



TEXTS ADOPTED

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Situation of the Guarani-Kaiowá in the Brazilian State of Mato Grosso do Sul

European Parliament resolution of 24 November 2016 on the situation of the Guarani-Kaiowá 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 1996¹,
- having regard to its resolution of 12 October 1995 on the situation of the indigenous peoples of Brazil²,
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as adopted by the General Assembly on 13 September 2007,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the UN Sustainable Development Goals of September 2015,
- having regard to the UN Guiding Principles on Business and Human Rights and the UN Global Compact,
- having regard to the International Labour Organisation Convention on Indigenous and Tribal Peoples (Convention 169), as adopted on 27 June 1989, and signed by Brazil,
- having regard to the declaration by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, on the occasion of the International Day of the World's Indigenous Peoples, of 9 August 2016,
- having regard to the UN Declaration on Human Rights Defenders of 1998, the European Union Guidelines on Human Rights Defenders and the European Instrument for Democracy and Human Rights (EIDHR),

¹ OJ C 65, 4.3.1996, p. 164.

² OJ C 287, 30.10.1995, p. 202.

- having regard to the report by the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz, on her mission to Brazil from 7 to 17 March 2016 (A/HRC/33/42/Add.1),
 - having regard to the 2016 report by the Indigenous Missionary Council (CIMI),
 - having regard to the statements made by the EU Special Representative for Human Rights during the EU-Brazil Human Rights Dialogue,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the current Brazilian Constitution of 1988, which was negotiated with indigenous peoples, recognises the rights of such peoples to maintain their cultural traditions and acknowledges their original right to their ancestral territories; whereas it is the duty of the state to regulate and protect this right;
 - B. whereas, according to the UN Special Rapporteur on the rights of indigenous peoples, during the past eight years a disturbing absence of progress has been reported in the implementation of the UN recommendations and the resolution of long-standing issues of key concern to indigenous peoples in Brazil, such as the homologation of their territories, as well as a worrying regression in the protection of indigenous peoples' rights;
 - C. whereas over the past 14 years, according to official data from the Special Secretariat of Indigenous Health (SESAI) and the indigenous health district of Mato Grosso do Sul (DSEI-MS) on the murder of indigenous Guarani-Kaiowá in the state of Mato Grosso do Sul, at least 400 indigenous people and 14 indigenous leaders have been murdered, including Simiao Vilharva and Clodiodi de Souza, in their attempts to reclaim their ancestral lands in peaceful protests;
 - D. whereas, according to the National Survey of Indigenous People's Health and Nutrition in Brazil, conducted in 2008-2009, the rate of chronic malnutrition among indigenous children was 26 % compared with an average of 5,9 % among non-indigenous children; whereas, according to recent research carried out by FIAN Brazil and the Indigenous Missionary Council (CIMI), 42 % of people within Guarani and Kaiowá communities suffer from chronic malnutrition;
 - E. whereas the inadequate provision of appropriate health care, education and social services and the absence of demarcation of indigenous lands have had an impact on youth suicide and infant mortality; whereas over the past 15 years at least 750 individuals, mostly young people, committed suicide and more than 600 children under the age of 5 died, most of whom from preventable, easily treatable diseases;
 - F. whereas 98,33 % of indigenous lands in Brazil are located in the Amazon region, where indigenous populations help to preserve biodiversity in the region and thus play a role in preventing climate change; 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 in protecting forests, biodiversity and ecosystems;
 - G. whereas the Federal Public Ministry and the National Foundation for the Support of

Indigenous people (FUNAI) signed in 2007 the Terms of Adjustment of Conduct (TAC) with a view to identifying and demarcating 36 territories of the Guarani-Kaiowá community in Mato Grosso do Sul by 2009;

- H. whereas a number of initiatives for reform, interpretation and application of the Brazilian Federal Constitution are ongoing, and whereas these possible changes could put at risk the indigenous rights recognised by the Constitution;
1. Acknowledges the long-standing partnership between the EU and Brazil, which is built on mutual trust and respect for democratic principles and values; commends the Brazilian Government for advances in matters 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 organisation of the first National Conference on Indigenous Policy and the establishment of the National Council for Indigenous Policy;
 2. Strongly condemns the violence perpetrated against the indigenous communities of Brazil; deplores the poverty and human rights situation of the Guarani-Kaiowá population in Mato Grosso do Sul;
 3. Calls on the Brazilian authorities to take immediate action to protect indigenous people's security and to ensure that independent investigations are carried out into the murder and assault of indigenous people in their attempts to defend their human and territorial rights, so that the perpetrators can be brought to justice;
 4. Reminds the Brazilian authorities of their responsibilities in terms of maintaining and applying in full the provisions of the Brazilian Constitution on the protection of individual rights and on the rights of minorities and defenceless ethnic groups with respect to the Guarani-Kaiowá population;
 5. Reminds the Brazilian authorities of their obligation to observe international human rights standards with respect to indigenous peoples, as required in particular by the Brazilian Federal Constitution and Law 6.001/73 on 'The Indian Statute';
 6. Acknowledges the Brazilian Federal Supreme Court's role in continuing to protect the original and constitutional rights of indigenous peoples, and invites the National Council to develop mechanisms and action which better protect the needs of vulnerable populations;
 7. Calls on the Brazilian authorities to implement in full the recommendations of the UN Special Rapporteur on the rights of indigenous peoples following her mission to Brazil in March 2016;
 8. Calls on the Brazilian authorities to develop a working plan to prioritise completion of the demarcation of all territories claimed by the Guarani-Kaiowá and to create the technical operational conditions for this purpose, given that many killings are due to reprisals in the context of reoccupation of ancestral lands;
 9. Recommends that the Brazilian authorities provide a sufficient budget for FUNAI's work, and strengthen it with the resources required to provide the core services on which indigenous peoples rely;

10. Expresses concern about the proposed constitutional amendment 215/2000 (PEC 215), to which Brazilian indigenous peoples are fiercely opposed, given that, if approved, it will threaten indigenous land rights by making it possible for anti-Indian interests related to the agro-business, timber, mining and energy industries to block the new indigenous territories from being recognised; strongly believes that companies should be held accountable for any environmental damage and human rights abuses for which they are responsible, and that the EU and the Member States should uphold this as a core principle by making it a binding provision in all trade policies;
11. 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.