

RECOMMENDATION No. 022 / 2015

Recommends to the Office of the United Nations High Commissioner for Human Rights to take emergency measures defending the rights of indigenous peoples of Guarani Kaiowá ethnic group in Mato Grosso do Sul state of Brazil

The National Council on Food and Nutrition Security – CONSEA of Brazil, in the exercise of its statutory tasks set out in Article 11 of Law No. 11.346, of September 15, 2006, and Article 2 of Decree No. 6272 of November 23, 2007, shows the following reasonings:

Considering the serious situation of violation of human rights of indigenous peoples of Guarani Kaiowá ethnic group in Mato Grosso do Sul state of Brazil;

Whereas access to the territory is a structural condition for the realization of the Human Right to Adequate Food of these peoples;

Considering that indigenous peoples have child malnutrition rates and famine above the Brazilian national average;

Whereas between 2003 and 2014, the Mato Grosso do Sul state showed the average percentage of 51% of indigenous killings in Brazil;

Whereas these human rights violations are directly related to the increasing difficulty of carrying out the demarcation, declarations and approvals of indigenous lands;

Whereas the Indigenous Land "Ñande Rú Marangatú" was approved by the President of the Republic of Brazil on March 28, 2005, but it was suspended due to an preliminary injunction granted by the Writ of Mandamus No. 25463 and, since then, the lawsuit awaits trial in the Supreme Court;

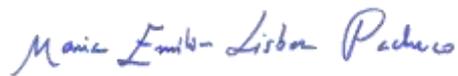
Whereas, due to the delay of 10 years for the judgment by the Supreme Court of the Injunction No. 25463, the community decided on 23 August this year, occupy the areas that overlap its "Tekoha Ñande Ru Marangatú";

Whereas the Special Rapporteur of the United Nations on the situation of human rights and indigenous fundamental freedoms noted in 2009 that violence against indigenous peoples of the ethnic group Guarani Kaiowá of Mato Grosso do Sul have systematic character that has persisted due to the impunity and the lack of accountability;

Whereas it occurred on August 29, 2015 in the Indigenous Land "Ñande Rú Marangatú" a conflict between farmers and indigenous peoples, which resulted in the murder of indigenous Simeon Vilhalva;

Recommends to the Office of the United Nations High Commissioner for Human Rights to take emergency measures defending the rights of indigenous peoples of Guarani Kaiowá ethnic group in Mato Grosso do Sul state of Brazil

Brasília, September 16, 2015.

A handwritten signature in blue ink that reads "Maria Emília Lisboa Pacheco". The signature is written in a cursive, flowing style.

Maria Emília Lisboa Pacheco
President of CONSEA