

URGENT ACTION

BILL CONTINUES TO THREATEN INDIGENOUS RIGHTS

Bill 2903/2023 can be voted at any moment by Brazilian Senate. The bill - approved on May 30 by the Brazilian Chamber of Deputies - seeks to make profound changes in the demarcation process of indigenous lands, and legitimize the "Temporal Landmark thesis", whereby Indigenous people would only have the right to claim territories that were in their possession when the Federal Constitution was adopted in 1988. The bill impacts the rights of Indigenous peoples, particularly regarding the right to self-determination and traditional territory, and reinforces the systemic human rights violations suffered by Indigenous peoples in Brazil who for centuries have been expelled from their territories. Amnesty International calls on the Senate to immediately reject this bill.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Rodrigo Pacheco, President of Senate
Praça dos Três Poderes - Brasília DF - CEP 70165-900 - Brazil
Email: sen.rodrigopacheco@senado.leg.br

Dear Senator,

We are deeply concerned with Bill 2903/2023, that reforms the Indigenous Peoples Statute ("Estatuto do Índio") including the rules of demarcation of Indigenous lands guaranteed by the Federal Constitution. This Bill could legitimize the "Temporal Landmark thesis", whereby Indigenous Peoples would only have the right to claim territories that were in their possession when the Federal Constitution was adopted in 1988.

The Temporal Landmark thesis will reiterate the systemic human rights violations suffered by Indigenous peoples in Brazil, who for centuries have been expelled from their territories. The country has 285 stalled demarcation processes, which exposes thousands of communities to violent land conflicts that, in 2022 alone, killed 176 people, according to data from the Indigenous Missionary Council (Cimi).

Additionally, the approval of the bill can further enable an increase in deforestation, land invasions and violence against Indigenous peoples since consolidated demarcation processes could be annulled. The protection of this right is necessary to guarantee the survival of Indigenous peoples.

The rights of Indigenous peoples cannot be put at risk. Brazil has international obligations ratified by treaties and the Constitution for protection that must be respected, including provisions about indigenous people rights. We therefore ask you to immediately reject this bill, voting in favour of the Brazilian population, the protection of Indigenous peoples, all native communities, the fragile ecosystems, and the world's last carbon sinks that contribute to mitigating global warming.

I urge you and all Senate members to reject this bill.

Yours sincerely,

ADDITIONAL INFORMATION

Bill 2903/2023 represents profound threats to the rights of Indigenous peoples, particularly regarding the right to self-determination and traditional territory. The Temporal Framework thesis ignores the systemic human rights violations suffered by Indigenous peoples in Brazil, who for centuries have been expelled from their territories by the Brazilian government, farmers, agrobusiness and illegal miners for energy exploitation, illegal goldmining, and road construction.

In 1988, many Guarani Kaiowá, Avá Guarani, and other communities were living outside their territories because they had been occupied by ranchers, landowners, miners, or transformed into government construction sites. In Brazil, 285 processes of demarcation of Indigenous lands are stalled, and only 6 Indigenous lands were demarcated in 2023.

The slow pace of demarcation processes for Indigenous lands is at the heart of numerous land conflicts, which have victimized hundreds of Indigenous people. Between 2019 and 2022, no Indigenous territory was demarcated and, according to data from the Indigenous Missionary Council, more than 470 Indigenous people were murdered because of land conflicts. Also, in the year 2022, 176 people were killed due to conflicts involving land disputes.

Altogether, the areas of the 734 Indigenous lands are 117,537,905 hectares, or 13.8% of the national territory, according to FUNAI. While 67.57% of the areas are already reserved or homologated, a little more than 32% are still in some of the phases of the long demarcation process, 16% are in the initial phases, the identification studies.

On June 7, the Supreme Court of Brazil held a session where it reopened a debate on the Temporal Framework thesis that had been discussed since 2019. The Supreme Court will be issuing a ruling in coming months. Indigenous groups were invited to this session and have been organizing mobilizations across the country and especially in Brasília to try to stop the vote of Bill 2903/2023. The Court is likely to rule against the thesis because it violates Indigenous people's rights. The Senate is likely to seek that the voting of Bill 2903/2023 takes place before the Supreme Court's ruling to ensure that the proposed restrictions to Indigenous peoples' rights can be approved.

We must take action now! Indigenous rights can no longer wait!

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL July 20, 2023:

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Indigenous Peoples/ They

LINK TO PREVIOUS UA: [Brazil: Bill threatens indigenous rights in Brazil - Amnesty International](#)