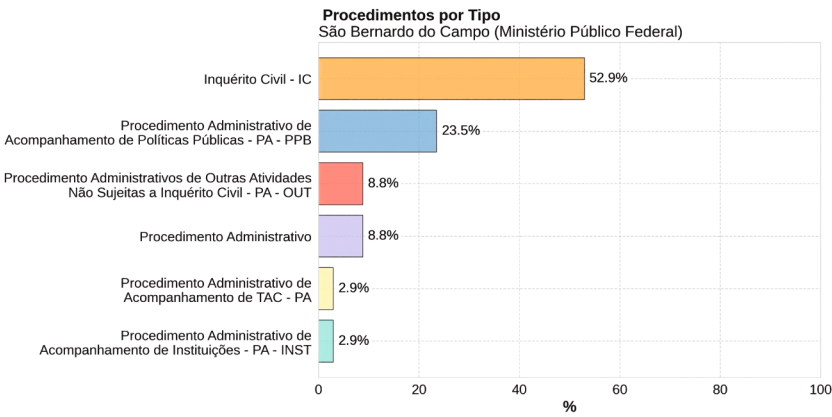


Fig. 1 Relative frequency of procedures by Type. Source: Own authorship (2025).

practice oriented towards the formal investigation of potential violations of collective rights, particularly in relation to socio-environmental protection and the territorial rights of Indigenous peoples. Civil Inquiries, by their nature, enable the investigation of unlawful conduct or omissions by both public authorities and private actors, and often lead to measures such as Public Civil Actions (ACPs) or Conduct Adjustment Terms (TACs).

Beyond its investigative function, the MPF’s activity also demonstrated a strong presence in administrative procedures related to the oversight of public policies, which comprised 23.5% of the total. These procedures illustrate a proactive dimension of MPF action aimed at ensuring the effectiveness of public policies in sensitive areas such as Indigenous education, health, sanitation, and social assistance. This preventive approach seeks to secure fundamental rights before more serious violations occur.

Other administrative procedures of notable frequency include those concerning activities that are not subject to civil inquiry (8.8%) and generic administrative procedures (8.8%). These mechanisms enable the MPF to monitor fewer complex situations or preliminary stages of investigation. Frequently, they are used for information gathering, inter-institutional coordination, or conflict resolution through dialogue, and serve as entry points for cases that may later require more in-depth intervention.

Though less numerous, procedures for the monitoring of TAC compliance (2.9%) and the oversight of public or private institutions (2.9%)

also play a vital role. The former concerns verifying the fulfilment of commitments agreed upon in out-of-court settlements with the MPF, while the latter involves monitoring the conduct of entities such as schools, municipal departments, health units, and other bodies whose practices have direct implications for the rights of Indigenous communities.

The data analysis reveals that the MPF's actions in São Bernardo do Campo reflect a balanced combination of investigative measures and strategies of institutional monitoring and prevention. This integrated approach enhances the protection of Indigenous rights in the region, allowing the institution to respond strategically and adaptively to the socio-environmental challenges present in the local context.

Figure 2 shows the percentage distribution of civil inquiries started by the MPF/SBC between 2018 and 2023. It is possible to identify MPF's concrete action to protect indigenous rights via different thematic axes.

The primary thematic focus was the "Environment," accounting for 29.4% of civil inquiries. This reflects a significant concern with safeguarding Indigenous territories and protecting the environment as a means of preserving the traditional ways of life of Indigenous peoples. In this context, environmental protection is intrinsically linked to land rights and the maintenance of Indigenous cultural identity.

"Territorial Rights," representing 11.8% of inquiries, constituted the second most prominent thematic area, highlighting recurring land conflicts and the essential need for legal and physical recognition of

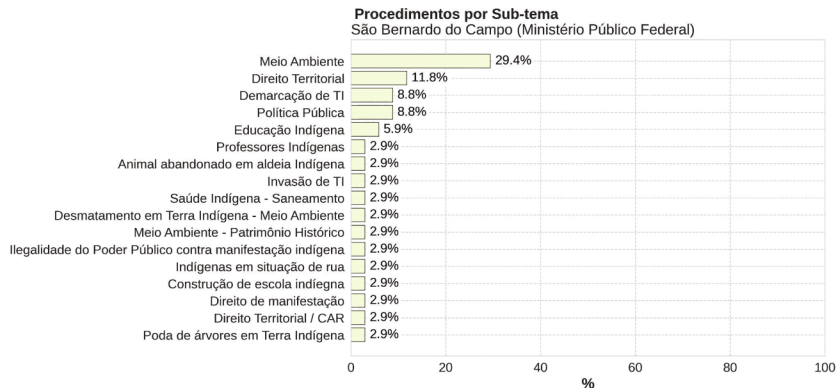


Fig. 2 Quantity and percentage of civil inquiries by focus area. Source: Own authorship (2024).

Indigenous lands. The MPF’s actions in such cases are fundamental in ensuring land demarcation and preventing encroachment upon traditionally occupied territories.

Both “Demarcation of Indigenous Lands (TIs)” and “Public Policies,” each representing 8.8%, illustrate efforts to uphold constitutional rights and to ensure equitable access to state-provided services and resources. “Indigenous Education,” comprising 5.9%, indicates a commitment to providing differentiated, bilingual, and intercultural education that respects Indigenous knowledge systems and traditions.

Other significant sub-themes—each at 2.9%—include “Indigenous Teachers,” “Indigenous Health,” “Invasion of Indigenous Lands,” “Deforestation,” and “Right to Protest,” among others. These categories reveal the wide range of rights violations affecting Indigenous peoples and the institutional responses they necessitate.

This overview highlights the multiplicity of threats to Indigenous rights and confirms the critical role of the MPF in defending these rights through civil inquiries, particularly in matters of environmental and territorial protection, inclusive public policy promotion, and the combatting

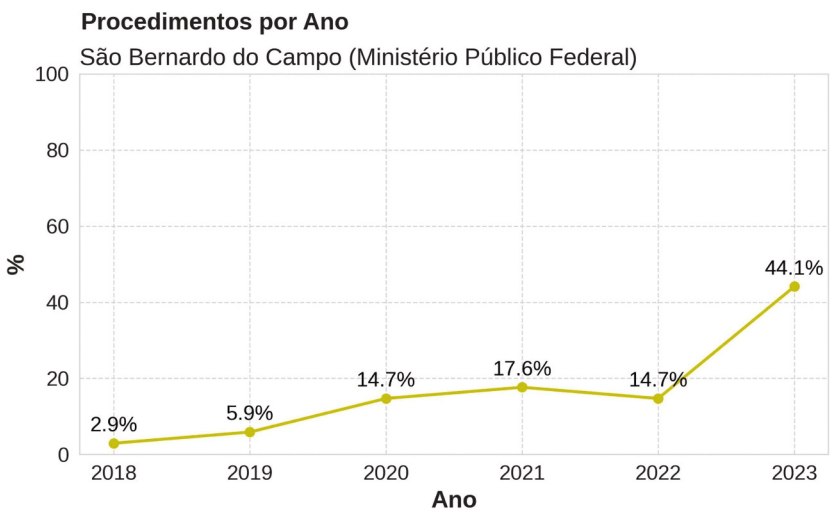


Fig. 3 Relative Frequency of Procedures by Year. Source: Own authorship (2024).

of discriminatory and exclusionary practices. Furthermore, some demands reflect a shift towards more urban-related issues—such as animal abandonment and the right to public protest—illustrating the contemporary expansion of Indigenous claims beyond strictly territorial concerns (Fig. 3).

A substantial increase in the number of cases over time is evident, particularly in 2023, suggesting growing institutional interest by the MPF in the socio-environmental concerns of traditional communities.

An analysis of the MPF's activities in São Bernardo do Campo in relation to Indigenous and traditional populations was also conducted based on the annual distribution of thematic subcategories for initiated procedures between 2018 and 2023 (Fig. 4).

From 2018 to 2019, the number of procedures remained low. A modest increase was observed in 2020 and 2021, followed by a slight decline in 2022, which recorded the same number of cases as in 2020 and addressed similar themes. However, in 2023, there was a marked surge not only in the number of procedures but also in the thematic diversity addressed. Notably, the vast majority of cases (96.6%) involved no joinder of parties (*litisconsórcio*).

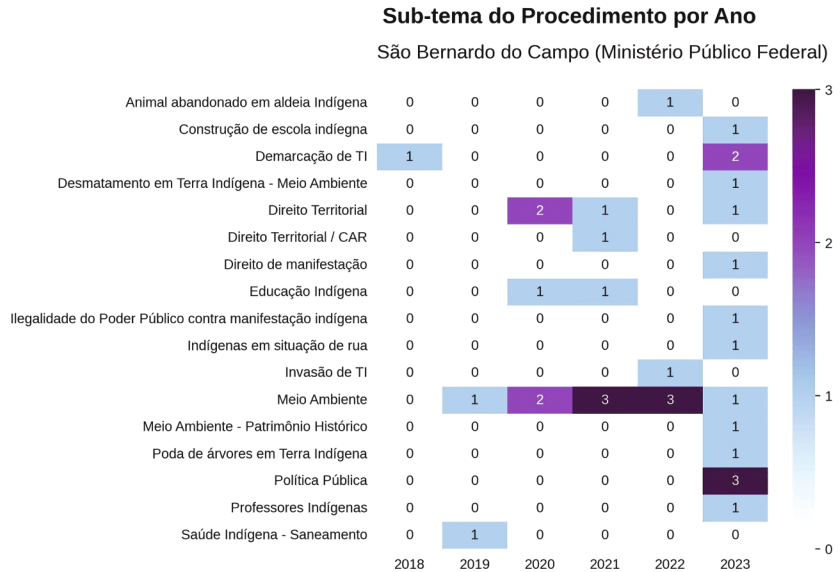


Fig. 4 Procedural Sub-theme by Year. Source: Own authorship (2024).

An examination of MPF activities during the 2018–2023 period reveals a significant rise not only in procedural volume but also in the variety of issues tackled. Particularly notable is the increase in demands related to Indigenous populations.

This trend aligns with the political transition during the period. It is pertinent to recall that federal Indigenous policy under President Jair Bolsonaro's administration was characterised by pronounced hostility toward the rights of Indigenous peoples.²³

As widely publicised during the electoral campaign, the Bolsonaro government adopted a neo-colonial stance underpinned by religious and neoliberal ideological frameworks, which stood in opposition to progress made in Indigenous public policy in Brazil.²⁴ Moreover, the president and members of his administration frequently issued hostile statements toward Indigenous peoples, contributing to an atmosphere of fear, indignation, and insecurity.²⁵ In light of this political and social context, one observes a scenario of increasing vulnerability among Indigenous communities. In response, the MPF intensified its activities in 2023 in defense of these populations—not only in terms of the number of procedures initiated but also with regard to the breadth of issues addressed, including land, environmental, cultural, and public policy concerns.

Therefore, the observed increase in Indigenous-related demands in 2023 cannot be interpreted in isolation but must be understood as

²³Ramos, A. (2021) *Amazônia Sob Bolsonaro*. Aisthesis, Santiago, N. 70, P. 287–310; Rufino, M. P. Raiva, Medo E., (2023) O Pequeno Número: O Indigenismo Bolsonarista A Partir De Arjun Appadurai. *Revista De Antropologia*, 66, <https://doi.org/10.11606/1678-9857.ra.2022.189414>, <https://www.scielo.br/j/ra/a/qcgbfbrbnpjtr9fjrrm3cyyk/?format=pdf&lang=pt>, last access December 2025; Gonçalves, V. K.; Cafrune, M. E., (2023) Brazilian Anti-Indigenous Politics: Tracking Changes On Indigenous Rights Regulation During Bolsonaro's Government. *Rev. Direito E Práx.*, Rio De Janeiro, Vol. 14, N.01: P. 436–457; Alarcon, D. F.; Silva, G. J.; Quadros, J. S.; Silva, S. F. Resisting Bolsonaro, (2024) The Mobilization Of The Tupinambá Of Serra Do Padeiro To Defend Their Territory And Collective Projects. *Vibrant*, Brasília, V. 21, 2024. <https://www.scielo.br/j/vb/a/d8hhv6s6crdqgj5qppj75zk/abstract/?lang=pt>, last access June 3, 2025.

²⁴Barbosa, V. F. B.; Caponi, S. N. C.. *Direitos Humanos*, (2022) Vulnerabilidade E Vulneração Dos Povos Indígenas Brasileiros No Enfrentamento À Covid-19. *Physis: Revista De Saúde Coletiva*, Vol. 32, N. 2, <https://www.scielo.br/j/physis/a/kwhzwnzpqclcyjzfcytcgjsc/>, last access December 2025.

²⁵Rufino, M. P. Raiva, Medo E., (2023) O Pequeno Número: O Indigenismo Bolsonarista A Partir De Arjun Appadurai. *Revista De Antropologia*, 66, <https://doi.org/10.11606/1678-9857.ra.2022.189414>, <https://www.scielo.br/j/ra/a/qcgbfbrbnpjtr9fjrrm3cyyk/?format=pdf&lang=pt>, last access May 25, 2025.

the accumulated result of a preceding period marked by regression in Indigenous rights and by discriminatory rhetoric emanating from the state—rhetoric that was, in many instances, echoed by sectors of society and the electorate itself.

5 CONCLUSION

This article sought to examine the performance of the Federal Public Prosecutor's Office of São Bernardo do Campo (MPF/SBC) in addressing socio-environmental issues, with particular emphasis on the thematic priorities between the years 2018 and 2023.

Among all the procedures initiated by the MPF/SBC during this period, civil inquiries stood out as the principal instrument of action. Alongside these, a significant number of procedures focused on the monitoring of public policies were observed—indicating a proactive role of the MPF aimed at supervising the effectiveness of public service delivery in key sectors such as Indigenous education, healthcare, sanitation, and social welfare.

Other administrative procedures also appeared with noteworthy frequency, including those related to activities that are not subject to civil inquiries, as well as more general administrative procedures. Although less numerous, the monitoring of Conduct Adjustment Terms and oversight of public or private institutions were also present. The former concerns the verification of commitments undertaken in out-of-court agreements entered into with the MPF, while the latter refers to the monitoring of schools, local governments, healthcare units, and other institutions whose practices bear direct implications for the rights of Indigenous communities.

The data analysis revealed that the MPF's operations in São Bernardo do Campo strike a balance between investigative measures and strategies for institutional monitoring and prevention.

With respect to the annual and thematic distribution of civil inquiries initiated between 2018 and 2023, the primary areas of MPF engagement in the protection of Indigenous rights were: the Environment, followed by Territorial Rights and Demarcation of Indigenous Lands. These categories are interrelated in their objectives and reflect the traditional claims of these social groups. A second thematic block includes Public Policies, Indigenous Education, and other equally relevant themes—such as Indigenous Teachers, Indigenous Health, and the Right to Protest—which relate more broadly to the exercise of rights, albeit with a less direct link to territorial claims.

Based on the data presented, it is concluded that there has been a significant annual increase in both the number and diversity of matters addressed by the MPF in this jurisdiction.

As previously discussed, the rise in demand may be associated with the political transition during the period under analysis. This transition was marked by the intensification of the vulnerability of Indigenous communities, regressive policies concerning Indigenous rights, and the propagation of discriminatory rhetoric originating from the state itself.

Accordingly, this study highlights that, considering the demographic limitations of the Indigenous population residing in São Bernardo do Campo, the MPF's actions have become increasingly relevant—both in quantitative terms and in the expansion of the thematic scope of its interventions. The findings presented here reflect the strengthening of an institutional agenda dedicated to the defense of Indigenous rights and the advancement of socio-environmental justice.

Taken together, the results show that justice in São Bernardo do Campo is constructed through a continuous interaction between institutional mechanisms and the lived experiences of Indigenous peoples. Civil inquiries, policy monitoring, and administrative procedures provide the legal structure through which rights are protected, but it is the demands, vulnerabilities, and mobilisation of Indigenous communities that give direction and meaning to institutional action. In this sense, justice emerges not only as a formal legal response but as a relational process shaped by participation, visibility, and the affirmation of constitutional guarantees. The case, therefore, demonstrates that strengthening socio-environmental justice in Brazil depends simultaneously on autonomous public institutions and on the agency of those most affected by rights violations, offering perspectives that may inform similar efforts in other urban and regional contexts.

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