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<TitreType>MOTION FOR A RESOLUTION</TitreType>

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

<TitreRecueil>pursuant to Rule 135 of the Rules of Procedure</TitreRecueil>

<Titre>on the situation of the Guarani-Kaiowa in the Brazilian State of Mato Grosso Do Sul</Titre>

<DocRef>(2016/2991(RSP))</DocRef>

<RepeatBlock-By><Depute>Xabier Benito Ziluaga, Marina Albiol Guzmán, Eleonora Forenza, Estefanía Torres Martínez, Tania González Peñas, Marie-Christine Vergiat, Malin Björk, Patrick Le Hyaric, Lola Sánchez Caldentey, Miguel Urbán Crespo, Younous Omarjee, Merja Kyllönen, Paloma López Bermejo, Ángela Vallina, Marisa Matias, Javier Couso Permuy, João Pimenta Lopes, Maria Lidia Senra Rodríguez, Kateřina Konečná, Stelios Kouloglou, Barbara Spinelli, Kostadinka Kuneva</Depute>

<Commission>{GUE}on behalf of the GUE/NGL Group</Commission>

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B8‑1274/2016

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 the Universal Declaration of Human Rights of 1948,

– having regard to the United Nations resolution A / RES / 60/1, in particular to the articles dealing with the responsibility of protecting populations against genocide , war crimes, ethnic cleansing and crimes against humanity,

– having regard to the United Nations 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 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and to the Indigenous and Tribal Peoples Convention (No 169) of 1989 of the International Labour Organisation (ILO),

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– having regard to the report on the visit to Brazil of the UN Special Rapporteur on the Rights of Indigenous Peoples,

– having regard to the report of the UN Special Rapporteur on the rights of indigenous peoples on her mission to Brazil (A/HRC/33/42/Add.1),

– having regard to the statements of the Inter-American Commission on Human Rights of 27 June 2016 on murder of Guarani-Kaiowá indigenous leader on Brazil (No. 89/16) and of 28 October 2015 on the IACHR’s 156th session;

– having regard to the reports of the National Truth Commission of Brazil, as regards indigenous peoples,

– having regard to the report of the Brazilian National Council of Justice on the situation of indigenous peoples in Mato Grosso do Sul,

– having regard to Article 208 TFEU, which establishes taking into the principle of policy coherence for development in all European Union external policies,

– having regard to its previous resolutions on the need to defend human rights and indigenous rights and the territories of the original peoples of Brazil , in particular to its Resolution of 15 February 1996 on the violations of constitutional rights of indigenous peoples in Brazil,

– having regard to its resolution of 14 April 2016 on Honduras, particularly on situation of human rights defenders,

– having regard the statements made by the EU Special Representative for Human Rights during the EU-Brazil Human Rights Dialogue,

– having regard to the European Union Guidelines on Human Rights Defenders,

– having regard to Rule 135(5) of its Rules of Procedure,

A. Whereas the current Brazilian Constitution of 1988 and legal framework enshrine indigenous people´s original right to their ancestral territory, without establishing any kind of time limitation for the recognition of such right, and that it remains unregulated;

B. Whereas 98.3% of indigenous lands in Brazil are located in the Amazon region;

C. Whereas according to the National Survey on Health and Nutrition of Indigenous Population carried out in 2009, the rate of chronic malnutrition among indigenous children is 26% compared to an average of 5,9% among non-indigenous children; whereas these figures reveal a history of rights violations and the bad living conditions faced by the majority of indigenous people in Brazil; whereas a recent research carried out by FIAN Brazil and CIMI has pointed out that the rate of chronic malnutrition event amounts to 42% within Guaraní-Kaiowá communities;

D. Whereas the information published by the Ministry of Health of Brazil (DSEI-MS), on the cases of assassinations and suicides of indigenous Guaraní-Kaiowá in Mato Grosso do Sul State, stresses that over the past 14 years, at least 400 indigenous people were murdered, 700 committed suicide -mostly young people-, and that at least 14 indigenous leaders were killed due to the defence of their territorial rights; whereas the National Secretariat of Human Rights recognised during the audiences of the Inter-American Commission on Human Rights in 2015 the link between these suicide rates and the absence of demarcation of indigenous lands;

E. Whereas in June 2016 Simião Vilharva and Clodiodi de Souza -Guarani-Kaiowá leaders- were murdered;

F. Whereas in the last months an institutional Coup was prepared and consummated in Brazil in which, through legislative and parliamentary short cuts, the Brazilian presidential system, enshrined in the constitution was reversed, bypassing the will of the people by overthrowing President-elect Dilma Rousseff and instituting the illegitimate government of Michel Temer.

G. Whereas an escalation of different types of violence against indigenous leaders and communities is occurring in Brazil since Temer administration took the power; whereas there is an increasing presence of organised armed groups acting freely in the indigenous territories, especially in the Guaraní-Kaiowá zones;

H. Whereas hostilities, aggressions and criminalisation human rights defenders have dramatically grown during the last months;

I. Whereas 98.6% of indigenous lands in Brazil are in the Amazon region, fulfilling an important role to protect the way of life of these people, the preservation of biodiversity to climate change front and singular protection of isolated peoples; whereas 52% of the indigenous population live outside this same region; whereas this has led to a painful process of territorial claim;

J. Whereas access to land for indigenous people has been afforded specific forms of protection under ILO Convention No 169 and the UN Declaration on the Rights of Indigenous Peoples, while Article 10 of the latter guarantees the right not to be forcibly removed from one’s lands or territories and states that no relocation shall take place without the free, prior and informed consent of the indigenous people after agreement on just and fair compensation as well as, where possible, the option of return;

K. Whereas international companies, namely within agro business and energy, including European companies, have played a significant role in large-scale land acquisitions in Brazil, and international financial institutions have been involved in financing large-scale land deals in the country, which inevitably relate and play an important role and responsibility in the increase of violence against the indigenous peoples, the expropriation of lands and in environmental deterioration;

L. Whereas it is well known that Coca-Cola and Pepsi have interests in Mato Grosso do Sul, namely in the culture of the Stevia for the exploitation of which they only share 1% of the revenue with the Guaraní-Kaiowá for whom it is an traditional culture made up with traditional knowledge;

M. whereas the illegitimate government is trying through initiatives of reform, interpretation and application of the Brazilian Federal Constitution, to jeopardise the indigenous rights recognized by the Brazilian Federal Constitution and by international human rights treaties and conventions ratified by Brazil, as it has been denounced by Brazilian CSOs;

N. Whereas inequality and poverty rates have growing grown in the last months due to Mr. Temer policies of structural adjust reversing the successes achieved by the previous government on sustainable development-related issues;

O. Whereas the current Brazilian government has cut on more than 40% the budget of the official indigenous body -FUNAI- while there are 479 new processes of indigenous territory claims;

P. Whereas on 4 November 2016 Brazilian police officers invaded and broke into shooting a school named Florestan Fernandes which is a MST school without court order and arrested two militants;

Q. Whereas the EU is currently negotiating a Free Trade Agreement with MERCOSUR; whereas the liberalization of the trade agreements and commercial relations, serves the interests of the international multinationals and large companies in contradiction to the interests of the peoples and the countries, with unquestionable negative impact on labour, social and human rights, destruction of jobs namely in SMEs, and destruction of production sectors and of the environment;

1. Strongly condemns the recent murders of Guarani-Kaiowa leaders; condemns the all kind of violence perpetrated against indigenous peoples and communities in Brazil; deplores the humanitarian crisis that the Guaraní-Kaiowa people are facing in Mato Grosso do Sul;

2. Is deeply concerned by the deterioration of human rights in Brazil since Michel Temer took power; condemns the increase of attacks and the rising criminalization against human rights defenders and indigenous people when defending their rights, specially land rights and democratization; deplores the disproportionatel police repression in demonstrations; condemns the prosecution, criminalization and murders of MST activists;

3. Actively condemns the institutional coup perpetrated which led to the overthrow of the President-elect Dilma Rousseff and instituted the illegitimate government of Michel Temer;

4. Calls on the relevant authorities to conduct a comprehensive and impartial investigation into cases of assassinations of indigenous people motivated by the defence of their human and land rights;

5. Express concerns about the nomination on the 9th of November 2016 of the deputies Alceu Moreira and Luiz Carlos Heinze for the Parliamentary Inquiry Commission of the Chamber of Deputies to investigate allegations of irregularities in the demarcation of indigenous lands and quilombolas, as these two deputies were subject into a criminal complaint filed by the Aty Guassu Guaraní-Kaiowá Council and the Terena People's Council, after being videotaped during a public hearing in Vicente Dutra (RS), making statements and indications of incitement to violence against these indigenous organizations;

6. Recalls in particular that indigenous people have been granted specific forms of protection of their land rights under international law; stresses, in line with the UN Declaration on the Rights of Indigenous Peoples, that any shift in land use should take place only with the free, prior and informed consent of the local communities concerned; insist that states must provide effective mechanisms for prevention of, and redress for, any action which has the aim or effect of dispossessing indigenous peoples of their lands, territories or resources;

7. Calls on the relevant Brazilian authorities to definitively demarcate all indigenous lands in Brazil, creating technical operational conditions for this purpose, especially the lands in the West, South, Southeast and Northeast, where most of the indigenous population live, decidedly the Guarani-Kaiowa lands in the states of Mato Grosso do Sul, Rio Grande do Sul and Paraná; calls for the paramount importance of ensuring adequate living conditions of the people of Brazil, including access to quality public services such as education, health care, water and sanitation as key elements for the fulfilment of fundamental rights;

8. Calls for the respect of Brazilian indigenous communities human, social, environmental, cultural and land rights;

9. Calls the European Union to suspend the EU-MERCORSUR agreement negotiations; is of the view that the current international approach to commercial and trade agreements needs a change of paradigm, towards a commercial and trade policy that are built to an effective mutual benefit, in full respect of the sovereignty of the countries, their cultural and social identities, serving first the interests of the peoples, and in full respect of international commitments, namely regarding labour, social, environment and human rights, including indigenous people rights, subjects that shall be object of binding clauses in all trade agreements;

10. Stresses the importance of full transparency and accountability of the operations of EU companies and financial institutions in large-scale agri-business investments and land acquisitions in Brazil, and calls for a strong and efficient EU mechanism to monitor these operations;

11. Criticizes the agribusiness and its role in the violence against the indigenous people and in the deterioration of the environment; support the struggle of the Brazilian people for the right of land ownership and an Agrarian Reform, which would allow the democratization of land;

12. 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;

13. Calls on the Brazilian authorities to develop a working plan to prioritise the culmination of demarcation of all territories claimed by Guaraní-Kaiowá, including the nearly 479 awaiting for a study to create working groups to finalise their identification;

14. Calls the relevant authorities to guarantee the safeguard of Brazilian constitutional norms in its current form regarding indigenous people;

15. Reminds authorities of the Right to Protect (concept enshrined in the UN principles since the 2005 World Summit), and urges them to apply it in order to prevent increasing violence and a further degradation of the situation of the Guarani-Kaiowa, specially through permanent measures that ensures their way of life and traditional territories; Asks, in this regard, the European Commission, to offer its support in order to elaborate jointly with the Brazilian authorities a working plan for the full demarcation of all territories claimed by Guarani-Kaiowa;

16. Urges the Federal Supreme Court to continue to safeguard the indigenous and constitutional rights of indigenous peoples;

17. Instructs its President to forward this resolution to the Council, the Commission, the President and the Government of Brazil, the President of the Brazilian National Congress, the President of the Chamber of Deputies, the Minister of State for Justice and Citizenship of Brazil, the United Nations Permanent Forum on Indigenous Issues, the UN Special Rapporteur on the Rights of Indigenous Peoples, the Special Adviser to the United Nations Secretary-General for the Prevention of Genocide, Aty Guasu Guaraní-Kaiowá People and the Articulation of the Indigenous Peoples of Brazil (APIB).