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***PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS OFFICE***

***AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA***

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights – Special Procedures Branch and, in response to the call for inputs from the Special Rapporteur in the field of cultural rights, dated 8 March 2023, has the honor to transmit herewith the contribution of the Brazilian Government.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 19 April 2023

To: Office of the UN High Commissioner for Human Rights (OHCHR) – Special Procedures Branch

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SUBMISSION OF THE GOVERNMENT OF BRAZIL

The principles of human rights, especially those related to cultural rights, permeate the elaboration and implementation of public policies conducted by the Ministry of Culture. In its article 215, the Federal Constitution of 1988 guarantees everyone the full exercise of cultural rights and access to sources of national culture, and provides that the State must support and encourage the appreciation and dissemination of cultural manifestations.

To comply with the constitutional provision, the Brazilian government edited Law No. 12.343, of December 2, 2010, establishing the National Culture Plan. The Plan is in effect until 2024 and is governed by the following principles: a) freedom of expression, creation and fruition; b) cultural diversity; c) respect for human rights; d) everyone's right to art and culture; e) right to information, communication and cultural criticism; f) right to memory and traditions; g) socio-environmental responsibility; h) valuing culture as a vector for sustainable development; i) democratization of the instances of cultural policy formulation; j) responsibility of public agents for the implementation of cultural policies; k) collaboration between public and private agents for the development of the economy of culture; and l) participation and social control in the formulation and monitoring of cultural policies.

Human rights education

Brazil published, in 2006, the National Plan for Human Rights Education, which defines human rights education as a systematic and multidimensional process, which is articulated according to the following dimensions: (i) apprehension of historically constructed knowledge about human rights and its relation to the international, national and local contexts; (ii) affirmation of values, attitudes, and social practices that express the culture of human rights in all spaces of society; (iii) consolidation of public awareness capable of being present at the cognitive, social, ethical, and political levels; (iv) development of participatory methodological processes and collective construction, using contextualized languages and teaching materials; and (v) strengthening of individual and social practices that generate actions and instruments in favor of the promotion, protection, and defense of human rights, as well as reparation for violations. The plan is organized in five axes, namely: basic education, higher education, non-formal education, education for professionals in the justice and security systems, and education and the media.

In the non-formal education axis, the Plan is oriented by the principles of emancipation and autonomy, and foresees actions in different spaces, such as communities, social, political, and non-governmental movements, and organizations in the education and culture sectors. Among the programmatic actions, we highlight: (i) the inclusion of the theme of education in human rights in professional qualification programs, youth and adult literacy, rural extension, community social education and popular culture, among others; (ii) the encouragement of the promotion of actions of education in human rights aimed at urban and rural communities, such as quilombolas, indigenous, migrants, refugees, foreigners in irregular situations, and groups affected by dam constructions, among others; (iii) the treatment of the themes of education in human rights in artistic, advertising, and cultural productions, multimedia, video, cinema, literature, sculpture, and other artistic means, besides the mass media, with local, regional, and national themes; (iv) incentives to projects of education in human rights for agents of sports, leisure, and culture, including distance learning projects; and (v) proposals to incorporate the theme of education in human rights in the programs and projects of sport, leisure and culture as instruments of social inclusion, especially the sports linked to the Brazilian cultural identity and incorporated to the principles and purposes of the national education.

The axis on education and culture in human rights of the National Human Rights Program (PNDH-3, 2009) brings, in guideline 19 (Strengthening of the principles of democracy and human rights in the systems of basic education, in the institutions of higher education, and in the training institutions), programmatic actions on: (i) the establishment of curricular guidelines for all levels and modalities of teaching in basic education for the inclusion of the theme of education and culture in Human Rights, promoting the recognition and respect for diversity of gender, sexual orientation, gender identity, generational, ethnic-racial, with equal, non-discriminatory and democratic education; (ii) the implementation and monitoring of the application of laws that provide for the inclusion of Afro-Brazilian and indigenous peoples' history and culture in all levels and modalities of basic education; and (iii) the incentive to studies, research, and bibliographic production about the history and presence of traditional populations.

In this regard, the following national curricular guidelines for basic education can be listed:

- National Curricular Guidelines for the Education of Ethnic Racial Relations and for the Teaching of Afro-Brazilian and African History and Culture - Opinion nº 003/2004 of the National Education Council, of 10/03/2004;

- National Guidelines for Education in Human Rights - Opinion nº 08/2012 of the National Council of Education, of 06/03/2012;

- National Curricular Guidelines for Indigenous School Education - Opinion No. 13/2012 of the Basic Education Chamber of the National Education Council, dated 05/10/2012;

- National Curricular Guidelines for Environmental Education - Opinion nº 14/2012 of the Chamber of Basic Education of the National Council of Education, 06/06/2012;

- National Curricular Guidelines for Quilombola School Education - Opinion nº 16/2012 of the Basic Education Chamber of the National Education Council, of 06/05/2012.

Finally, Law 10.639, of 9 January 2003, which amends Law 9.394, of 20 December 1996, establishes the guidelines and bases of the national education and includes the theme "Afro-Brazilian History and Culture" in the official curriculum of the Education Network.

National historic and artistic heritage conservation

Human rights are also mandatory considerations for the development of material cultural heritage policies and are present in the Federal Constitution, in national legal frameworks, and in international legislation ratified by Brazil. The Institute of National Historic and Artistic Heritage (IPHAN) is the federal institution, linked to the Ministry of Tourism, that is responsible for the preservation of the Brazilian Cultural Heritage.

Cultural and human rights permeate IPHAN's Material Cultural Heritage Policy (PPCM), which unfold into premises, objectives, and general guidelines. The actions promoted by the Institute of National Historic and Artistic Heritage (IPHAN) within the spectrum of human rights include the documentation, promotion, diffusion, training and education processes for the cultural heritage, as well as the articulation and coordination of public policies for the cultural heritage.

The Conservation Plan instrument, provided for in IPHAN Ordinance No. 375/2018, has social participation as a central element in the development of conservation guidelines, identification of values and meanings, and, above all, it is a work that ensures that the community involved with the property is present in the agreement of conservation management actions for this heritage.

In the scope of the intangible heritage policy, the National Program of the Intangible Heritage (PNPI), established by Decree No. 3.551, dated 4 August 2000, enables projects of identification, recognition, safeguarding, and promotion of the intangible dimension of the Brazilian Cultural Heritage, with respect to and protection of the diffuse or collective rights related to the preservation and use of collective cultural practices. The PNPI's support and development policy guidelines include the promotion of social inclusion and the improvement of the living conditions of producers and holders of intangible cultural heritage, in addition to measures that increase the participation of groups that produce, transmit and update cultural manifestations of an intangible nature in projects for the preservation and valuation of this heritage.

The legal instrument that ensures the recognition of a cultural practice or expression as Brazilian Intangible Cultural Heritage by IPHAN is the process of registration. All registration processes are triggered by the demand of the holder community and must present the agreement of the holders. In general, the actions covered by this program seek to guarantee social participation, prior consent, and compliance with ILO Convention 169.

Since the first requests for registration, one can verify actions contrary to traditional cultural practices, which may result in their disappearance. An example of this is what has been happening with various cultural practices that depend essentially on products from nature and whose environmental and health surveillance legislation treats holders and producers of cultural goods as violators of technical norms, alien to the local cultural universes, criminalizing such practices. The cultural goods of the African matrix require confronting the issue of religious intolerance, pointed out as a strong threat to the continuity of the practice of these cultural expressions, often in the form of explicit public aggression.

The National Inventory of Linguistic Diversity (INDL), established by Decree 7387/2010, recognizes linguistic diversity as a structuring component of Brazilian cultural diversity, through identification, documentation, and support and promotion actions. For a language to be included in the inventory, it is necessary to produce extensive documentation about its uses, as well as a participatory diagnosis of its vitality, always including the speaking communities in the research. In turn, the National Inventory of Cultural References (INRC) also prioritizes the active participation of the communities that own the cultural assets in the production of varied information about their cultural universes, through the concept of cultural reference, which seeks to qualify the information produced in the field through the values and meanings attributed to them by the communities themselves.

The PNPI has the social participation of the actors that produce, maintain and transmit heritage in the processes of identification, recognition, support and promotion, as a *sine qua non* condition for any and all actions and projects. Its guidelines include the promotion of shared management of intangible cultural heritage, the articulation of civil society and governmental institutions, respecting the different possibilities for action and accountability of the players involved; and the support, through mediation with the competent authorities, for the recognition and defense of diffuse, collective, copyright and related rights and intellectual property rights with respect to intangible cultural heritage and its holders.

The implementation and strengthening of the National System of Cultural Heritage aims at the institutionalization of legal frameworks, administrative structures, capacity building and training of managers, technical assistance to government and civil society institutions to build and consolidate public policies for the identification, safeguarding, and promotion of cultural assets, observing their preservation, generational transmission, and fruition as a cultural right assured to the different peoples and communities that form the national identity, and as a co-responsibility of the State in its different instances.

The right to access, enjoy, and transmit cultural heritage, including languages and ways of life is guaranteed through mobilization and articulation actions that strengthen the guarantees of social participation in the processes of recognition, preservation and intervention in territories and cultural assets protected and safeguarded by IPHAN; and also through educational actions and training activities that aim to ensure the means of fruition, interpretation, socialization, reproduction and transmission of knowledge, and others that contribute to strengthen the relationships of belonging and identification of the communities to the values associated with their cultural heritage; finally, we also contribute to the right to memory and to the registration of the different expressions of the cultural heritage by keeping and preserving the institutional documentation related to the processes of identification, recognition, preservation and safeguarding of cultural assets.

The diffusion, promotion and documentation processes contribute to the right to access to information and knowledge about cultural assets as a cultural right. It does this, in particular, by storing, preserving and providing access to the institutional archives that contain the documentary memory on the processes of identification, recognition, preservation and safeguarding of cultural assets. It also contributes with the socialization and diffusion of the collections of its network of institutional libraries and with the variety and quality of its publications - books, magazines, dossiers and other informative materials related to the protected cultural assets. The registration, documentation, and wide dissemination of knowledge and information related to the cultural assets and their holders contribute to the appreciation and identification of the communities with their cultural assets, in addition to contributing to the recognition of cultural diversity and otherness.

We highlight the actions in the field of Heritage Education, aligned with the application of the Iphan Ordinance No. 137, of 04/28/2016, which establishes guidelines for Heritage Education within the scope of IPHAN and the Heritage Houses.

Furthermore, it is worth mentioning the institution of Management Plans and Management Committees for the cultural assets recognized as World Heritage by Unesco, as a participative and shared management measure for the preservation of the universal exceptional value of these assets

Despite the enormous diversity of cultural assets of a material nature in Brazil, the methodology of the Conservation Plans allows for the involvement of communities as diverse as these. This instrument has presented excellent results when developed for assets whose holders or communities directly involved are, in a way, more vulnerable and historically marginalized. The process of elaboration and the final result of the Conservation Plans for the terreiros (or shrines) of Bahia, already mentioned, demonstrated how this instrument can be potent in effecting participation and empowering these agents within conservation actions, besides establishing a direct channel between the governmental agent of heritage and this part of the population - which is not always heard by the State. The PCs have also proven efficient in identifying conflicts, anticipating the existence of significant problems, and already establishing guidelines so that they do not occur or so that they can be mitigated. Religious racism, land disputes, and gentrification were mapped as problems that negatively impact the protected assets and the community directly related to them. Such problems were identified in the three terreiros worked on and, within its attributions, Iphan was able to identify how to address them.

Regarding the most recent initiatives of the IPHAN, it is also worth noting that four of the five institutional programmatic guidelines established for the proposition of Action Plans regarding the 2023 budget are expressed in this sense: (i) actions that affect or are carried out in partnership with traditional peoples and communities, communities of African matrix and/or indigenous peoples, explicitly bringing the information of these social groups involved and/or benefited; (ii) inaugural actions in territories and/or communities historically excluded or forgotten by cultural heritage policies; (iii) actions for the identification, recognition, conservation, preservation, support and promotion of cultural assets that are directly linked to the memory of cultural and social processes of exclusion and violence, with the purpose of promoting transitional justice and ethno-racial equality; and (iv) actions that simultaneously integrate the promotion of tangible and intangible assets and heritage education initiatives.

We can highlight the Internal Audit, the supervision and control unit of the administrative processes; the Ombudsman and the Electronic System of the Citizen Information Service (e-SIC), which provides information to citizens through a specific communication channel, observing the transparency principle; the Advisory Council of the Cultural Heritage, a collegiate body that represents the civil society and the highest instance for decisions related to recognition of cultural assets; the Federal Attorney's Office, responsible for providing legal support to the agency, observing from constitutional principles to internal rules. All administrative processes are currently processed through the SEI - Electronic Information System, which allows external users to access all of the agency's procedural documentation, except for those of a restricted and confidential nature, in accordance with the law. Externally, Iphan's actions are monitored on a daily basis by the Public Prosecutor's Office, which is responsible for "defending the legal order, the democratic system, and the social and individual inalienable interests," as provided in the Federal Constitution of 1988.

Finally, the development priorities or technical assistance provided by development funding agencies, such as the World Bank, the Inter-American Development Bank - IDB and the Andean Development Cooperation Bank - CAF, have had an impact on the way cultural rights are achieved in the field of cultural heritage. On the one hand, the programs demand structural adjustments in the institutional development of the borrowers, while at the same time establishing project conditions that sometimes limit the recognition, in the scope of the projects, of cultural practices typical of traditional localities and/or neighborhoods, many of which do not adhere to the capitalist mode of production. Thus, the actions of development funding agencies impact the design of projects without adequately considering the effects of local economic growth on neighborhood relations and minority practices that make up the cultural diversity and the exercise of cultural rights of the population residing there.

On the other hand, the investments also allow the reinsertion of the protected assets in the regional economic dynamics, reestablishing differentiated uses and forms of occupation in neighborhoods and monuments with inadequate occupation or even emptying. Low value-added uses are replaced by new ones with capital retention capacity and spreading to the immediate surroundings. The conservation status of the buildings has improved and, no less important, the public spaces have been recovered.

ANNEX I

Contributions of the Ministry of Culture

The principles of human rights, especially those related to cultural rights, permeate the elaboration and implementation of public policies conducted by the Ministry of Culture. In its article 215, the Federal Constitution of 1988 guarantees everyone the full exercise of cultural rights and access to sources of national culture, and provides that the State must support and encourage the appreciation and dissemination of cultural manifestations. To comply with the constitutional provision, the Brazilian government edited Law No. 12.343, of December 2, 2010, establishing the National Culture Plan. The Plan is in effect until 2024 and is governed by the following principles:

a) Freedom of expression, creation and fruition;

b) Cultural diversity;

c) Respect for human rights;

d) Everyone's right to art and culture;

e) Right to information, communication and cultural criticism;

f) Right to memory and traditions;

g) Socio-environmental responsibility;

h) Valuing culture as a vector for sustainable development;

i) Democratization of the instances of cultural policy formulation;

j) Responsibility of public agents for the implementation of cultural policies;

k) Collaboration between public and private agents for the development of the economy of culture;

l) Participation and social control in the formulation and monitoring of cultural policies.

In summary, the Plan concentrates a set of principles, objectives, guidelines, strategies and goals that should guide the government in the formulation of cultural policies, considering three dimensions of the concept of Culture, namely, the symbolic, the citizen and the economic. In the symbolic dimension, it is understood that all human beings have the capacity to create symbols. These symbols are expressed in various cultural practices, such as in languages, customs, cuisine, ways of dressing, beliefs, technological and architectural creations, and also in artistic languages (theater, music, visual arts, dance, literature, circus, etc.). Thus, this dimension is related to man's needs and well-being as an individual and collective being. In the citizenship dimension, it is understood that culture is a basic right of every individual. Thus, cultural rights must be guaranteed with policies that expand the access to the means of production, diffusion, and fruition of cultural goods and services. The mechanisms for social participation, formation, the relationship of culture with education, and the promotion of free expression and the safeguarding of cultural heritage and memory must also be expanded. The economic dimension, in turn, considers the potential of culture to generate dividends, produce profit, employment, and income, as well as stimulate the formation of productive chains that are related to cultural expressions and the creative economy. It is through this dimension that one can also think about the place of culture in the scenario of socially just and sustainable economic development.

The Ministry of Culture is responsible for monitoring and evaluating the reach of the guidelines and the effectiveness of the Plan's targets based on national, regional, and local indicators that quantify the supply and demand for goods, services, and content, the levels of work, income, and access to culture, of institutionalization and cultural management, of cultural-economic development, and of sustainable implementation of cultural equipment.

It is also worth noting that the Federal Constitution, in its article 216-A, instituted the National System of Culture, which is organized in a collaborative regime, in a decentralized and participatory way, and advocates a process of joint management and promotion of public policies for culture, democratic and permanent, agreed between the entities of the Federation and society, with the objective of promoting human, social, and economic development with the full exercise of cultural rights.

Examples of programs that contribute to the respect, protection and implementation of cultural rights, include:

a) The National Program of Support to Culture (PRONAC), established by Law No. 8.313, of December 23, 1991, aims to raise and channel resources to the cultural sector in order to:

I - contribute to facilitating, for everyone, the means for free access to the sources of culture and the full exercise of cultural rights;

II - promote and stimulate the regionalization of Brazilian cultural and artistic production, with valorization of human resources and local content;

III - to support, value, and spread the set of cultural manifestations and their respective creators;

IV - protect the cultural expressions of the groups that form Brazilian society and are responsible for the pluralism of national culture;

V - safeguarding the survival and flourishing of the Brazilian society's ways of creating, doing and living;

VI - preserve the material and immaterial goods of the Brazilian cultural and historical heritage;

VII - develop international awareness and respect for the cultural values of other peoples or nations;

VIII - to stimulate the production and diffusion of cultural assets of universal value, which form and inform knowledge, culture, and memory;

IX - prioritize the cultural product originated in the Country.

PRONAC is implemented through the National Culture Fund and the fiscal incentive mechanism, through which donors and sponsors who contribute resources to cultural projects receive an income tax deduction.

b) The National Policy for Living Culture (PNCV), instituted by Law No. 13.018, of July 22, 2014, is based on the partnership between the Union, states, Federal District and municipalities with civil society in the field of culture, with the aim of expanding the access of the Brazilian population to the conditions for the exercise of cultural rights. The objectives of the PNCV are:

I - to guarantee the full exercise of cultural rights to Brazilian citizens, providing them with the means and inputs necessary to produce, register, manage, and disseminate cultural initiatives;

II - stimulate the social protagonism in the elaboration and management of public policies for culture;

III - promote a shared and participative public management, supported by democratic mechanisms of dialogue with the civil society;

IV - consolidate the principles of social participation in cultural policies;

V - ensure respect for culture as a citizenship right and for cultural diversity as a symbolic expression and as an economic activity;

VI - to stimulate already existing cultural initiatives, by means of support and encouragement from the Union, the States, the Federal District, and the Municipalities;

VII - promoting access to the means of cultural fruition, production, and diffusion;

VIII - to enhance cultural initiatives, aiming at the construction of new values of cooperation and solidarity, and expand instruments of education with education;

IX - stimulating the exploration, use, and appropriation of codes, artistic languages, and public and private spaces made available for cultural action.

The PNCV's beneficiaries are society and, as a priority, the people, groups, communities and populations in situations of social vulnerability and with reduced access to the means of production, registration, fruition and cultural diffusion, who require greater recognition of their human, social and cultural rights, or in cases where there is a threat to their cultural identity.

The PNCV comprises the following instruments:

I - culture points: private law non-profit legal entities, groups or collectives without legal constitution, of cultural nature or purpose, that develop and articulate cultural activities in their communities;

II - culture points: legally constituted entities, cultural and/or educational in nature and purpose, that develop, monitor, and articulate cultural activities, in partnership with regional, identity, and thematic networks of culture points and other thematic networks, aimed at mobilizing, exchanging experiences, developing joint actions with local governments, and articulating different culture points that may be grouped at the state and/or regional level or by thematic areas of common interest, with a view to capacity building, mapping, and joint actions;

III - National Register of Pontos and Pontões de Cultura: integrated by groups, collectives, and private non-profit legal entities that develop cultural actions and have a simplified certification granted by the Ministry of Culture.

For the purposes of the PNCV, the groups and entities that prioritize are recognized as points of culture:

I - promoting citizenship and a culture of peace through cultural actions in local communities;

II - appreciation for Brazilian cultural and regional diversity;

III - democratization of cultural actions and goods;

IV - strengthening of cultural experiences developed by socio-cultural agents and movements that dialogue with the local community;

V - recognition of the knowledge, skills, cultivation, and ways of life of indigenous populations and rural, traditional, quilombola, and itinerant communities;

VI - valuing childhood, adolescence, and youth through culture;

VII - incorporation of young people into the world of cultural work;

VIII - cultural inclusion of the elderly population by promoting the access of this group to cultural manifestations, by offering opportunities for their active participation in the various forms of artistic manifestations, and by stimulating social interaction in cultural environments;

IX - capacity building and continuous training for culture workers;

X - promotion of training programs and qualification of access to information technology for cultural production and diffusion;

XI - encouraging the creation of local structures and technical advisory services for capacity building, planning, and management of the culture points.

c) The Worker Culture Program was instituted through Law No. 12,761, of December 27, 2012, and created the culture voucher. The program is intended to provide workers with the means to exercise cultural rights and access to sources of culture. The objectives of the Program are:

I - enable access to and enjoyment of cultural products and services;

II - to stimulate visits to cultural and artistic establishments; and

III - to encourage access to cultural and artistic events and shows.

The culture voucher is an optional benefit paid by the company to the worker. The worker is credited R$ 50 per month, in a magnetic card, to purchase cultural products and services. The benefit is cumulative, with no expiration date, and can be offered by any company in good standing with the Internal Revenue Service that has employees.

d) The Paulo Gustavo Law (Supplementary Law No. 195, of July 8, 2022) was created with the objective of supporting culture makers in the face of the challenges of the Covid-19 pandemic. It provides for the transfer of R$3.86 billion from the surplus of the National Fund for Culture (FNC) to states, municipalities, and the Federal District for emergency actions in the cultural sector, by means of edicts, public calls, awards, or other forms of public selection.

The support foreseen by the law includes Brazilian culture in all its diversity. Culture makers in areas such as visual arts; reading and literature; artistic and cultural expressions of traditional peoples; non-formalized cultural collectives; carnival; hip-hop and funk culture; among others, are eligible to receive resources. The actions benefited can be both on-site and online. Besides distribution, the norm foresees the democratization of resources. The entities of the federation must guarantee that the actions are carried out in consultation with both the cultural community and civil society. There is also the commitment to strengthen or create state, district, and municipal culture systems, by means of councils, plans, and state, district, and municipal culture funds.

The beneficiaries of the law must provide counterparts to receive the funding. In the case of social counterparts, measures such as the free exhibition of film productions, accessibility for people with disabilities, and the targeting of actions to students and teachers in public schools are allowed. There is also the obligation to be accountable to the public administration.

- The right to access, enjoy, and transmit cultural heritage, including languages and ways of life;

The Institute for National Historical and Artistic Heritage (IPHAN) maintains instruments to protect the material and immaterial heritage.

The material heritage protection instruments used by Iphan aim to legally guarantee the preservation of assets of cultural interest to the country. They have been established by different legislations over time, and currently constitute a range of alternatives to be employed depending on the nature of the property. Among them are:

a) Tombamento - It is the oldest protection instrument in use by IPHAN, established by Decree-Law No. 25, dated November 30, 1937, and it forbids the destruction of cultural assets, placing them under the Institute's surveillance. To be protected, a property goes through an administrative process, until it is inscribed in at least one of the four Tombo Books instituted by the Decree: the Archaeological, Ethnographic and Landscape Tombo Book; the Historical Tombo Book; the Fine Arts Tombo Book; and the Applied Arts Tombo Book.

b) Chancel of Cultural Landscape - Instituted by Iphan Ordinance No. 127/2009, it recognizes the cultural importance of peculiar portions of the national territory, representative of the process of interaction of man with the natural environment, to which life and human science have imprinted marks or attributed values. It presupposes the establishment of a pact between the government, civil society, and private initiative, aiming at the shared management of the portion of the national territory thus recognized.

In addition, IPHAN executes the safeguard policy, in the scope of the National Program of Intangible Heritage. The policy encompasses actions for the identification, recognition, support, and promotion of intangible cultural assets of communities and groups throughout the country. Based on it, safeguarding is understood as the set of measures that aim to ensure the viability of the Intangible Cultural Heritage, such as the identification, documentation, investigation, protection, enhancement, promotion, transmission, and revitalization of this heritage.

It is also worth mentioning the Sala do Artista Popular program, maintained by the National Center for Folklore and Popular Culture, which is focused on the production of Brazilian popular art and crafts, involving research, documentation, diffusion, and promotion actions.

We also highlight the quilombola certification, a mechanism through which Fundação Cultural Palmares issues a certificate of recognition to quilombola communities.

- The right to access and transmit creative expressions and knowledge, and to access the creativity and knowledge of others;

The programs mentioned above also fulfill this function.

- The right to access the benefits of science and its applications, including scientific knowledge, technology, and opportunities to contribute to the scientific enterprise;

- The right to benefit from the protection of the moral and material interests that correspond to him by reason of the scientific, literary, or artistic productions of which he is the author;

In this regard, the work of the Secretariat of Copyright and Intellectual Rights of the Ministry of Culture, which oversees compliance with Law No. 9610 of 1998 and Law No. 12,853 of 2013, both on copyright, stands out.

- The right to participate in decision-making processes that impact one's cultural life, including: the right to effective participation and consultation of minorities; or the right to free, prior, and informed consent of indigenous peoples and local populations.

Social participation is guaranteed through the National Council for Cultural Policy (CNPC), a collegiate body that makes up the National Culture System and integrates the structure of the Ministry of Culture. The CNPC is supported by the Federal Constitution, in its art. 216-A, §2, II, and was established by Decree No. 9,891 of June 27, 2019. The Council has an advisory character and aims to propose the formulation of public policies for culture, in an articulated manner between the different spheres of government and civil society and measures that aim to recognize culture as the core of human, social and economic development, considering the symbolic, citizen and economic dimensions of culture.

There is also the National Conference on Culture, an instance of debate and proposition of guidelines for the formulation of public policies on culture. The Conference is composed of representatives of the Public Power and of civil society, and the representatives of civil society are appointed in state, district, municipal or inter-municipal culture conferences and in virtual conferences, as provided in the Conference regulations, proposed by the CNPC Plenary and approved by the Ministry of Culture.

Recent examples of programs, policies, and commitments in which cultural rights are mentioned and explained;

Federal Constitution of 1988 (arts. 215, 216 and 216-A);

Law No. 12.343, December 2, 2010;

Law No. 8.313, of December 23, 1991;

Law No. 13.018, of July 22, 2014;

Law No. 12,761, December 27, 2012.

- cultural development is mentioned and explained;

The legislation and programs cited above. As examples, we highlight the following:

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- the expression of cultural diversity is respected, protected, and enforced;

The legislation and programs cited above. As examples, we highlight the following:

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- marginalized voices and aspirations are identified and heard;

The current Brazilian government has taken into account the diversity of its people in the composition of decision-making bodies and councils. The CNPC, for example, counts on the participation of Afro-descendant and indigenous civil society representatives.

The National Cultural Plan (PNC) established the National System of Information and Cultural Indicators (SNIIC) with the objective of collecting information and monitoring the fulfillment of goals. In some opportunities, the Ministry of Culture hires consulting services to evaluate the impacts of the programs cited.

For complaints and redress in case of violation, the citizen contacts the government through the general ombudsman channel or directly through the Judiciary.

ANNEX II

Contributions of IPHAN

Question 1.

The actions promoted by the Institute of National Historic and Artistic Heritage (IPHAN) within the spectrum of human rights include the documentation, promotion, diffusion, training and education processes for the cultural heritage, as well as the articulation and coordination of public policies for the cultural heritage. In the scope of the intangible heritage policy, the National Program of the Intangible Heritage (PNPI), established by Decree No. 3.551, dated 4 August 2000, enables projects of identification, recognition, safeguarding, and promotion of the intangible dimension of the Brazilian Cultural Heritage, with respect to and protection of the diffuse or collective rights related to the preservation and use of collective cultural practices. The PNPI's support and development policy guidelines include the promotion of social inclusion and the improvement of the living conditions of producers and holders of intangible cultural heritage, in addition to measures that increase the participation of groups that produce, transmit and update cultural manifestations of an intangible nature in projects for the preservation and valuation of this heritage.

The legal instrument that ensures the recognition of a cultural practice or expression as Brazilian Intangible Cultural Heritage by Iphan is the Registration. All Registration processes are triggered by the demand of the holder community and must present the agreement of the holders. In general, the actions covered by this program seek to guarantee social participation, prior consent, and compliance with ILO Convention 169.

Since the first requests for Registration, one can verify actions contrary to traditional cultural practices, which may result in their disappearance. An example of this is what has been happening with various cultural practices that depend essentially on products from nature and whose environmental and health surveillance legislation treats holders and producers of cultural goods as violators of technical norms, alien to the local cultural universes, criminalizing such practices. The cultural goods of African matrix require confronting the issue of religious intolerance, pointed out as a strong threat to the continuity of the practice of these cultural expressions, often in the form of explicit public aggression.

Also the National Inventory of Linguistic Diversity (INDL), established by Decree 7387/2010, recognizes linguistic diversity as a structuring component of Brazilian cultural diversity, through identification, documentation, and support and promotion actions. For a language to be included in the Inventory, it is necessary to produce extensive documentation about its uses, as well as a participatory diagnosis of its vitality, always including the speaking communities in the research. In turn, the National Inventory of Cultural References (INRC) also prioritizes the active participation of the communities that own the cultural assets in the production of varied information about their cultural universes, through the concept of cultural reference, which seeks to qualify the information produced in the field through the values and meanings attributed to them by the communities themselves.

Thus, the actions to support and promote the registered assets involve several fronts:

a) institutional articulation and continuous mobilization and articulation of communities and groups of holders, including through research, mapping and inventories carried out in a participatory manner;

b) the promotion of participatory management of the safeguarding of these cultural assets, with the elaboration of strategic and participatory planning as well as training actions for technical staff for the implementation and management of heritage policies;

c) support for the transmission of knowledge related to the cultural property and the material conditions for the production of intangible cultural assets as well as the occupation, use and adaptation of physical space for production, reproduction and cultural diffusion;

d) the dissemination and valuation of the cultural universe of the registered property, with actions for the constitution, conservation and availability of collections, educational actions, edicts, prizes, among others;

e) attention to the intellectual property of the collective knowledge and rights and the adoption of administrative and/or judicial protection measures in case of threat or damage to the registered cultural property.

Human rights are also mandatory considerations for the development of material cultural heritage policies and are present in the Federal Constitution, national legal frameworks, and international legislation ratified by Brazil. Cultural and human rights permeate Iphan's Material Cultural Heritage Policy (PPCM), established by Ordinance No. 375, 2018, in the form of principles, which unfold into premises, objectives, and general guidelines. These contents must be observed in all initiatives and in all phases of the work. The principles of Humanization, Indissociability, Active Participation, Sustainable Development, Right to the City, Equitable Access, Respect for Local and Regional Diversities, Right to Information, and Right to Social Control stand out. Such principles associate, therefore, the actions and activities of the policy to the preservation of the cultural heritage at federal level, respectively, to its contribution to guarantee citizenship and human dignity; to the inseparability "between the material cultural heritage and the communities that have them as reference"; to social participation, ensured "in the elaboration of strategies for the preservation of the material cultural heritage"; to sustainability, meeting the needs of the current generation without compromising the needs of future generations; the "right to an urban environment that guarantees the enjoyment of the city's structure, services, equipment, and public and community spaces in an equitable and inclusive manner"; the right of everyone "to use, in a balanced manner, the patrimonialized material cultural goods and the resources of the environment recognition and consideration of geographic, socioeconomic and cultural diversity" as "the basis for a fair and equitable Policy"; making "knowledge produced about the material cultural heritage" available to society, "in accessible language and means"; and recognition of the citizen as a "legitimate party to monitor the actions resulting from the PPCM".

It is worth highlighting the right to housing as a human right integrated with the Institute's relevant actions to guarantee fundamental rights. Decree-Law 25/1937 provides for the support of the Brazilian State in the conservation of protected properties whose owners do not have the financial means to do so. This legal provision has allowed Iphan to experiment with projects of Technical Assistance for social interest housing, with the elaboration of projects and works to ensure the habitability of housing in heritage buildings or protected urban complexes.

The implementation of the Model Conservation Workshops program aims to intensify the actions aimed at the most vulnerable communities, located in areas under Iphan's jurisdiction. The program promotes the training of people from the communities to act in the conservation of the cultural heritage; identification, recognition and transmission of local knowledge and master craftsmen and, by means of job and income generation, improve the living conditions of the communities directly involved with sites of cultural interest.

Question 2.

As previously indicated, the PNPI has the social participation of the actors that produce, maintain and transmit heritage in the processes of identification, recognition, support and promotion, as a sine qua non condition for any and all actions and projects. Its guidelines include the promotion of shared management of intangible cultural heritage, the articulation of civil society and governmental institutions, respecting the different possibilities for action and accountability of the players involved; and the support, through mediation with the competent authorities, for the recognition and defense of diffuse, collective, copyright and related rights and intellectual property rights with respect to intangible cultural heritage and its holders.

The process of normatization of the protection of the material heritage seeks to understand the heritage properties in their territories of insertion in order to establish conservation and management activities for the protected properties. It seeks to establish practices for the participatory construction of preservation norms, so as to ensure their legitimacy and appropriation by local communities and public agents, and to facilitate the definition of strategies for the shared management of the protected assets, making the Preservation Pact effective. Since 2022, Iphan has established online public consultation as a mandatory activity and an instrument of popular participation. Using digital technologies, any Brazilian citizen, resident or not in the protected area or its surroundings, can contribute by accessing the documents that make up the consultation. The contributions are analyzed and consolidated by Iphan's technical team. After the contributions are consolidated, Iphan publishes a report containing the responses to each contribution.

The Conservation Plan instrument, provided for in Iphan Ordinance No. 375/2018, has social participation as a central element in the development of conservation guidelines, identification of values and meanings -- many of which were not always recognized at the time of establishing their protection criteria -- and, above all, it is a work that ensures that the community involved with the property is present in the agreement of conservation management actions for this heritage. The participation of the community (with representation from several agents of the society, such as specialists, managers, residents, community leaders, students, etc.) takes place in five main moments: in the preparation of the map of agents involved with the property; in the identification of problems, potentialities, historical facts, and meanings of the property; in the preparation of preservation guidelines; in the establishment of actions and their priorities; and in the validation of the final document. Iphan has developed a methodology to enable listening and has organized instruments to enable participative workshops. These workshops serve to subsidize the development of the Plan and, afterwards, to validate the final document. The three Conservation Plans developed for the Alaketu, Agboulá, and Roça do Ventura terreiros deserve to be highlighted.

- The right to choose and maintain one's identity and to participate in the cultural life of one's choice

The implementation and strengthening of the National System of Cultural Heritage aims at the institutionalization of legal frameworks, administrative structures, capacity building and training of managers, technical assistance to government and civil society institutions to build and consolidate public policies for the identification, safeguarding, and promotion of cultural assets, observing their preservation, generational transmission, and fruition as a cultural right assured to the different peoples and communities that form the national identity, and as a co-responsibility of the State in its different instances.

The Identification and Recognition actions of the material cultural heritage at the federal level must include participative workshops with social groups and representatives of local communities. The heritage education actions are transversal to the departmental policy. The inventories, thematic studies, dossiers, cultural cartographies, among other types of documents, are examples of initiatives to increase knowledge about the cultural assets belonging to society. This includes minority groups and traditional peoples and communities. The policy must be participative and heritage management must be done in partnership with society. In this scope, several examples can be evoked, many of them having resulted in the Recognition of several assets identified in these actions, such as the inventory of knowledge of the localities in the São Francisco river channel; inventory of the cultural landscape of the São Francisco river mouth; inventory of the Japanese immigration in São Paulo; inventory of the cultural heritage in Vale do Ribeira/SP; inventory of knowledge of the national immigration routes - Santa Catarina; in the instruction of the joint Recognition of the Santeira Art in Wood of Piauí and of the Nossa Senhora de Lourdes Church and collection, among others.

In this regard, it should also be noted that the PPCM provides, in line with ILO Convention 169, that both the peoples and persons self-identified as indigenous and the Traditional Peoples and Communities of African Matrix have the right to define their own priorities in processes involving the preservation of their material cultural heritage, which implies the free, prior, and informed consent of the communities directly concerned.

The Conservation Plan is an instrument that allows the qualified participation of the agents directly involved with the cultural property. It has social participation as its central element, allowing Iphan to make decisions about the preservation of the assets taking into account the wishes, desires, knowledge, and values identified with the community. It is, therefore, a way of involving the population in the definition and updating of the elements related to the material heritage that are part of their own identity. It also allows fostering and creating listening channels and building pacts between the Iphan, managers, and the population directly involved with the protected asset.

- The right to access, enjoy, and transmit cultural heritage, including languages and ways of life

This right is guaranteed through mobilization and articulation actions that strengthen the guarantees of social participation in the processes of recognition, preservation and intervention in territories and cultural assets protected and safeguarded by Iphan; and also through educational actions and training activities that aim to ensure the means of fruition, interpretation, socialization, reproduction and transmission of knowledge, and others that contribute to strengthen the relationships of belonging and identification of the communities to the values associated with their cultural heritage; finally, we also contribute to the right to memory and to the registration of the different expressions of the cultural heritage by keeping and preserving the institutional documentation related to the processes of identification, recognition, preservation and safeguarding of cultural assets.

The issue is related to the policy of material heritage, as it encompasses important dimensions related to territorial portions, cultural landscapes, rural heritage, and natural heritage, among others. Knowledge inventories and dossiers are examples of works whose complexity allows them to take into account traditions and ways of life in localities. This is achieved when the teams that carry out field work are multidisciplinary, with the presence of social scientists, anthropologists, historians, and geographers, among other backgrounds, as in the inventories and reconnaissance mentioned in the previous item. Furthermore, the PPCM determines that the identification actions must produce information, documentation, and knowledge about the sociocultural environments related to the material cultural assets, thus contributing to the access, fruition, and transmission of this heritage.

The whole process of subsequent management and conservation of the assets becomes more adequate when done together with the social groups and local communities, contemplating the access, fruition, and transmission of the cultural heritage. The transmission of knowledge is highlighted in the Model Nurseries program, which seeks to identify master craftsmen whose work is related to construction techniques, for example. A relevant case is the Canteiro Modelo de Igatu - Bahia, which, by identifying local and traditional knowledge about stonemasonry, was able not only to value these professionals through practical workshops developed with the UFBA, but also to use this knowledge to mediate conflicts in the locality, executing the work in a joint-workshop that solved a problematic case in the territory.

- The right to access and transmit creative expressions and knowledge, and to access the creativity and knowledge of others

The diffusion and promotion area and the documentation area contribute to the right to access to information and knowledge about cultural assets as a cultural right. It does this, in particular, by storing, preserving and providing access to the institutional archives that contain the documentary memory on the processes of identification, recognition, preservation and safeguarding of cultural assets. It also contributes with the socialization and diffusion of the collections of its network of institutional libraries and with the variety and quality of its publications - books, magazines, dossiers and other informative materials related to the protected cultural assets. The registration, documentation, and wide dissemination of knowledge and information related to the cultural assets and their holders contribute to the appreciation and identification of the communities with their cultural assets, in addition to contributing to the recognition of cultural diversity and otherness.

As an example in the field of final policies, the dossier jointly prepared by the material and immaterial heritage areas, regarding the joint recognition of the Santeira Wood Art of Piauí and the Nossa Senhora de Lourdes Church, takes into consideration the need for access and transmission of creative expressions and knowledge, both of the masters and apprentices involved in this artistic production, and of the people in the community who interact with this form of expression.

Again, the Conservation Model Garden can be considered a good example of a program that allows access to the creativity and knowledge of diverse agents, whether for the reasons explained above, or by allowing an exchange between communities - often isolated - and academia. In Igatu there was a powerful exchange of knowledge between the population of Igatu/BA and the residents of the graduate program at UFBA.

- The right to access the benefits of science and its applications, including scientific knowledge, technology, and opportunities to contribute to the scientific enterprise

This right is covered in a general way in the answers given to the previous item.

The Model Conservation Sites are precisely intended to intensify the possibilities for the population residing in protected or valued sites - especially the most vulnerable part of this population - to access scientific knowledge and technologies. The experience of the Igatu CM, an Iphan action, with UFBA and the Public Ministry is, once again, illustrative. One of the major problems of the locality is related to the disposal of domestic sewage, a problem aggravated by the nature of the site since the town is built on rocks in an area of relevant environmental interest. The CM developed a treatment system through biodigestion adapted to the nature of the locality. This project was made available to the residents with illustrations that facilitate the understanding of the system.

- The right to benefit from the protection of the moral and material interests that correspond to him by reason of the scientific, literary, or artistic productions of which he is the author

Please refer to the previous answer.

- The right to participate in decision-making processes that impact one's cultural life, including: the right to effective participation and consultation of minorities; or the right to free, prior, and informed consent of indigenous peoples and local populations.

This right is contemplated in a more diffuse way in the answers presented for the previous items.

Question 3.

We highlight the actions in the field of Heritage Education, aligned with the application of the Iphan Ordinance No. 137, of 04/28/2016, which establishes guidelines for Heritage Education within the scope of Iphan and the Heritage Houses.

Furthermore, it is worth mentioning the institution of Management Plans and Management Committees for the cultural assets recognized as World Heritage by Unesco, as a participative and shared management measure for the preservation of the universal exceptional value of these assets.

Furthermore, we highlight the Rodrigo Melo Franco de Andrade Award. National in nature, the Award has been promoted by Iphan since 1987, in recognition and encouragement of actions to preserve and safeguard the Brazilian Cultural Heritage. In 2023, the Award's motto is "20 years of Law 10.639/2003: Education, Democracy, and Racial Equality" and it will reward actions of excellence in the field of Brazilian Cultural Heritage carried out through a transversal approach to the themes of education, democracy, and racial equality. Among the criteria for evaluating the actions is the question of diversity and representativeness, which considers whether the public served by the action and/or its main team is composed of black people, women, LGBTQIAP+, the elderly, people with disabilities (PCD), belonging to traditional peoples and communities, enrolled in the CadÚnico (Unified Registry), or living in a place with a low Human Development Index (HDI). Actions that present any form of harassment, prejudice or intolerance against any person, including, but not limited to, discrimination based on race, color, ethnicity, gender, nationality, social origin, religion, age, disability, body appearance, sexual orientation, gender identity or gender expression, are prohibited.

In turn, the instruments of the PNPI enable public debate and collective reflection on cultural rights, development, citizenship, promotion of cultural expressions. This occurs through the carrying out of cultural and linguistic diversity inventories with groups and communities, the elaboration of studies and diagnoses on issues that affect the safeguarding of intangible heritage, and through the development of safeguarding plans aimed at promoting the continuity of cultural practices and traditions.

In addition, it is worth mentioning the PNPI's public notices of support and promotion of intangible cultural assets, aiming to carry out safeguarding actions, launched between 2005 and 2015. Such public notices contributed to the dissemination and visibility of the intangible heritage safeguarding policy, being an important instrument of democratization and access to cultural rights. Over the years, several social groups (indigenous, Afro-Brazilians, traditional communities, immigrants, etc.) have benefited. The products generated under this program have been distributed to holding communities, educational institutions, and society in general, contributing to the safeguarding of intangible cultural assets, to the appreciation of masters, players, and holders of traditional crafts and knowledge, as well as to the dissemination of information about the cultural policy of intangible heritage.

In the same vein, several publications have been produced, such as the Safeguarding Plans for Registered Goods, the Manual for the Preparation of Safeguarding Plans, the Series Intangible Cultural Heritage: to know more, among others.

Under the PPCM, the exercise of cultural rights and the expression of cultural diversity are reflected in the guidelines applicable to institutional processes. Thus, it focuses on the socially appropriated cultural heritage, orienting itself to the identification and understanding of cultural assets that refer to the identity, action, and memory of the different groups that make up Brazilian society.

Thus, social participation is considered in the policy at different moments of patrimonialization and preservation, taking into account the meaning attributed to cultural assets for their recognition, their access and fruition, and the establishment of articulations, practices and procedures between institutional and social actors for the sustainability and preservation of the protected cultural assets. Also, the same policy deals with specific themes, highlighting those that concern what is foreseen by art. 215, § 1 of the Federal Constitution, such as the Material Cultural Heritage of the Indigenous Peoples (from art. 61 to art. 63); the Material Cultural Heritage of the Traditional Peoples and Communities of African Matrix (from art. 64 to art. 66); and the Quilombola Material Cultural Heritage (from art. 67 to art. 70).

Cultural rights are mentioned and explained in attendance and direct dialogue with articles 11 (quality of life in the cities) and 15 (participation in cultural life) of the PNPM. Through the process of normatization, the understanding of the heritage properties in their territories of insertion is presented with the objective of establishing conservation and management activities for the protected properties. In article 38 of the PNPM, there are activities that dialogue with the aspects of access, fruition and transmission, such as establishing practices for the participatory construction of preservation norms, ensuring their legitimacy and appropriation by local communities and public agents, as well as facilitating the definition of shared management strategies for the protected material assets, giving effectiveness to the Preservation Pact. Mentions and explanations of cultural rights can also be found in Article 39 of the PNPM. In this article, it is evident that the process of construction of the norms must integrate the heritage values into a broader framework of development that respects and dialogues with the local context.

The expression of cultural diversity is respected, protected, and applied through the construction of preservation norms, which considers the understanding of the heritage properties in their territories of insertion to establish conservation and management activities for the protected properties. In this process, the expression of cultural diversity is identified and related, whenever possible, to the normative devices. Such practice follows the guidelines expressed in article 38 of the PNPM, which include the regulation of practices and procedures that aim to preserve the protected material cultural heritage, in addition to establishing reflective attitudes about the material cultural asset and the context in which it is inserted.

The Conservation Plan instrument and the Model Conservation Sites comprise the above items. In both, cultural rights are made explicit and there is direct involvement of the population.

Despite the enormous diversity of cultural assets of a material nature in the country, the methodology of the Conservation Plans allows for the involvement of communities as diverse as these. This instrument has presented excellent results when developed for assets whose holders or communities directly involved are, in a way, more vulnerable and historically marginalized. The process of elaboration and the final result of the Conservation Plans for the terreiros (or shrines) of Bahia, already mentioned, demonstrated how this instrument can be potent in effecting participation and empowering these agents within conservation actions, besides establishing a direct channel between the governmental agent of heritage and this part of the population - which is not always heard by the State. The PCs have also proven efficient in identifying conflicts, anticipating the existence of significant problems, and already establishing guidelines so that they do not occur or so that they can be mitigated. Religious racism, land disputes, and gentrification were mapped as problems that negatively impact the protected assets and the community directly related to them. Such problems were identified in the three terreiros worked on and, within its attributions, Iphan was able to identify how to address them.

Regarding the most recent performance of this autarchy, it is also worth noting that four of the five institutional programmatic guidelines established for the proposition of Action Plans regarding the 2023 budget are expressed in this sense:

1. Actions that affect or are carried out in partnership with traditional peoples and communities, communities of African matrix and/or indigenous peoples, explicitly bringing the information of these social groups involved and/or benefited;

2. Inaugural actions in territories and/or communities historically excluded or forgotten by cultural heritage policies;

3. Actions for the identification, recognition, conservation, preservation, support and promotion of cultural assets that are directly linked to the memory of cultural and social processes of exclusion and violence, with the purpose of promoting transitional justice and ethno-racial equality;

4. Actions that simultaneously integrate the promotion of tangible and intangible assets and heritage education initiatives. [...]

Question 4.

We can highlight the Internal Audit, the supervision and control unit of the administrative processes; the Ombudsman and the Electronic System of the Citizen Information Service (e-SIC), which provides information to citizens through a specific communication channel, observing the transparency principle; the Advisory Council of the Cultural Heritage, a collegiate body that represents the civil society and the highest instance for decisions related to recognition of cultural assets; the Federal Attorney's Office, responsible for providing legal support to the agency, observing from constitutional principles to internal rules. All administrative processes are currently processed through the SEI - Electronic Information System, which allows external users to access all of the agency's procedural documentation, except for those of a restricted and confidential nature, in accordance with the law. Externally, Iphan's actions are monitored on a daily basis by the Public Prosecutor's Office, which is responsible for "defending the legal order, the democratic system, and the social and individual inalienable interests," as provided in the Federal Constitution of 1988.

All these instances converge in the sense of helping Iphan to identify irregularities in the content of institutional processes or in the way they are conducted, valuing the respect for human and cultural rights and guiding the agency in the sense of safeguarding them in the fulfillment of its institutional mission.

In the scope of the performance of the Department of Intangible Heritage in the management of PNPI, the Evaluation of the Safeguarding Processes of the Registered Cultural Property has been implemented. Initially, an evaluation cycle was carried out in 2020, in which it is possible to trace an overview of the safeguarding processes of the registered cultural assets, through indicators of social participation and autonomy of the holder communities in the management of intangible cultural assets, of inter-institutional articulation, and of cultural sustainability. The intention is to carry out a new cycle of evaluation in 2024, making it a periodic process that enables comparative evaluation. There is also the evaluation of the environmental, socio-political, normative and economic contexts of the cultural assets that are related to the market.

Another example of social control over Iphan's cultural heritage policy is the case of the "Acervo Nosso Sagrado" (Our Sacred Collection), originally entitled "Museu da Magia Negra" (Case 0035-T-38). It is a collection made up of objects of Afro-Brazilian cults, collected by the police in the first decades of the Republic, in accordance with the legislation in force at the time, especially art. 157 of the Penal Code, which repressed "spiritism, magic, and their sorceries. Since the Tombamento, with the advancement, still timid, of discussions about institutional racism, and, above all, as a result of the actions of religious and social leaders, Iphan began to receive demands for the re-signification of this recognition. Currently, the collection has been transferred to the Museum of the Republic and Iphan has changed its name to "Acervo Nosso Sagrado". However, Iphan still needs to instruct the process of its rerratification, so that the request for re-signification of the heritage property can be completed.

Question 5.

In principle, the specific theme of intangible cultural heritage is not among the development priorities. However, cultural and environmental agencies have sought to include this theme in national decision-making bodies and in development agendas, and gradually this reality has been changing.

The development priorities or technical assistance provided by development funding agencies, such as the World Bank, the Inter-American Development Bank - IDB and the Andean Development Cooperation Bank - CAF, have had an impact on the way cultural rights are achieved in the field of cultural heritage. On the one hand, the programs demand structural adjustments in the institutional development of the borrowers, while at the same time establishing project conditions that sometimes limit the recognition, in the scope of the projects, of cultural practices typical of traditional localities and/or neighborhoods, many of which do not adhere to the capitalist mode of production. Thus, the actions of development funding agencies impact the design of projects without adequately considering the effects of local economic growth on neighborhood relations and minority practices that make up the cultural diversity and the exercise of cultural rights of the population residing there.

On the other hand, the investments also allow the reinsertion of the protected assets in the regional economic dynamics, reestablishing differentiated uses and forms of occupation in neighborhoods and monuments with inadequate occupation or even emptying. Low value-added uses are replaced by new ones with capital retention capacity and spreading to the immediate surroundings. The conservation status of the buildings has improved and, no less important, the public spaces have been recovered.

The challenge in this type of project of rehabilitation and/or requalification of historic neighborhoods or monuments financed by international agencies lies in the search for balance between local demands and their traditional practices. We can highlight, in this context, the Pro-cidades program of the Inter-American Development Bank - IDB that is working in important historic centers located in municipalities that are the headquarters of metropolitan regions in Northern Brazil, in the case of São Luiz, Maranhão and Manaus, Amazonas. Iphan recently conducted the process of analysis and discussion of the proposals listed for the protected area of Manaus, which allowed to predict impacts and also to point out adjustments in the proposals.