



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I would like to inform you that in the course of its 98th Session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedures, related to the building of highways and railroads in the State of Mato Grosso, in Brazil, and its impact on Xavante and other indigenous peoples's rights.

Xavante people amounts to about eighteen thousand persons and their traditional territories are in the eastern area of the State of Mato Grosso. Their ancestral territories extend beyond their demarcated lands, to areas owned today by corporations and individuals. The Committee notes that the State party is undertaking a vast infrastructure program to support the export agribusiness in Mato Grosso, including the building of the federal highway BR-080 on and near indigenous peoples' traditional lands.

According to the information received, there are official studies recognizing the harmful effects of highway projects on Xavante indigenous peoples' health and access to natural resources as well as on their safety and the preservation of their culture. In this regard, the Committee further notes that the BR-080 highway would have a serious impact on the sacred and ancient village of Tsõrepré.

The Committee is concerned about the adverse impact of such large-scale infrastructure projects on Xavante and other indigenous peoples. In particular, the Committee is concerned about allegations of lack of consultation and failure to seek to obtain their free, prior and informed consent.

Moreover, the Committee is also concerned about the further weakening of the institutional framework on the rights of indigenous peoples by the decision taken by the State party on 1st January 2019, the "Medida Provisória 870". This measure dismantles the National Indian Foundation (FUNAI), notably by transferring to the Ministry of Agriculture its mandate to demarcate indigenous territories and lands.

Her Excellency Ms. Maria Nazareth Farani Azevêdo
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The allegations reviewed by the Committee, if verified, would amount to a breach of the State party duty to recognize and protect the rights of the Xavante and other indigenous peoples to own, develop, control and use their communal lands, territories and resources.

With regard to the information received, the Committee would like to recall the State party of the Committee's General Recommendation No. 23 on the rights of indigenous peoples (1997). Accordingly, the Committee requests the State party to provide information on the steps taken to:

1. Suspend the building of the highway BR-080 and other infrastructure projects on or near the traditional lands and territories until free, prior and informed consent is obtained from all the Xavante indigenous communities affected by these projects, following an adequate discharge of the duty to consult.
2. Ensure its legislation on the right to consultation and free, prior and informed consent is consistent with the Convention and relevant international human rights standards.
3. Restore FUNAI in its functions, including regarding the demarcation of indigenous peoples' territories and ensure its strengthening to effectively promote and protect indigenous peoples' rights.

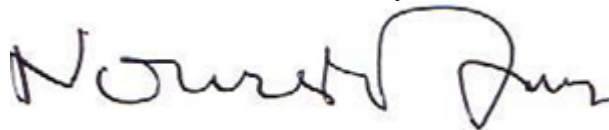
In this regard, the Committee encourages the State party to consider seeking assistance from the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that is mandated by the Human Rights Council (resolution 33/25, paragraph 2), to provide States with technical advice on the rights of indigenous peoples and facilitate dialogue between States, indigenous peoples and/or the private sector.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response by 8 July 2019.

Moreover, the Committee regrets that the State party has yet to submit without further delay its eighteenth, nineteenth and twentieth periodic reports in one document, overdue since 4 January 2008.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Brazil, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination