

## Affirmative Actions for Indigenous Peoples in Higher Education: an appraisal of the last two decades

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### **Background**

In this century, there has been an increase in the Indigenous presence in higher education. Despite an adverse national context dominated by a macroeconomic policy with an emphasis on commodity exports, which creates pressure on Indigenous territories, and the frankly anti-Indigenous policies of the executive branch, especially under the recent Bolsonaro government (Bonilla & Capiberibe, 2021), in the last 15 years there has been a significant increase in Indigenous students enrolled in higher education. Until 2004, it was estimated, albeit imprecisely, that around 1,300 were enrolled, particularly in private institutions (Cunha, 2007 [2004], p. 99). By 2019, this number was 57,257, with 40,420 in the private sector, 11,992 in federal institutions, 3,500 in state institutions, and 279 in municipal institutions (INEP, 2019).

The literature informs us that there are two main demands regarding Indigenous peoples and their pursuit for higher education. First, there is a demand to train Indigenous teachers related to an entire constitutional change, aimed at intercultural education; and second, the training of professionals in diverse areas so that these peoples can work with

national institutions without the intermediation of non-Indigenous persons, as a means of further removing tutelary mechanisms, particularly with regard to the demarcation and administration of their territories and other rights.

Santos (2015) stated that the demand for regular higher education courses is related more to the “external” world, due to the possibility of overcoming a situation of inequalities and the appropriation of external codes, while intercultural degrees supply a demand more from “within,” in the construction of leadership and the strengthening of Indigenous knowledge in the villages. Kahn and Franchetto (1994) differentiate Indigenous school education from indigenous education, since the latter does not require the school as a central element. Our focus is on the former and on higher education. Historically, an initial phase of catechization by the Catholic Church can be identified, a second phase of “Indian civilization”, in which the state is more present, began in the twentieth century, and a third phase of differentiated rights began after the democratization of Brazil in 1988 (Souza Lima & Barroso, 2013; Ferreira, 2001).

Briefly, from the second phase onwards, with the creation of the *Serviço de Proteção ao Índio* (SPI) [Indian Protection Service] in 1910, the Brazilian state tried to set up an education service for Indigenous populations with an assimilationist, tutelary and “civilization through work” bias, in order to teach literacy in Portuguese and teach trades like carpentry for men and sewing for women. In 1969, now under the *Fundação Nacional dos Povos Indígenas* (FUNAI)<sup>1</sup> [National Foundation for Indigenous Peoples], which was created in 1967 and is the current official indigenist organ, this network began to work with bilingual education, following the model of the missionary organization of the Summer Institute of Linguistics (SIL) (Collet, 2006), which has translated the Bible into Indigenous languages. In addition to this model, other missionary organizations, such as the Salesians in Mato Grosso do Sul, Mato Grosso and Amazonas, also composed this *modus operandi* of educating Indigenous people to convert them.

The 1988 Constitution<sup>2</sup> defined the specific and differentiated rights acquired

1 Until 2023, this institution was called the *Fundação Nacional do Índio* [National Indian Foundation]. With the start of the Lula administration in 2023, its name was changed to the *Fundação Nacional dos Povos Indígenas* [National Foundation for Indigenous Peoples], chaired for the first time by an Indigenous woman, Joenia Wapichana. These changes are in line with the Indigenous base of the new government, which now has a ministry (*Ministério dos Povos Indígenas* -MPI [Ministry of Indigenous Peoples]) also headed by an Indigenous woman, Sônia Guajajara.

2 Following the ratification of the 1988 Constitution, Brazilian legislation recognizes the right to use of the land, and to Indigenous customs, beliefs and languages, in addition to their legal civil capacity, allowing these peoples to represent themselves through their own organizations, formally ending the notion of relative capacity and tutelage – a formal change that ended the idea of incorporating Indigenous peoples into national society in favor of the idea of self-determination. It is important to highlight that the shift towards intercultural and bilingual education has strengthened Indigenous cultural practices.

by Indigenous peoples, especially in education and health, such that the category of “Indigenous teacher” was created and promoted. In the 1980s and 1990s, the previous tutelary, confessional model came into question as a result of the contestation of a series of associations, including the *Conselho Indigenista Missionário* [Indigenist Missionary Council], NGOs founded by anthropologists and, fundamentally, that of the Indigenous movement itself that had taken shape. In 1991, in an attempt to overcome this model and in dialogue with Indigenous populations, the Ministry of Education (MEC) became responsible for national policy in this sector (Decree no. 26/1991), working in partnership with the FUNAI (Fialho; Menezes & Ramos, 2013).

In 1996, this policy was incorporated into the *Lei de Diretrizes e Bases* [Law of Guidelines and Bases].<sup>3</sup> However, there was a large hiatus between the creation of the category of Indigenous teacher, involving the teaching of Indigenous cultures and languages, as required by the constitutional proposal of a specific and differentiated school education (Matos, 2013), and the measures involved in training these professionals in intercultural degrees at university. Indeed, the first Indigenous intercultural degrees were only created in 2001, through a partnership between the FUNAI and the State University of Mato Grosso (UNEMAT), and in 2003, with the *Núcleo Insikiran de Formação Superior Indígena* [Insikiran Center for Indigenous Higher Education] at the Federal University of Roraima (UFRR). In this new context of higher education, the FUNAI acted on two fronts, fostering these partnerships and granting scholarships so that Indigenous persons could attend private institutions, which were often closer to Indigenous lands (Barroso, 2013).

Concomitantly with this process of training Indigenous teachers, the monopoly tutelary relationship of the FUNAI was dismantled and the demands of the Indigenous movement meant that the pursuit of other higher education courses began to take shape. Without ignoring all the impediments concerning the education of Indigenous peoples, beginning with primary education, but especially regarding the few high schools in Indigenous villages (Faustino; Novak & Menezes, 2020), this demand and these places in university were favored by the context of the promotion of affirmative action policies, which have disseminated in particular through Brazilian public universities over the last 20 years.

Given the context described, this article praises the outcome of the policy. The first section presents the initial affirmative actions for Indigenous persons in Brazilian universities and their impact based on official figures. The objective in the second section is to examine the discussion on the identification of Indigenous persons in Brazilian

3 The *Lei de Diretrizes e Bases* (LDB) on Brazilian education is the norm that deals with the organization of the national educational system.

society based on the forms and procedures used in public policies by the state. In the third section, we emphasize the ways in which different universities are performing the identification and recognition of these persons. To conclude, we present new demands for modifying the academic system towards greater interculturality, in particular we discuss the repressed demand of the creation of the Indigenous university.

### **A brief road map of the Indigenous presence in Brazilian universities**

At the onset of the century, there was a relatively consolidated agenda by sectors of the Black movement for affirmative action in higher education, as an instrument for overcoming social and racial inequalities. The area of education was widely targeted and several changes were promoted, beginning timidly under the governments of Fernando Henrique Cardoso (1994-2002), and strongly embraced and implemented in the governments of Lula da Silva (2003-2010) and Dilma Rousseff (2011-2016). The restructuring of the MEC and the creation of the *Secretaria de Educação Continuada, Alfabetização, Diversidade e Inclusão* (SECADI) [Secretariat for Continued Education, Literacy, Diversity and Inclusion] in 2004, the implementation of Law no. 10.639/2003, and the subsequent update of Law no. 11.645/2008,<sup>4</sup> which aimed to change the form and content of how the educational process in Brazil is conceived with regard to African, Afro-Brazilian and Indigenous populations. The policies of quotas in universities (Law no. 12,711/2012) and, later, in the public service (Law no. 12,990/2014) are highlights of this political moment.

This text uses the definition of affirmative action established by Feres Júnior *et al.* (2018), in the sense of any policy that establishes positive discrimination for a given population, based on the understanding that this population is a victim of a system of inequality. Access to employment, education and political representation are the most common affirmative actions. These measures are aimed at underprivileged races, ethnicities, social classes, genders, and persons with disabilities, and can basically be implemented in two ways concerning specific access to Brazilian higher education, through the reservation or addition of places for candidates who compose the population considered subject to social and economic inequality.

From 2000 onward, the state universities of Rio de Janeiro and other higher education institutions like the Bahia State University (UNEB),<sup>5</sup> the state universities of Rio Grande

4 Laws no. 10.639/2003 and no. 11.645/2008 amended the *Lei de Diretrizes e Bases* on Brazilian education in order to make the teaching of African, Afro-Brazilian and Indigenous histories and cultures mandatory in public and private school systems. The first incorporated African and Afro-Brazilian themes, while the second incorporated the Indigenous theme.

5 Bahia State University included the Indigenous population in its quota system in 2007.

do Sul, in 2002, and the University of Brasília (UnB), in 2004, the first federal university to adhere, formed part of the pioneering group on affirmative action in Brazil. With immense pressure from social movements and a favorable international context (Novak, 2014), in 2012, Brazil approved the *Lei das Cotas* [Law on Quotas] (no. 12,711/2012) during the Dilma Rousseff government, instituting a regime of affirmative action in all federal universities, an act that functioned as a broad stimulus to the dissemination of this policy.

The advocacy and pioneering spirit of Black movements in the struggle for affirmative action in the educational field should be recognized (Paulino, 2013, p. 284). It is possible to characterize the first affirmative actions for Indigenous persons as occurring in a vacuum of demand and dialogue with the movement in this population. In the elaboration of these policies, the Black movement is seen as the vanguard and the Indigenous movement as an adjuvant. Laws no. 10,639/2004 and no. 11,648/2008 and the extension of affirmative actions that include quotas at universities for these two groups are temporal clues to this process.

Another important national policy was the approval of the *Estatuto da Igualdade Racial* [Racial Equality Statute] (Law no. 12,288/2010), which recognized the country as multiethnic and multiracial, and which determined ethnic-racial affirmative actions in education, transport, housing, public service and access to land. Freitas and Harder (2016) draw attention to the residual treatment given to the Indigenous issue in the *Ação de Descumprimento de Preceito Fundamental* (ADPF) [Action for Non-compliance with Fundamental Precepts] no. 186/2012,<sup>6</sup> which marked the constitutionality of racial quotas. However, if we look at the example from the State of Paraná and at a previous work by Paulino (2008: 46-47), we can also consider the affirmative actions for Indigenous persons in Paraná occurring in parallel and slightly before those for the Black population, since the first two universities in Paraná (State University of Londrina (UEL), in 2004; State University of Ponta Grossa (UEPG), in 2006 established the quota system for Black persons later and not through state law.

At the beginning of this century, there was also a lack of data regarding the presence or absence of Indigenous people in higher education, unlike data on the Black population (Barroso, 2013). However, it is important to understand that simple temporal observation is insufficient, since the first affirmative actions for Indigenous persons in university took place as early as 2001 through state law (no. 13,134/2001) in Paraná

6 The action for non-compliance with fundamental precepts (ADPF) no. 186/2012 was filed by the Democrat Party (DEM) against the affirmative actions of the University of Brasília in the Federal Supreme Court. Their ruling on the action was very important, since it declared the constitutionality of affirmative action policies.

state public universities,<sup>7</sup> with three additional places in regular courses for Indigenous persons, which occurred almost concurrently with the pioneering laws in the State of Rio de Janeiro. However, it is known that this first policy was not the result of broad participation and demands from Indigenous peoples and it followed a tradition of tutelage and improvisation (Paulino, 2013, p. 287; Amaral; Silvério, 2016, p. 40).

The initial non-participation of Indigenous people seemed to set the tone for the first affirmative actions in universities. At Mato Grosso do Sul State University (UEMS), State Law no. 2,589/2002 was approved, without Indigenous participation: it provided for the reservation of 10% of the places and was sanctioned before affirmative actions for the Black population, which was widely mobilized (Cordeiro, 2013). In 2003, the first entrance exam with quotas for Indigenous peoples was held at UEMS. According to Barroso (2013, p. 85-86) and the report *Trilhas dos Conhecimentos* (2004) [Trails of Knowledge], it is worth highlighting that there were doubts in the movement itself whether or not it was important to support affirmative actions for regular courses, even though the few surveys that had been conducted verified the very low Indigenous presence in higher education, particularly in public institutions. Paulino (2013, p. 277) draws attention to the priorities of the Indigenous movement in terms of territorial demarcation and management, which meant the demand for higher education was a secondary issue, unlike for the Black movements. It should also be noted that, in contrast to quotas for Black persons, which were widely debated and opposed by public opinion, actions for Indigenous persons had little repercussion and greater acceptance (Cordeiro, 2013). Once again, Paulino (2013, p. 283) attributes this difference to the small number of places and to an assistentialist ideology that sees Indigenous people as deserving of greater “care.”

During the same period, though in a different manner, a movement more articulated by Indigenous demands was the creation of the first Indigenous intercultural degrees at Mato Grosso State University (UNEMAT) in 2001, and at the Federal University of Roraima (UFRR), in 2003. These initiatives led to the *Programa de Apoio à Educação Superior e Licenciaturas Indígenas* (PROLIND) [Program for Higher Education and Indigenous Degrees] in 2005, widely discussed and systematized in 2004 at the “*Seminário pela Educação Superior para os povos indígenas*” [Seminar on Higher Education for Indigenous Peoples] (Trilhas dos Conhecimentos, 2004).

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7 Paraná State University (UNESPAR), State University of the Central-West (UNICENTRO), State University of Londrina (UEL), State University of Maringá (UEM), State University of Ponta Grossa (UEPG) and State University of Western Paraná (UNIOESTE). The Federal University of Paraná, although not under state administration, also composed part of this pioneering change because it is located in the same state.

Using Moehlecke's (2002, p. 197-217) definition of affirmative action, Paulino (2013, p. 275) understands that intercultural degrees are not affirmative actions because they are a permanent policy rather than transitory. In contrast, Jodas (2019, p. 67) understands them as one of the types of affirmative action, which benefits Indigenous populations not through the reservation of places, but through an entire course designed in the format of dialogue and interculturality. In spite of this difference in understanding, we maintained these degrees in the table below, since they contextualize the Indigenous demand for higher education in this historical moment.

Table 1 systematizes the pioneering policies for Indigenous populations in higher education. The first column shows the year the policy was ratified. The second column shows the name of the universities and their acronyms in Portuguese, with the exception of the State of Paraná, which enacted legislation implemented in all state and federal-run universities. The third column indicates the types of courses that provided quotas, intercultural or regular degree (other higher education courses), while the final column indicates the manner in which these places were reserved.

Year	University / Program	Courses	Types of places
2001	State and Federal universities of Paraná	Regular	Supplementary (3)
2001	Mato Grosso State University (UNEMAT)	Intercultural degree	Specific
2002	Mato Grosso do Sul State University (UEMS)	Regular	Reserved: 10% per course
2003	Federal University of Roraima (UFRR)	Intercultural degree	Specific
2003	University of Brasilia (UnB)	Regular	Supplementary (15)
2004	Amazonas State University (UEA)	Regular	Reserved: 1-4 per course
2004	PROUNI: University for All Program	Regular	Reserved: Black, Brown & Indigenous students
2005	PROLIND: Program for Higher Education and Intercultural Degrees	Intercultural degree	Specific

**Table 1.** First public policies for Indigenous persons in Brazilian public universities

**Source:** Elaborated by the author.

Supplementary places are places in addition to those commonly available through selection processes; for example, if there are 40 places in a course in which the selection process is disputed by the general public, an additional place for Indigenous persons means the course will have 41 places. In the case of Paraná states universities, three places were initially made available per university, while the University of Brasília (UnB) added 15 places.

Reserved places correspond to a quota within the number of places in each course. In 2002, Mato Grosso do Sul State University (UEMS) reserved 10% of the places in each course. Amazonas State University (UEA) reserves a percentage that at least corresponds to the proportion of the Amazonian Indigenous population, equivalent to slightly more than 5%. These places are specifically intended for Indigenous peoples who reside in the state, in accordance with State Law no. 2,894/2004. For most courses between one and two places are reserved, but for the courses of Medicine, Dentistry and Nursing four places are reserved for each course. The specific places are those disputed only by the Indigenous population for a place in the Indigenous intercultural degrees.

We observed that these initiatives stem from public sector universities. In the private sector, however, the *Programa Universidade para Todos* (PROUNI) [University for All Program] was the federal public policy adopted from 2004 onwards, using vacant places in the private sector for low-income students, Black, Brown and Indigenous students, and persons with disabilities, providing full and partial scholarships. In this program, the reservation of places was not specifically for Indigenous people, but for the group of *pretos* [Black], *pardos* [Brown] and *indígenas* [Indigenous], or PPI in the Brazilian literature. However, without doubt, the measure that had the greatest repercussion and visibility was the aforementioned Law on Quotas (no. 12,711/2012), which instituted that every Brazilian federal university began to operate affirmative actions on admission, especially via the *Exame Nacional do Ensino Médio e Sistema de Seleção Unificada* (ENEM/SISU) [National Secondary Education Examination and Unified Selection System].<sup>8</sup>

8 The ENEM (National Secondary Education Examination) was created in 1988 as a way to assess the quality of Brazilian Secondary Education and also began to function as a means of admission to public and private universities. The SISU (Unified Selection System) is a digital platform created in 2010 that has been in operation since 2011. Integrated with the ENEM, it brings together the selection process of most federal and certain state universities. This integrated system allows registered students to compete for places in the various enrollment calls at any of the participating universities, unifying and standardizing the selection process of many Brazilian public universities. The ENEM also serves as a parameter for programs like the PROUNI and the *Fundo de Financiamento Estudantil* (FIES) [Student Financing Fund].

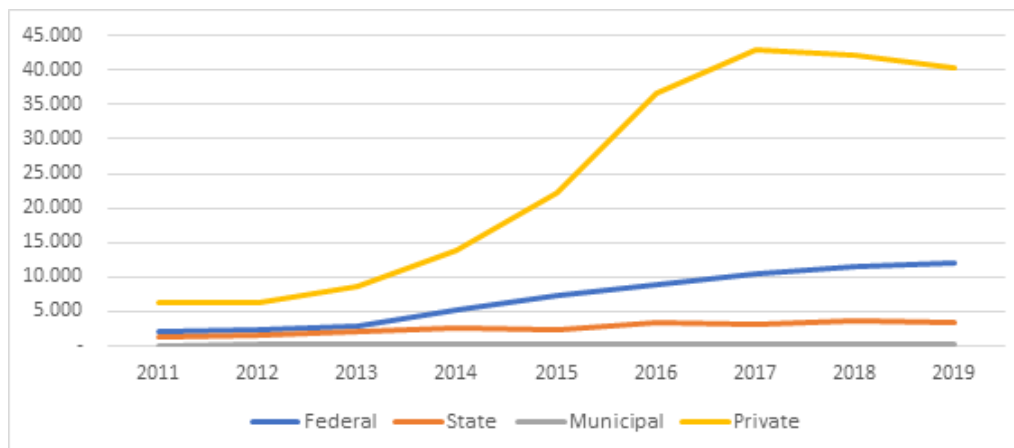


The Law on Quotas standardized affirmative actions in the federal sector and consolidated the policy, even though, in the year of its enactment, 40 of the 50 universities were already practicing affirmative actions (Feres Júnior, 2018, p. 84-85). This law reserved places for students who studied in public schools and, within this segment of the population, for low-income and/or Black, Brown and Indigenous students. Based on this criterion, like the PROUNI, Indigenous students compete in a category that also includes Black and Brown students, but each university also has the autonomy to define specific, additional criteria.

If, on the one hand, the Law on Quotas was important to consolidate the participation of Indigenous students in better quality public universities, with undergraduates already participating in social movements, increasing the visibility of the discussion of Indigenous themes and needs, on the other hand, the largest contingent of those accepted is found in the private sector (see Figure 1). It is important to emphasize that the graph is in line with the general panorama of enrollments in higher education in Brazil, with most students enrolled in the private sector, by a proportion of three to one in 2019 (INEP, 2019). In 2011, the first year of the ethnic/racial component in the Higher Education Census of the *Instituto Nacional de Estudos e Pesquisas Educacionais* (INEP) [National Institute of Educational Studies and Research], the total number of Indigenous persons enrolled was 9,756. In 2012, the year of the Law on Quotas, 10,282 Indigenous students were enrolled in higher education, 6,156 in the private sector. It seems reasonable to assume that the *Programa de Bolsa Permanência* [Retention Scholarship Program] for Indigenous students in the federal sector<sup>9</sup> and Indigenous university entrance exams had some impact on these numbers.

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9 This is a scholarship instituted by Ordinance no. 389, of May 9, 2013, which provides that every Indigenous person enrolled in the federal higher education sector receives a scholarship to enable their retention in university. Students at state, municipal or private universities are not entitled to the scholarship.



**Figure 1.** Indigenous enrollment in higher education.

**Source:** Elaborated by the author based on higher education censuses (2011-2019), INEP.

However, Figure 1 shows that the growth of Indigenous persons enrolled in the private sector tripled between 2014 and 2018, while in the public sector, growth was stable, but timid. There is still a lack of robust research on the situation of Indigenous persons in the private education system, since the vast majority of studies focus on affirmative actions in public institutions. In other words, we observed a significant increase in the Indigenous presence in universities, particularly the vigorous increase in the private sector, but studies to help understand this scenario are still lacking.

### **Indigenous people and the identification of persons in public policies**

One of the major issues of affirmative action for Indigenous people, especially in public education, was and continues to be, how these institutions recognize this segment of the population, that is, who are the persons who have the right to access this policy. The ideology of miscegenation (Munanga, 2004) that guided Brazilian politics and common sense in the last century officially came into check when the country was recognized as multiethnic, multicultural and with a debt regarding affirmative actions for disadvantaged populations, via the Racial Equality Statute (2010) and the Law on Quotas (2012).

The identification of the Black population, in most cases, for differentiated access to the university, is resolved based on the acceptance of self-declaration, supported by Convention no. 169 of the International Labor Organization (1989), to which Brazil has been a signatory since 2002, and in the agglutination of Black and Brown persons as one category – Black persons –, as promoted by some official bodies and as demanded by Black movements.

Additionally, there is a movement guided by fraud allegations (Nunes, 2018) and by a federal regulation (Normative Ordinance no. 4, of June 4, 2018, of the Ministry of Planning) for public examinations, which aims to establish hetero-identification commissions, that is, in addition to a person recognizing themselves as belonging to an ethno-racial population, a commission must ratify this understanding. These commissions are not yet generalized upon admission to the university, but they have grown and represent a real trend.

Regarding the Black population, the commissions seek to hetero-identify persons based on readings and interpretations concerning the candidates' phenotypes. In the case of Indigenous persons, particularly derived from the right to land ownership, the identification of who is Indigenous has always been the object of political and state scrutiny. This right has been formally recognized since the sixteenth century, but it was under the 1967 Constitution, the 1973 Indian Statute, and most specifically the 1988 Constitution that the ideas of "Indigenous land" and differentiated rights were consolidated (Cavalcante, 2016). By generating specific rights, the dispute to identify the persons to whom these rights refer was also established.

Despite the ideology of mixed races, the identification of the Indigenous population in dialogue with their rights is a fundamental issue for the Brazilian state and the process of conquest. Several labels were created in the sense of the denial of indigeneity and the promotion of mixed races, such as *caboclo* or *bugre*, and even the nomenclature of "Brown" promoted by the Brazilian state can be read in this manner. There are also more subtle and official mechanisms that classify them as integrated Indigenous persons or Indigenous persons living in villages, in the sense of denying them access to public policies.<sup>10</sup> Added to this is the truncated identification of this population via phenotypic perception or "*de marca*", perceptions based on a person's physical traits like physiognomy, skin tone and hair shape (Nogueira, 2006) and the dissemination of widespread generic Indigenous stereotypes, attributed to common sense, and even by the educational system (Pinto & Xavier, 2019).

The term "*índio*" [Indian] is a homogenizing colonial category (Bonfil Batalla, 1997) used to identify peoples with ancestry related to the inhabitants of the so-called Americas prior to the European invasion. The category was re-signified following the 1988 Constitution as a collective identity of different peoples and ethnic groups that inhabit the

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10 Here I refer to the FUNAI's Normative Instruction no. 9/2020, which establishes a regime of hetero-identification and a scale between Indigenous peoples who still inhabit villages and those who are integrated in society, in which the rights of those classified as the latter are denied. Then there is FUNAI's Resolution no. 4/2021, which creates new criteria for the definition of Indigenous people, reestablishing a tutelary mechanism, see the letter from the Brazilian Anthropology Association (ABA, 2021) against this resolution.

Brazilian territory in their struggle for rights. More recently, and perhaps an indirect effect of the greater presence of indigenous people in higher education and their participation in this debate, the term has been less accepted in favor of “*indígenas*” [Indigenous people/persons], which refers to those persons native of a certain place. The Indigenous writer Daniel Munduruku (2019) reflects on these concepts and rejects the term “*índio*” as pejorative and associated with elements like savagery and laziness. For him, the term “*indígena*” is the most appropriate, even though it still obscures a diversity of peoples and persons: Munduruku, Kayapó, Xavante and three hundred other ethnic groups<sup>11</sup> that inhabit the Brazilian territory. The first note in this text highlighted the official change, in 2023, to the name of the National Foundation for Indigenous Peoples and no longer the National Indian Foundation, the creation of the Ministry for Indigenous Peoples and the renaming of Indian Day to National Indigenous Peoples’ Day. These changes are illustrative of the current context.

In the case of higher education and the recognition of people as indigenous to the university system, there is a mixture between Indigenous claims in the sense of considering the right as a collective good (Paulino, 2013; Amaral & Silvério, 2016) and the tutelary dimension that results from the way the beneficiaries of the policy have been identified. The idea of the collective good combines individual identification with recognition from the community of belonging. University Public Selection Notices may require documents from the National Foundation for Indigenous Peoples or compose commissions such as the University Commission for Indigenous People (CUIA), which organizes specific entrance exams and monitors the development of this public policy in the state of Paraná. Understanding the complexity of the situations of Indigenous people, this collective recognition takes into account not only residency on Indigenous land, since there are Indigenous people in transit across the country and living in cities, but especially the recognition of their communities concerning Indigenous belonging.

For Amaral and Silvério (2016) and Gersen Baniwa Luciano (2006, p. 165), considering university access as a collective good problematizes the meritocratic and individualist perspective of affirmative actions for other segments. For Dal Bol (2018), although this characteristic is considered, it is important to define the difference between collective belonging and the legitimate individual demands of students, since in selection processes for Indigenous people it is common to ask what their motivations for joining the university are, perhaps assuming that collective demands are more legitimate than personal demands in the case of this population.

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11 The census by the Brazilian Institute of Geography and Statistics (IBGE) mentions 305 ethnic groups, while the Instituto Socioambiental counts 240 peoples.

Given this gradient of identification processes and looking at specific processes, we observed that through Ordinance no. 60/PRES/06, the FUNAI defined the distribution of grants using the following criteria: 1) self-declaration; 2) a statement issued by the community via its leaders; and 3) work proposals relating activities with the community during and after the course (Fialho; Menezes & Ramos 2013, p. 114). In the case of the pioneer UEMS, the criterion was the presentation of the *Registro Geral Indígena* [General Indigenous Registry], issued by the FUNAI, and a Declaration of Descent and Ethnicity by the community (Cordeiro, 2013, p. 243). Regarding the pioneering State of Paraná, by 2004, the candidate had to present the birth certificate issued by the FUNAI, the *Registro Administrativo de Nascimento Indígena* (RANI) [Administrative Registry of Indigenous Birth], and a statement from the *cacique* or head of the office on housing in Indigenous lands in Paraná for at least two years. From 2005 onwards, the requirement for the FUNAI document was discarded and, after 2007, a letter of recommendation attesting only to ethnicity and no longer to housing (Paulino, 2013, p. 290) was the new requirement.

This process of the characterization and identification of the Indigenous population reveals the complexity of a bureaucratic logic based on mistrust and the accumulation of documents as a way to increase the security and veracity of information (Pinto, 2016), as well as a resource of power based on documentation and writing (Herzfeld, 2001). The discussion of an anthropology of the state (Hull, 2012; Leirner, 2014) collaborates in this reflection and observation of how state institutions produce reifications and officializations through effective instruments, such as stamps, signatures and, especially, accumulations of documents, which undergo processes of the incorporation of public faith. Bourdieu (2007) highlights a magical residue in these procedures that concentrate in the state the capacity to attest the existence of persons.

Although state organizations concentrate this capacity, each institution parochially defines the elements that constitute this documentary truth. It is in this sense that each university defines who is and who is not Indigenous, who can access the policy, through the composition of documentation from other institutions (school records, birth certificate, the general registry of citizens), also requested from non-Indigenous people, plus some specific documents from the FUNAI, as well as others created for this purpose, such as community statements and self-declaration. All these things occur as if the relationship of belonging to an Indigenous community is not enough; if the Indigenous person does not have elements that prove this relationship for the university, they are excluded from the selection process and considered non-Indigenous by the institution. Thus, the process requires, as ingredients of this evidence, declarations signed by the Indigenous person,

their community, and by the official indigenist institution, which attest to the veracity of the facts in this specific case, illuminating a relationship that remains tutelary, despite the fact that both the 1988 Constitution and university are thought of as emancipatory references.

Although these officialization processes operate according to a bureaucratic logic, it is important to note that the indigenous communities themselves have been working to propose documentation that proves the collective dimension of this belonging. There are demands for more documents drawn up by the communities and the Indigenous movement, greater Indigenous participation in the hetero-identification or validation boards (Commissions) and fewer documents from the official institutions of the Brazilian state. This can be seen as a result of the growth in Indigenous participation in higher education, as well as the increased importance of this demand in the communities themselves.

### **Forms of Indigenous access to public universities**

In addition to pioneering institutions in affirmative action for Indigenous persons and the large universe of private institutions that present Indigenous enrollments, in 2020 we found 86 federal and state universities that promote differentiated access for Indigenous persons. Paulino (2013, p. 277) estimated there were 32 institutions that offered these actions in 2013, with many of them combining Indigenous and Black populations. As mentioned, each institution has the autonomy to define admission criteria, in other words, each institution promotes specific state criteria of “indigeneity,” which begin with self-declaration, passing through additional documents, issued by the FUNAI, by community leaders, and even by hetero-identification boards. Table 2 identifies these universities with the respective sets of identification procedures<sup>12</sup>.

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12 This is the scenario I was able to map out in 2020. However, today we have more precise information on this policy, for example, in the excellent *Observatório Indígenas e Quilombolas no Ensino Superior* [Indigenous and Quilombola Observatory in Higher Education], <https://www.ceape.fe.unicamp.br/pt-br/obiques>; or *Grupo de Estudos Multidisciplinares da Ação Afirmativa* [Affirmative Action Multidisciplinary Study Group], <https://gema.iesp.uerj.br/>; and Núcleo de Pesquisa e Formação em Raça, Gênero e Justiça Racial – AfroCebap [Center for Research and Training in Race, Gender and Racial Justice], <https://pp.nexojournal.com.br/parceiros/afro-cebrap>. Acesso em 18 abr. 2024.

Documentation	Universities
Self-declaration (SD)	Darcy Ribeiro State University of North Fluminense (UENF; 2003), Federal University of Juiz de Fora (UFJF; 2005), Federal University of São Paulo (UNIFESP; 2005), Federal Rural University of Pernambuco (UFRPE; 2006), Federal University of ABC (UFABC; 2007), Federal University of Espírito Santo (UFES; 2008), Federal University of Vale do Jequitinhonha and Mucuri (UFVJM; 2008), Federal Rural University of Rio de Janeiro (UFRRJ; 2010), Federal Rural University of the Semi-Arid (UFERSA; 2012), Federal University of Acre (UFAC; 2012), Federal University of Itajubá (UNIFEI; 2012), Federal University of the State of Rio de Janeiro (UNIRIO; 2012), Tocantins State University (UNITINS; 2012), Federal University of Cariri (UFCA; 2014).
SD + Community	Bahia State University (UNEB; 2002), Paraná State University (UNESPAR; 2003), State University of the Central-West (UNICENTRO; 2003), State University of Londrina (UEL; 2003), State University of Maringá (UEM; 2003), State University of Ponta Grossa (UEPG; 2003), State University of Western Paraná (UNIOESTE; 2003), Mato Grosso State University (UNEMAT; 2004), Minas Gerais State University (UEMG; 2004), State University of Northern Paraná (UENP; 2007), Fluminense Federal University (UFF; 2007), Federal University of Minas Gerais (UFMG; 2008), Federal University of Latin American Integration (UNILA; 2012), Federal University of Pelotas (UFPel; 2012), Federal University of Rondônia (UNIR; 2012), Federal University of Western Pará (UFOPA; 2012), Federal University of Southern Bahia (UFSB; 2014).
SD + FUNAI	Rio Grande do Sul State University (UERGS; 2002), State University of Montes Claros (UNIMONTES; 2004), Federal University of Rio Grande do Norte (UFRN; 2005), State University of Santa Cruz (UESC; 2006), University of São Paulo (USP; 2006), Goiás State University (UEG; 2007), Piauí State University (UESPI; 2008), State University of Southwest Bahia (UESB; 2009), Federal University of Rio de Janeiro (UFRJ; 2010), Federal University of Lavras (UFLA; 2012).

SD + FUNAI or Community	Mato Grosso do Sul State University (UEMS; 2002), Rio de Janeiro State University (UERJ; 2003), State University of Campinas (UNICAMP; 2004), Amapá State University (UEAP; 2008), Federal University of Grande Dourados (UFGD; 2008), Federal University of Ouro Preto (UFOP; 2008), Federal University of Ceará (UFC; 2012), Federal University of Paraíba (UFPB; 2012).
SD + FUNAI + Community	Amazonas State University (UEA; 2004), Federal University of Recôncavo Baiano (UFRB; 2004), Federal University of Pará (UFPA; 2005), Federal University of Santa Maria (UFSM; 2007), Federal University of Pampa (UNIPAMPA; 2009), Federal University of Rio Grande (FURG; 2012), Federal University of the Southern Border (UFFS; 2012), Federal University of Bahia (UFBA; 2012), São Paulo State University (UNESP; 2014).
SD + Commission	Federal University of Santa Catarina (UFSC; 2007), Federal University of Sergipe (UFS; 2008), Federal University of Piauí (UFPI; 2009), Federal University of São João del-Rei (UFSJ; 2009), Federal University of Amapá (UNIFAP; 2012), Federal University of Amazonas (UFAM; 2012).
SD + FUNAI + Commission	Federal University of Uberlândia (UFU; 2008), Federal University of Campina Grande (UFCG; 2012), Federal University of Pernambuco (UFPE; 2012).
SD + Community + Commission	Rio Grande do Norte State University (UERN; 2002), Federal University of Roraima (UFRR; 2012).
SD + (FUNAI or Community) + Commission	Federal University of Alagoas (UFAL; 2003), Federal University of Paraná (UFPR; 2005), Federal University of Maranhão (UFMA; 2006), Federal University of Goiás (UFG; 2008), Federal University of Viçosa (UFV; 2009), Federal University of Mato Grosso (UFMT; 2011), Federal University of Mato Grosso do Sul (UFMS; 2012), Federal University of Tocantins (UFT; 2012), Federal University of Catalão (UFCAT; 2018), Federal University of Jataí (UFJ; 2018).
SD + FUNAI + Community + Commission	State University of Feira de Santana (UEFS; 2006), Federal University of São Carlos (UFSCar; 2008), Federal University of Western Bahia (UFOB; 2012).
SD + FUNAI + Memorial	Federal University of the Triângulo Mineiro (UFTM; 2009).
SD + FUNAI + Commission + Memorial	Federal University of Alfenas (UNIFAL; 2012).



SD + FUNAI + Community + Commission + Memorial	University of International Integration of Afro-Brazilian Lusophony (UNILAB; 2005).
SD + Community + Commission + Questionnaire	University of Brasilia (UnB; 2003).

**Table 2.** Federal and state universities: access documentation required by Indigenous persons.  
**Source:** Elaborated by the author from public notices of the latest university selection processes made available online in November 2020.

This table seeks to present a non-exhaustive overview of the manner in which the policy for admission to public universities specifically treats the Indigenous public. It has one limitation and some specifics in the descriptors, explained below. Some public universities – which do not promote any affirmative action on admission, such as the Regional University of Cariri (CE), or that maintain a policy of quota for public school graduates without specific ethnic-racial numbers, such as Pará State University – are not included in this table.

The first column defines the requirements for identifying the right to an Indigenous placement. All universities require some form of self-declaration (SD), which may or may not require additional documentation issued by the FUNAI, such as the RANI, or a document issued or signed by leaders (Community), or submission to hetero-identification or validation boards (Commissions). Many universities require documentation from both the FUNAI and the community, but there are also several cases in which the candidate can choose which of these documents they present. Some may even require a memorial or questionnaire that demonstrates their relationship with the community.

The second column identifies the university's name, which also defines whether they are state or federal run, the acronym, and the year in which selection through affirmative action began, although the onset of this process does not necessarily include the Indigenous population. As described above, these universities implement affirmative action for reserved or additional places. Reserved places refer to a percentage of the total number of places that the university makes available, while the supplementary places refer to additional places made available for some or all of the institution's courses. These are the two mechanisms currently devised to offer places in Brazilian public universities: either the university reserves, for example, 5% of the total number of places per course for Indigenous persons and when these are not assigned, other segments of the population are assigned them, or it reserves of one or two places in addition to the regular places in some or all courses and when these are not assigned, the places cease to exist.

Selective processes are of four types. Indigenous persons can access the university via ENEM/SISU, in most cases, or the institution can hold a general entrance exam. A few universities offer an Indigenous entrance exam or other specific process for the selection of Indigenous persons. Selection can also occur via an ongoing process throughout high school in public schools, dispensing with the test model organized by the institution. Some universities adopt more than one entry system, such as entrance exams and SISU.

Two extreme examples, one of a more general selection and the other of a more specific selection via the *Vestibular Indígena* [an Indigenous entrance exam], should facilitate an understanding of this complex process. The Federal Rural University of Pernambuco (UFRPE) promotes affirmative action for Indigenous persons via the ENEM/SISU. Indigenous persons wishing to enroll in one of the 59 undergraduate courses must take the ENEM and compete for places via the SISU. SISU/UFRPE provides half of the places via the quota system for applicants who attended high school in public schools. For this group of students who attended public schools and who also self-declare as Black, Brown or Indigenous, there are further subdivisions: 1) applicants with an income less than or equal to 1.5 minimum wages (R\$ 1,650 or US\$ 310) (L2)<sup>13</sup>; 2) applicants regardless of income (L6); 3) applicants who are also persons with disabilities and with a per capita income less than or equal to 1.5 minimum wages (L10); and 4) applicants with disabilities without considering their income (L14).

The number of places for Indigenous persons takes into account the 2010 Census for Pernambuco, based on those who declared they were Black, Brown or Indigenous. For 2020, 62.40% of the reserved places were for this segment of the population. For example, if the course offers 40 places, 20 are for general applicants; the quota system allocates 6 for L2, another 6 for L6, 1 for L10, and 1 for L14, while a further 6 are allocated for public school students who do not identify as Black, Brown or Indigenous, that is, they are either White or Asian (denominated *amarelo* [Yellow]), which are the other two categories of race/color promoted by Brazilian state institutions.

To prove the right to these places, the candidate must complete a self-declaration of color/ethnicity. It is evident that in this very common mode of selection, which takes into account use of the SISU/ENEM as suggested by law, Indigenous candidates are “diluted” among Black and Brown students, that is, there are no specific places for Indigenous persons. Souza Lima (2007) criticized this formula as a homogenizing inclusion, and Dal Bo (2018, p. 83) understands that from the Indigenous viewpoint it is a step backwards, since it obscures specific demands.

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13 These alphanumeric classifications show how SISU classifies segments of contestants.

Some other universities offer places via the ENEM/SISU system and also hold Indigenous entrance exams, such as the public universities of Paraná, the Federal University of Roraima (UFRR), the University of Brasília (UnB), the Federal University of São Carlos (UFSCar) and the State University of Campinas (UNICAMP). The purpose of realizing a *Vestibular Indígena* seems to be the elaboration of an exam that contemplates the specificity of Indigenous students. Jodas (2019, p. 75) emphasizes that holding a specific entrance exam also generates visibility and facilitates political articulation with other Indigenous people at the university.

The conception and organization of these exams follow specific designs according to the autonomy of the universities. For example, by 2021, universities in Paraná had already held more than twenty editions of Indigenous entrance exams, which today are organized by the University Commission for Indigenous (CUIA), composed of professors from the institutions. The CUIA prepares a Candidate Manual in Portuguese and greetings in the Guarani, Kaingang, Xetá and Xokleng languages, ethnic groups that inhabit the State of Paraná. Over the two days of exams, candidates are guaranteed transportation to and accommodation in some of the cities in Paraná where the event is held. Each university provides a number of additional places for each of its courses.

The CUIA Indigenous Entrance Exam (Amaral & Silvério, 2016) consists of two days of exams that include an oral exam, writing, and an objective test of 40 questions on high school subjects, with the difference that the foreign language test can be replaced by Guarani or Kaingang. The document required for participation in the exam is a Letter of Recommendation/Self-Declaration, in which the Indigenous person declares that they belong to an ethnic group and community. For state universities, an Indigenous leader must confirm the information in the document and, in the case of the Federal University of Paraná, an Indigenous leader or a representative of the FUNAI can endorse the candidacy.

An article written by affirmative action researchers on the Nexo Public Policy website<sup>14</sup> (Medaets; Arrutti & Longo, 2022) corroborates Figure 1 and demonstrates that, based on INEP's 2016 data, the vast majority of Indigenous students in higher education are enrolled in the private sector and do not receive any type of state aid, such as a scholarship (PROUNI) or student financing (FIES). The data, therefore, demonstrate tremendous inequality: students who study in the federal sector are eligible for a retention scholarship and those in state universities may benefit from some type of policy that enables them

14 <https://pp.nexojournal.com.br/opiniaao/2022/09/01/o-crescimento-da-presenca-indigena-no-ensino-superior>. Acesso em 18 abr. de 2024. It is important to note that one of the authors of the article took part in the meetings of the research group of these researchers during his Post-Doctoral Internship, which took place at the Department of Anthropology at Unicamp, under the supervision of Professor Antonio Roberto Guerreiro Júnior.

to persist in their studies, albeit in a non-institutionalized manner, countersigned in the budget, and based largely on the effort of engaged teachers and Indigenous persons (Amaral & Silvério, 2016, p. 50); however, Indigenous students studying in the private sector, who constitute the vast majority, are underserved by public policy.

### **Considerations concerning the demands generated by Indigenous participation in public universities**

Compared to other quota modalities, through affirmative action, the public university offers a small number of places for Indigenous students. Paulino (2016) describes a picture of the huge difference between the places offered, accepted and the undergraduate places in universities in Paraná that adopt quotas for Indigenous persons. Less than half of these places are actually accepted and less than 20% of students actually graduate. It is known that, in addition to access, completing their studies is a real challenge for quota students in general. Wapichana (2007) highlights this problem for Indigenous persons, and Jodas (2019, p. 108) speaks of material, academic and symbolic persistence.

One important question seems to focus on financial difficulties and on the receipt of scholarships (Cordeiro, 2013, p. 260), the difficulties and scarcity of housing policies, academic monitoring based on the pedagogical difficulties encountered, together with elements like the stigma of being privileged by such policies, the existence of subtle mechanisms of invisibility and prejudice on the part of students, technicians and professors, given how the university was not prepared to embrace this diversity. Homesickness, the distance from the villages where they live, frequently having already constituted a family, the dilemma of leaders who, on the one hand, want their relatives to have qualifications, but who also fear the distance and the loss of kinship, which also seem to compose an obstacle to persistence (Paulino, 2008, 2013; Cordeiro, 2013; Amaral & Silvério, 2016).

Freitas and Harder (2010) explain that the acceptance of more Indigenous students at university did not necessarily mean an opening for greater dialogue in pedagogical, bureaucratic and epistemological terms. In contrast, Dal Bol (2018) perceives that Indigenous university students at the Federal University of São Carlos (UFSCar) act as cultural translators in the university context, and Paz (2013) sees Indigenous participation at the University of Brasília (UnB) as a way of “indigenizing” the university.

It is evident that Indigenous participation in the university has grown considerably in the last decade. In addition to these affirmative actions in non-specific courses, the Program for Higher Education and Indigenous Degrees (PROLIND) had established 27 courses by 2016 (Souza Lima, 2016), and, significantly, a proposal has been made to

create an intercultural Indigenous university (Ordinance no. 52, published in the official federal newspaper – *Diário Oficial da União*, Section 2, no. 18, fl. 10, Jan. 27, 2014 –, with the establishment of a working group and the commitment of President Dilma Rousseff at the First National Conference on Indigenist Policy, in 2015). After years of paralysis, with the new Lula da Silva government (2023-2026), the indigenous university has returned to the agenda, with the working group set up by Ordinance 350/2024.

Events like the National Conference on Indigenous School Education (2009 and 2018), the National Meetings of Indigenous Students, which have taken place since 2013 – 2023 was the tenth edition – demonstrate the strengthening of affirmative action in universities and the continuous strengthening and engagement of Indigenous college students. However, access to graduate studies still appears to be a major bottleneck.

A militant Indigenous intelligentsia has been traversing public university education, but the institution continues to resist the incorporation and mediation of Indigenous knowledge. One final consideration, in agreement with Amaral and Silvério (2016, p. 48), this is a challenge for higher education, which has incorporated Indigenous persons into its student body, but has not paid due attention to knowledge sharing and a true sense of acceptance that would modify curricular bureaucratic rigidity, making deadlines and procedures more flexible, and that could truly transform the university.

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## Affirmative Actions for Indigenous Peoples in Higher Education: an appraisal of the last two decades

### Abstract

The implementation of affirmative action policies in Brazilian universities is completing 20 years. In the last decade, the Indigenous presence in these universities has grown more than five-fold, particularly in private institutions. However, it is public universities that have been providing specific places for Indigenous individuals and, consequently, discussing ways to identify these populations and assist in their admission so they can enjoy this right. This article proposes an appraisal of this policy based on official data, reflecting on the identification mechanisms promoted by universities and presenting new demands in the current context of Indigenous presence in higher education institutions.

**Keywords:** Affirmative actions; Indigenous persons in universities; Access, Persistence and retention; Diversity in public policies.

### Ações afirmativas para indígenas no Ensino Superior: um balanço de duas décadas

### Resumo

A implementação das políticas de ações afirmativas nas universidades brasileiras está completando 20 anos. Nos últimos dez anos, a presença indígena nessas universidades apresentou um crescimento de mais de cinco vezes, especialmente nas instituições particulares. No entanto, são as universidades públicas que vêm proporcionando vagas específicas para indígenas e, com isso, discutindo formas de ingresso e identificação dessas populações para o usufruto deste direito. Este artigo propõe-se a fazer um balanço da política a partir de dados oficiais, refletir sobre os mecanismos de identificação promovidos pelas universidades e apresentar as novas demandas do contexto atual da presença indígena nas instituições de Ensino Superior.

**Palavras-chave:** Ações afirmativas; Indígenas em universidades; Acesso e permanência; Políticas públicas de diversidade.