

Intervention to 6<sup>th</sup> Expert Mechanism on the Rights of Indigenous Peoples  
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This theme is a challenge for indigenous peoples and the implementation is a shared responsibility by all.

Brazil is going through a time of intense manifestation of social movements, including indigenous peoples who have the constitutional rights of recognition of indigenous lands but that is at risk if the proposed Constitutional Amendment - 215 by Congress is approved.

As we know, national constitutions are the basis of the judicial system when indigenous peoples are advocating for their rights. These are considered fundamental clauses and can not be traded by merely economic interests.

Recently in Brazil, the removal of Indigenous Peoples from their traditional territories established by judicial decision resulted in the homicide of the Terena indigenous leader. This is an example of conflict that we have to live with everyday.

Our land, security, peace, respect for indigenous rights and access to justice is at risk. The issuing of mining laws on indigenous lands is accelerating while we wait for decades for Congress to approve legislations that would protect indigenous people. This is a denial to justice! We understand that the law specifies that indigenous peoples must be priorities for protection and in the spirit of this understanding Brazil shall approve the Statute of Indigenous Peoples is before Congress.

19 items will be discussed in the Brazilian Supreme Court in the Raposa Serra do Sol case. It is important that indigenous rights are interpreted by the courts in accordance with UN Declaration on Indigenous Peoples and the Convention 169 of the ILO instruments that Brazil agreed and undertook to respect and implement.

As a contribution to studies developed by the committee of experts, remember that it is important to include the topic of legal pluralism, and indigenous peoples in borders.

The dialogue between indigenous and states is essential to advance the process of realization and implementation of indigenous peoples rights. We recommend to the Expert Mechanism to consider a follow-up study under Access to Justice that considers the issue of jurisprudence on Indigenous Peoples rights to land in Supreme Court cases.