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*Plenary sitting*

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**B8-1271/2016**

22.11.2016

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation of the Guarani-Kaiowa in the Brazilian State of Mato Grosso Do Sul  
(2016/2991(RSP))

**Elena Valenciano, Pier Antonio Panzeri, Josef Weidenholzer, Victor Boștinăru, Knut Fleckenstein, Clara Eugenia Aguilera García, Eric Andrieu, Nikos Androulakis, Maria Arena, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Biljana Borzan, Soledad Cabezón Ruiz, Nicola Caputo, Andi Cristea, Silvia Costa, Miriam Dalli, Jonás Fernández, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Enrico Gasbarra, Neena Gill, Michela Giuffrida, Jytte Guteland, Sergio Gutiérrez Prieto, Anna Hedh, Cătălin Sorin Ivan, Eva Kaili, Afzal Khan, Miapetra Kumpula-Natri, Krystyna Łybacka, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Jens Nilsson, Demetris Papadakis, Vincent Peillon, Pina Picierno, Kati Piri, Miroslav Poche, Soraya Post, Liliana Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Tibor Szanyi, Claudia Țăpărdel, Patrizia Toia, Marita Ulvskog, Julie Ward, Flavio Zanonato, Damiano Zoffoli, Carlos Zorrinho**  
on behalf of the S&D Group



**European Parliament resolution on the situation of the Guarani-Kaiowa in the Brazilian State of Mato Grosso Do Sul (2016/2991(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the need to protect the rights of the indigenous peoples of Brazil, in particular its resolution on the violation of the constitutional rights of the indigenous peoples of Brazil of 15 February 1996,
  - having regard to its resolution of 12 October 1995 on the situation of the indigenous peoples of Brazil,
  - having regard to the United Nations Declaration on the rights of indigenous peoples, as adopted by the General Assembly of 13 September 2007,
  - having regard to the International Labour Organization Convention on Indigenous and Tribal Peoples (Convention 169), as adopted in 27 June 1989.
  - having regard to the Declaration by the Vice-President/High Representative, Federica Mogherini on the occasion of the International Day of the World's Indigenous Peoples of 9 August 2016,
  - having regard to the EU action plan on human rights and democracy 2015-2019, as adopted by the Council of 20 July 2015,
  - having regard to the Report by the United Nations Special Rapporteur on the rights of indigenous peoples Victoria Tauli Corpuz on her mission to Brazil from 7 to 17 March 2016,
  - having regard to the Rule 135 of the Rules of Procedure,
- A. whereas the Constitution of Brazil recognizes indigenous peoples “native” rights over their traditional territories;
- B. whereas according to the UN Special Rapporteur on the rights of indigenous peoples, during the last eight years there has been reported a disturbing absence of progress in the implementation of the UN recommendations and the resolution of long-standing issues of key concern to indigenous peoples in Brazil, as well as a worrying regression in the protection of indigenous peoples’ rights;
- C. whereas according to the Report on the violence against indigenous people by the Indigenous Missionary Council (CIMI) of Brazil published on September 2016, several human rights violations, including murders, attempted murders, bodily injuries, threats, sexual assaults, racism and abuse of power against the indigenous Guarani-Kaiowa people in the Brazilian State of Mato Grosso do Sul have been documented over the last years, with 137 indigenous people murdered in 2015 alone.
- D. whereas according to the official data of the Special Secretariat of Indigenous Health

(SESAI) and the indigenous health district of Mato Grosso do Sul (DSEI-MS) over the past 15 years, at least 400 indigenous people and 14 indigenous leaders were murdered, including Simiao Vilharva and Clodiodi de Souza, while reclaiming their ancestral lands in peaceful protests;

E. whereas the inadequate provision of appropriate health care, education and social services has been related to youth suicide and infant mortality; whereas over the past 15 years at least 750, mostly young people, committed suicide and more than 600 under-five children died, most of them by preventable and easily treatable diseases; whereas in 2015, according to the CIMI, 45 indigenous people took their own lives in Mato Grosso do Sul, out of 87 registered cases of suicide of indigenous people across Brazil.

F whereas as a result of living in overcrowded reserves, often with no access to clean drinking water and not owning enough land to feed themselves and lead a dignified life, many Guarani-Kaiowá prefer settling in provisional camps on the side of highways, where they live in extreme poverty.

G. whereas according to the study “Toward a Global Baseline of Carbon Storage in Collective Lands: An Updated Analysis of Indigenous Peoples’ and Local Communities’ Contributions to Climate Change Mitigation” by the Rights and Resources Initiative, Woods Hole Research Center and World Resources Institute, published on 1 November 2016 the expansion of indigenous land rights can play an important role to the protection of the forests, biodiversity and ecosystems.

1. Strongly condemns the violence perpetrated against the indigenous communities and calls on the Brazilian authorities to ensure that independent investigations are carried out to the murders and assaults of indigenous people motivated by the defence of their human and territorial rights, so that perpetrators are brought to justice;

2. Commends the Brazilian Government for certain advances accomplished in the past, such as the constructive role of FUNAI, a series of decisions by the Federal Supreme Court to prevent evictions, several efforts to implement differentiated services in the areas of health and education, the significant achievements in relation to land demarcation in the Amazon region, the organization of the first National Conference on Indigenous Policy and the establishment of the National Council for Indigenous Policy;

3. Calls on the Brazilian Government to respect its international human rights obligations and uphold its national laws on human rights and indigenous people’s rights, in particular the Brazilian Federal Constitution and Law 6.001/73 on "The Indian Statute";

4. Calls on the Brazilian Government to implement the recommendations by the UN Special Rapporteur on the rights of Indigenous Peoples following her mission to Brazil in March 2016;

5. Calls on the Brazilian Government to protect indigenous peoples’ lands from illegal mining and logging activities, forced evictions, land-grabbing, mono-cropping and from impacting of mega-projects of development that affect the life supporting capacity of their territories, placing indigenous communities in conflict scenarios and exposing them to the practice of violence by private security forces and armed mercenaries;

6. Urges the Brazilian Government to revisit the proposed cuts to the National Foundation for the Support of the Indigenous Peoples (FUNAI) budget and strengthen it with the resources required to provide the core services, which indigenous peoples rely upon;
7. Calls on the Brazilian Government to carry out the applications for homologation of indigenous lands unduly delayed; complete the demarcation of Brazil's indigenous territories specified in the country's 1988 constitution, stipulating that all the concerned lands should have been homologated within five years and create the technical operational conditions for this purpose, given that many killings are due to reprisals in the context of reoccupation of ancestral lands following long periods waiting the completion of demarcation processes;
8. Calls on the Brazilian Government to comply with the Terms of Adjustment of Conduct (TAC) agreement signed by the Federal Public Ministry and FUNAI in which the Brazilian State committed to identify and demarcate 36 lands of the Guarani-Kaiowá in Mato Grosso do Sul by 2009;
9. Asks the National Congress to withdraw or at the very least re-examine the proposed constitutional amendment 215/2000 (PEC 215), to which Brazilian indigenous peoples fiercely oppose, that, if approved, will transfer the power to approve homologation of indigenous land from the executive to the legislative, thus giving the chance for anti-Indian interests related to agro-business and timber, mining and energy industries, to block the recognition of new indigenous territories and even to question existing ones;
10. Condemns in particular the presumption, contained in PEC 215, that if there is a dispute over property of indigenous territories at judicial level, and the specific indigenous community was not in possession of that territory when the new Brazilian Constitution was adopted in 1988, the judiciary considers that the concerned community is not protected by the Constitution provision, because this will pave the way to the reversion of indigenous territories already homologated;
11. Calls on the Brazilian Government to increase the voice and contributions of indigenous peoples in the design and implementation of national environmental strategies and to improve the implementation of the right to prior consultation and to free and informed consent in relation to policies, legislation and development projects potentially impacting on indigenous peoples' rights and traditional livelihoods, in accordance to ILO Convention 169 (adopted by Brazil in 2002) and UN Declaration on the Rights of Indigenous Peoples;
12. Calls on the Brazilian authorities to ensure that the indigenous peoples are given the opportunity to better represent their interests and to defend their rights in the National Congress;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Governments and Parliaments of the Member States, the UN High Commissioner for human rights, the President and the Government of Brazil, the President of the Brazilian National Congress, the Co-Presidents of the Euro-Latin American Parliamentary Assembly and the United Nations Permanent Forum on Indigenous Issues.