

November 20, 2007

Brazil's violation of the rights of indigenous peoples presented to the United Nations Human Rights Council

On November 19, 2007, the Indigenous Council of Roraima (CIR), the Rainforest Foundation-US, the Forest Peoples Programme, and the Indigenous Peoples Law and Policy Program of the University of Arizona provided information to the United Nations Human Rights Council about Brazil's violation of the Rights of Indigenous Peoples in Raposa Serra do Sol.

The United Nation's newly established Human Rights Council, of which Brazil is one of its members, has initiated a process by which it will review the human rights situation in each of the 192 UN member States by 2011. This "Universal Periodic Review" as it is called, will be conducted regarding Brazil during the Council's session from 7-18 April 2008. According to a General Assembly resolution, the review will examine "the fulfilment by each State of its human rights obligations and commitments..." To prepare for the review non-profit organizations and members of civil society can contribute information for the Council's consideration by November 20. The U.N. Office of the High Commissioner for Human Rights will then compile all of the information it receives for the Council, including information on Brazil as submitted by the other human rights committees of the U.N. This will include the U.N. Committee on the Elimination of Racial Discrimination which has issued three separate communications to Brazil in the past year expressing its grave concern over the situation in Raposa and recommending, among other things, that the State i) complete the removal of non-indigenous from Raposa with urgency, ii) take immediate steps to provide increased security to the indigenous residents, iii) provide reparations to the indigenous peoples for damages resulting from the illegal use of their lands and the environmental harms suffered, and iv) fully investigate and bring to justice all those that have committed violence against the indigenous peoples and have disseminated ideas based on racial superiority or hatred.

In their report to the Council, the NGOs claim that Brazil has failed to fulfill its duties and obligations under international law which require it to take all measures necessary to ensure indigenous peoples enjoyment of their rights, including their right to own and control their ancestral territories and resources, to preserve and maintain their governing institutions, cultures, social and political organizations, and to be free from racial hatred and attacks on their lives and physical integrity. To demonstrate this failure, the report specifically highlights the case of the Ingaricó, Wapichana, Patamona, Macuxi and Taurepang Indigenous Peoples of the indigenous lands Raposa Serra do Sol where the State has failed to remove the non-indigenous occupants from the lands and to take measures to protect the indigenous peoples from increasing violence. The report describes how the indigenous peoples of Raposa are threatened by: hatred and violence against their communities and members, recently adopted municipal laws which interfere with their right to manage and control their land in accordance with their own laws, customs and governing institutions, proposed national legislation aimed at undermining

constitutional protections for indigenous lands, and the approval of a dam within RSS, without indigenous consultation or consent.

A copy of the report can be found at:

www.law.arizona.edu/depts/iplp/advocacy/raposa/index.cfm?page=advoc

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