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Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva

Ch. Louis-Dunant, 15 - 1202 – Geneva / Switzerland

Phone: (+41) (0)22 332 50 00 / Fax: (+41) (0)22 910 07 51 E-mail:
delbrasgen@itamaraty.gov.br

Expert Mechanism on the Rights of Indigenous Peoples

7th Session - Item 7: UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

Brazil believes that the United Nations Declaration on the Rights of Indigenous Peoples is a balanced and ambitious document which should serve as the main reference for the actions of all relevant actors involved. Many of the Brazilian policies on the promotion and protection of the rights of indigenous peoples, in particular the Federal Constitution, the provisions of the Indigenous Peoples' Act, and the applicable legislation in the fields of social participation, demarcation and environmental management of indigenous lands, health, education and culture, address the same issues covered by the UNDRIP.

In line with article 18 of the Declaration, the Brazilian Government promotes the participation of indigenous peoples in the design and implementation of public policies that affect them. To this effect, a National Indigenous Policy Commission (CNPI) was established in 2006, with the participation of 20 indigenous peoples' representatives, as well as officials from key government agencies. An Inter-ministerial Working Group has also been created to draft specific regulations to implement the provisions of ILO Convention 169 on prior informed consent of indigenous peoples with regard to policies and projects that affect them.

Concerning access to land, there are 688 indigenous territories in Brazil, covering an area of almost 1.1 million square kilometres, or more than 12% of the national territory. This is the world's largest amount of indigenous lands. Having been established according to anthropological studies, these lands correspond to the ancestral territories of most Brazilian indigenous peoples, especially in the Amazon biome and surrounding areas. Nonetheless, two main challenges remain: firstly, the consolidation of these territories and the prevention of intrusion by non-indigenous persons; secondly, the establishment of indigenous lands in some more densely populated regions of the country.

As to the content of article 29 of the Declaration, the National Policy for Environmental and Territorial Management of Indigenous Lands was launched in Brazil two years ago. The process of elaborating this policy was an achievement in itself, due to its participatory nature. The proposal was prepared by a 12-member working group, half of whom were indigenous, and went through five consultation sessions. These public hearings had the participation of over 1,200 representatives from 186 indigenous peoples. The main objective of this policy is to protect, recover and foster the sustainable use of natural resources in indigenous territories.

In line with article 24 of the Declaration, Brazil has a National Healthcare Policy for Indigenous Peoples. A sizeable administrative structure was put in place to manage this programme, structured in 34 different districts. Special attention is paid to traditional healing knowledge, medicines and practices, as well as to the epidemiological profile and other distinctive characteristics of different peoples. This policy was drafted and implemented with significant participation of indigenous peoples, from the District Councils up to the national level. Five National Conferences for Indigenous Healthcare (CNSI) have already taken place, the latest of which in 2013, with the participation of 30.000 persons at all levels, including indigenous representatives, healthcare professionals and the Minister of Health.

Following constitutional provisions, Brazil has an education policy specifically designed for indigenous peoples, based on respect for their cultural and linguistic

diversity (Articles 14 and 15 of the Declaration). This policy is developed and implemented with the participation of indigenous peoples at all levels, from the National Commission for Indigenous Education (CNEEI) to the 41 "ethno-educational territories" into which the country is divided. The Ministry of Education also has specific programmes for training indigenous teachers, and for producing teaching materials in several indigenous languages. The government also offers scholarships to indigenous students, and recently-enacted legislation established a quota system for indigenous students in state-run universities.

In the same vein, and in line with article 11 of the UNDRIP, Brazil also has specific policies for promoting and protecting the more than 200 indigenous languages spoken in Brazil, as well as for documenting and preserving the material and intangible cultural heritage of its indigenous

peoples. The Ministry of Culture has already held two National Forums for Indigenous Culture, with significant participation of indigenous representatives. The National Foundation for Indigenous Peoples (FUNAI) also has specific policies for protecting the cultural identity of indigenous peoples in voluntary isolation and in initial contact.

I thank you