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INDIGENOUS ISSUES

**Written statement* submitted by Survival International,
a non-governmental organization on the Roster**

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

[10 February 2005]

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

VIOLATIONS OF THE RIGHTS OF INDIGENOUS PEOPLES IN BRAZIL

In September 2002, Brazil's governing party, the PT, published its election manifesto, 'Commitment to Indigenous Peoples', which was widely welcomed by indigenous peoples. One of its key aims is a 'full guarantee to recognise and uphold the land rights and self determination' of Brazil's indigenous peoples. This included a 'special, emergency programme to demarcate and ratify all indigenous territories, and to speed up this process'. It also undertook to 'combat the impunity of those who commit crimes against indigenous people'.

Today, indigenous peoples continue to suffer the denial of land rights, illegal occupation and invasion of their lands, violent attacks and the theft and plunder of their resources. Little over 50% of indigenous land has been fully ratified by the government, and about 20% of indigenous land has either not been identified at all, or is only at the initial stage of identification, in clear violation of Brazil's constitution which states that all indigenous territories should have been fully recognised by October 1993. FUNAI, the government's Indian affairs department, responsible for land demarcation saw its budget cut by 8% in 2004, thus contributing further to the delays in demarcating and protecting Indian lands. Impunity for those who commit violent attacks on indigenous peoples remains widespread.

There are a number of draft bills before the Brazilian congress which if approved could undermine constitutional guarantees on the demarcation and protection of indigenous lands. Draft bill 188 would overturn all pending demarcations and make senate approval of demarcation mandatory. A constitutional amendment proposes that indigenous territories and conservation areas do not exceed more than 50% of any land held by the federal government in any state. Meanwhile approval of the new, more progressive Indian statute by congress is still subject to delay.

The government has shown a worrying tendency to cave in to economic and political pressures and has stalled or even reversed demarcation of indigenous territories, in violation of article 231 of the constitution which guarantees Indians' original rights to the lands they have traditionally occupied and the exclusive possession and use of these lands. Brazil ratified ILO Convention 169 in June 2002 and it came in to force on 19 April 2004. It states that 'Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.'

The right to land

The Guarani and Kaiowá in Mato Grosso do Sul state suffer from an acute lack of land. They have been evicted and dispossessed of their land, in the last 60 years, and many thousands are confined in overcrowded reserves, cut off from their ancestral lands, and with no means of sustaining themselves. This has led to internal conflict resulting in suicides, homicides and high rates of alcohol abuse. The most stark reaction to the loss of land and forced resettlement is the exceptionally high rate of suicide among young Guarani. From 1986-1999, 304 suicides were recorded. Since 1999 dozens more have taken their lives. Over 1% of Guarani have committed suicide, making this one of the highest suicide rates in the world. Progress on land demarcation has been extremely slow, and is held up by local judges who frequently rule in favour of powerful landowners who still occupy huge tracts of Guarani land. Some Guarani communities have no land at all and literally live under plastic sheets along the state's busy highways. Others

have managed to return to part of their ancestral lands but the fragments they occupy cannot sustain them in the long or even short term.

In Roraima state, 15,000 Makuxi, Wapixana, Taurepang, Ingarikó and Patamona have struggled for decades for recognition of their territory, Raposa Serra do Sol. In December 1998 Brazil's justice minister approved its demarcation, and in December 2003 declared the ratification would shortly take place. Since then the president has delayed ratifying the territory which has led to increasing conflict and violence between the Indians, and the invading colonists and ranchers who are opposed to its ratification as a single territory. In November 2004, three Indian villages were razed to the ground by a group of 40 armed settlers; many families lost their homes, possessions and livestock, and several Indians were badly beaten up. In January 2004 Surumu Catholic mission, which houses a school and health post for Indians, was ransacked by settlers who held three missionaries hostage and blockaded the roads in the area.

The Arara Indians of Cachoeira Seca in Pará state are a small, isolated group of hunter-gatherers. A large, undisturbed territory is therefore essential to their survival. Much of their land has been devastated by colonists. In view of the serious situation FUNAI started to demarcate the territory, but under pressure from settlers and loggers suspended the demarcation at the end of January 2005, announcing that another study would review the limits of the reserve. This sudden about-turn exposes this vulnerable and isolated people to attack.

The Ashaninka living on the border of Acre state and Peru have repeatedly denounced the invasion and plunder of their land by loggers from Peru in search of hardwoods. The loggers have forced uncontacted Indians onto Ashaninka land which has resulted in conflict. Uncontacted Indians are particularly vulnerable to invasion of their land as they live in remote areas where crimes go undetected and they are extremely susceptible to common diseases transmitted by outsiders, which are usually fatal.

The right to life

Many of those who commit crimes against indigenous peoples are never brought to trial or convicted, despite the government's commitment to end impunity. In January 2003 three Indians were murdered. Marcos Veron, a Guaraní leader, was beaten to death by hitmen in January 2003 while defending his community which had recently moved on to its land. Whilst there was a swift police investigation and some arrests, nobody has been yet been convicted. Lepoldo Crepso Kaingang was murdered by a group of youths in Rio Grande do Sol, and Aldo da Silva Mota, a Makuxi Indian, was killed in Raposa Serra do Sol, allegedly on the order of a rancher occupying part of the territory. In the last three decades at least 12 Makuxi Indians have been murdered by hitmen employed by ranchers, yet nobody is serving a sentence for these crimes.

Over the last three decades, the Cinta Larga of Rondônia and Mato Grosso have suffered from constant, widespread invasions of their lands by loggers, and recently by diamond miners, often with the connivance of local politicians. The impact on the tribe has been devastating. Unable to control the invasions, the Indians frequently ended up negotiating with miners under duress and threat of death. The Cinta Larga report that miners prostituted teenage Indian girls, infecting many with sexually transmitted diseases, and denounced several cases of rape by outsiders. By 2003 there were 3,000 miners (double the entire Cinta Larga population) working an illegal diamond mine. In 2004 violent clashes resulted in death and injury on both sides as the Cinta Larga tried to defend their land from invading miners, despite FUNAI's efforts to protect the area.

The right to health

The government has restructured indigenous health care, which has resulted in the sudden cutting of funds to successful projects run by NGOs. As a consequence in some regions there has been a marked deterioration in health and even death. Between July and November 2004, eight Yanomami Indians died due to the absence of or delays in medical care. 17 Indians of the Javari Valley died in 2003-2004 from outbreaks of hepatitis due to lack of assistance and vaccination. Five Indians died in one month in the Alto Rio Negro due to lack of medical care, and according to the regional Indian federation, the rate of infant mortality in November 2004 rose to 82.9/1000, in comparison with the national average of 27.5/1000. In Mato Grosso do Sul, Guarani children are reported to be dying of malnutrition. In three communities surveyed in December 2004, 14% of Guarani children were found to be suffering from severe malnutrition and 31.7% from malnutrition. These high rates are due in large part to the fact that the Guarani cannot subsist on tiny plots of lands as they wait for the courts to recognise their land rights.

Indigenous peoples remain one of the most marginalised and vulnerable sectors in Brazil today.

Survival International calls on the UN Commission on Human Rights to urge Brazil to meet its international obligations under ILO Convention 169 and:

- accelerate the demarcation and ratification of indigenous territories
- design and implement a comprehensive plan to protect indigenous lands
- end the impunity of those who commit crimes against indigenous peoples.
