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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Precarious situation of Indigenous peoples in Brazil

In Brazil, the human rights situation of the indigenous peoples is rapidly deteriorating. The laws and regulations protecting indigenous peoples' lands and human rights are being questioned by a government shaken by corruption.

PEC 215 for example is a proposed amendment to the constitution of Brazil. It intends to delegate exclusively to Congress the duty of demarcation of indigenous territories, as well as the ratification of land already approved. It would prohibit the expansion of already existing indigenous areas and at the same time threaten their existence. Many human rights advocates fear that the procedure of demarcation in itself would come to an end. This would leave indigenous territories unprotected and open the floodgates to the exploration and exploitation of resources in indigenous territories at the risk of their very existence. Currently, the government and Fundação Nacional do Índio (Funai) are responsible for demarcation. In the future, indigenous people might only be able to claim an area, they have lived in and used in 1988 at the time of coming into force of the current constitution. It would give Congress the final say on new demarcations, a fact very critical to the indigenous leaders and human rights defenders because of the strength of agro-business lobbyists who oppose demarcation of indigenous lands.

Moreover Funai's existence is severely threatened by budget cuts and budget capping for the next 20 years (PEC 55) causing the dismissal of 347 personnel and closing of 50 Funai-posts in March 2017 and in areas with indigenous peoples in voluntary isolation alone dismissal of 87 personnel and closing of 5 Funai-posts* in April. According to the German catholic news agency KNA (24.04.2017) about every fourth of all Funai-posts serving for the monitoring of indigenous people in voluntary isolation or without contact was closed by April 2017, leaving many of these especially vulnerable people without any protection or safeguard against intruders, i.e. garimpeiros, illegal loggers or drug traffickers. Medical care for indigenous peoples will become almost impossible, bringing them to the verge of extinction. Moreover, the Funai crisis reached a new peak with the dismissal of Funai president Antônio Costa after only four month in power on 05. 05. 2017. Costa was critical to the government policy regarding indigenous peoples' rights and refused to dismiss experts in indigenous peoples' affairs and to exchange them with non-experts acting more or less according to the needs and wants of the agro-industrial lobby. His successor Franklimberg de Freitas was appointed 09 May 2017. He is a former general, which is given the background of the present situation is extremely worrying.

In many parts of Brazil violence against indigenous peoples is rising. According to the Indigenous Missionary Council of the Catholic Churches (Cimi) report "Violence against Indigenous Peoples in Brazil 2016" with data from 2015 the situation could even be called a war against the indigenous peoples. CIMI documents a dramatic lack of health care services, 599 cases of infant mortality and 87 cases of suicide, 45 of those in the state of Mato Grosso do Sul alone. There the situation of the Guaraní-Kaiowá people, who continue to suffer violent attacks by militias linked to landowners as they struggle to regain their rights over ancestral lands, is heartbreaking. According to CIMI there have been 54 assassinations, 31 attempted murders, 18 cases of manslaughter, 12 threats to kill and 25 cases of various other kinds of threats in 2015 with a peak in almost every category in the state of Mato Grosso do Sul. Cimi denounced loggers for arson. "That criminal action was carried out by

loggers in revenge taken on the Indians for trying to protect their own territory. The loggers' action resulted in the expansion of large scale burning and the generalized destruction of fauna and flora inside the Indian lands and serious threat to many indigenous families, especially when their homes were burned down. In the case of the Arariboia Indigenous Land of the Guajajara people in Maranhão, around 50% of the 413 thousand hectare demarcated area was burned. Isolated groups suffered continually from those invasions and the destruction of the land”.

Cases like that of the Gamela indigenous people in Maranhão, who lost their land and status during the military dictatorship (1964-1985), are especially alarming. They were violently attacked on 30 April 2017 by dozens of men armed with guns, knives and clubs in a conflict over the land the Gamela claim as their territory. Reports speak of about 13 injured indigenous people. At least one of them had his hands cut off with a machete, several others were wounded with gunshots and clubs and had to be treated in hospital. The Gamela – territory was split under non-indigenous land owners around 1970. But the up to 400 Gamela-families never gave up their claims and actively started a campaign to regain the title to their land in 2014. Maranhão is one of the poorest states of Brazil with an enormous high level of violence. The province is almost completely deforested and reason for rivalries between indigenous people, ranchers, farmers and loggers.

After a visit to Brazil in March 2016, the UN special rapporteur on the rights of indigenous peoples Victoria Tauli-Corpuz said that in the last eight years there was a “disturbing” lack of progress in areas of key concern to indigenous peoples, such as the demarcation of their territories. She urged Brazil’s government to address violence and discrimination against indigenous people.

Society for Threatened Peoples shares this belief and urges the UN Human Rights Council to call on the government of Brazil

- to stop budget cuts for Funai and other programs advocating indigenous peoples and instead reinstate the personnel and the Funai-posts that had to be closed already,
- to employ only experts in indigenous peoples affairs such as anthropologists or sertanistas as personnel to work with Funai and on behalf of indigenous peoples’ interests,
- to speed up the demarcation of indigenous territories and to guarantee for the protection of those protected areas,
- to stop PEC 215 and to revoke PEC 55,
- to respect indigenous peoples’ rights as they are guaranteed in the 1988 constitution, in the Indigenous and Tribal Peoples Convention (No. 169) ratified by Brazil in 2002 and in the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007 with the vote of Brazil.