

## **BRAZIL**

### **Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure**

#### **CERD A/8418 (1971)**

##### Annex V

Text of communication sent to 17 states parties under article 9 of the convention adopted at the third session of the committee on 23 April 1971

At its third session, the Committee on the Elimination of Racial Discrimination, in discharge of its responsibilities under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, continued its consideration of the reports submitted by States Parties in accordance with paragraph 1 of that article.

It may be recalled that the Committee on the Elimination of Racial Discrimination is called upon, under article 9, paragraph 2, of the Convention, to submit annual reports to the General Assembly on its activities and to make suggestions and general recommendations based on the examination of reports and information received from the States Parties to the Convention.

In its communication adopted at its first session on 28 January 1970 CERD/C/R.12 contained in A/8027, annex III A) and transmitted to the States Parties in a note verbale by the Secretary-General on 27 February 1970, a copy of which is forwarded herewith, the Committee has laid down the type of information which it would expect to receive in pursuance of the provisions of article 9 of the Convention.

At its second session, on 16 September 1970, the Committee adopted a communication (A/8027, annex III B) addressed to States Parties whose reports under article 9 had been received, requesting them to compare the reports they had submitted with the communication adopted at the first session (CERD/C/R.12) and to furnish the Committee with information on those points which their reports did not cover. This communication was transmitted to the States Parties concerned by the Secretary-General in a note verbale dated 13 October 1970.

The Committee would appreciate it if the Government of [Brazil] would once again compare the information it has submitted with the communication adopted at the first session of the Committee and to furnish the Committee with all pertinent information by 15 July 1971. In this connection, attention is drawn to the summary records of the [41<sup>st</sup> - 58<sup>th</sup>] meetings of the third session of the Committee (CERD/C/SR.[41-58]), at which it discussed the report already submitted by [Brazil].

The summary records referred to above will be forwarded by the Secretary-General as soon as they are available in final form.

**CERD, A/62/18 (2007)**

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## **Chapter II**

### **PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES**

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25. At its seventieth session, the Committee requested the Chairperson to send a letter to the Government of Brazil, informing it that it had considered further the situation of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples in the indigenous area of Raposa Serra do Sol (RSS) of the State of Roraima in light of the responses provided by the Government on 3 January 2007 to the questions raised in its letter of 18 August 2006, as well as of the additional information received from non-governmental organizations. The Committee thanked the Government of Brazil for the responses provided and requested additional written information and clarification no later than 1 July 2007. It also invited a delegation of the State party to be present at its seventy-first session so as to allow for a constructive dialogue on this issue between the Committee and the State party.

26. At its seventy-first session, the Working Group on Early Warning and Urgent Action held a dialogue in a closed meeting with Ambassador Sergio Abreu e Lima Florencio, Deputy Permanent Representative of Brazil to the United Nations at Geneva. The Committee requested the Chairperson to send a letter to the Government of Brazil welcoming the responses provided orally and in writing to its questions, while requesting further clarification and additional written information on latest developments no later than 30 November 2007, in order to further decide on any action to be taken under the early warning and urgent action procedure.

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**CERD, A/63/18 (2008)**

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## **Chapter II**

### **PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES**

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19. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following:

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21. Following the receipt of written replies from Brazil on questions raised by the Committee in connection with the incomplete implementation of a presidential decree of 15 September 2005 on the eviction of non-indigenous rice-growers from the indigenous lands of Raposa Serra do Sol (ILRSS) in the State of Roraima, and after a meeting between the Committee's working group on early warning and urgent action and the Permanent Representative of Brazil to the United Nations in Geneva at the Committee's seventy-second session, the Committee, on 7 March 2008, sent a letter to the Government of Brazil to request further clarifications on several issues. At the seventy-third session, in light of new developments in the ongoing dispute and in anticipation of an imminent ruling by the Constitutional Court on the future of the ILRSS, Committee members heard a briefing by a non-governmental organization working on indigenous issues in Brazil. By a letter dated 15 August 2008, the Committee requested the Government of Brazil to provide updated responses to the issues raised by the Committee at the seventy-second session and to take all possible measures to reach a peaceful and viable solution.

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**Chapter II: Prevention of racial discrimination, including early warning and urgent procedures**

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15. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following.

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17. At its seventy-fifth session, and following its previous communications to the Government of **Brazil** in relation to the situation concerning the Indigenous Land of Raposa Serra do Sol, the Committee decided to transmit a letter to the State party expressing its satisfaction at a recent decision by the Federal Supreme Court on Brazil on the question of land demarcation, which allows the Government to complete the removal of non-indigenous trespassers from the traditional lands of affected indigenous communities. The Committee also decided to request the Government to provide it with an update on the implementation of this decision.

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**CERD, A/65/18 (2010)**

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## **Chapter II**

### **PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES**

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15. During the reporting period, the Committee also considered a number of situations under its early warning and urgent action procedure, including in particular the following.

16. Upon receiving updated information from non-governmental organizations, the Committee considered at its seventy-sixth session the situation of the indigenous peoples of Raposa Serra do Sol in the state of Roraima in **Brazil**. Following its previous communications to the Government of Brazil in 2008 and 2009 in relation to the situation concerning the aforementioned indigenous land, the Committee decided to reiterate its request for up-to-date information. Brazil responded by letter dated 23 August 2010.

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