



Shadow Report submitted by **Criola**,¹ **GELEDÉS Instituto da Mulher Negra (Institute of Black Women)**,² **Black Coalition for Rights**,³ and the **Bahá'í Community of Brazil**⁴ to the **108th Session of the Committee on the Elimination of Racial Discrimination (CERD)** on the examination of the 18th to 20th periodic report presented by Brazil pursuant to article 9 of the Convention, in Geneva, November 14 to December 2, 2022.⁵

Introduction

In 1968, when it ratified, the International Convention on the Elimination of all Forms of Racial Discrimination, the Brazilian State formally committed itself to eradicating racism. However, the black population in Brazil still endures systematic human rights violations, whether they be civil, political, economic, social, cultural, or environmental. To this day, the black and mixed-race populations' basic constitutional rights are denied, moreover they live in a regime founded on structural and institutional racism that sustains their extermination.

The delay in the submission of reports due to the CERD Committee (hereinafter known as Committee), whose obligation is stated in Article 9 of the Convention, demonstrates a lack of commitment. In 2004, the Committee recommended the joint submission of the 18th, 19th, and 20th reports by January 4th, 2008 (CERD/C/64/CO/2). Given the inertia of the State, in 2018, the Committee Report included Brazil in the list of State-members whose reports were seriously delayed (A/74/18). It was only on July 14, 2020 that the Brazilian State presented the reports of numbers 18 to 20, referring to the period between 2004 and 2017.

Recognizing the valuable opportunity to effectively participate in monitoring the international treaty, the organizations that integrate this joint submission seek to contribute in a concrete and strategic way so that independent specialists can accurately evaluate both the actions and omissions of the State in compliance with international human rights standards.

The effort for joint elaboration is also justified by the fact that the present “shadow report” is a useful tool for organizations in their internal advocacy efforts. Thus, this report seeks to provide information to national media and educational campaigns, raise awareness about

¹ A non-profit, feminist, anti-racist social organization founded and led by black women since 1992. Site: www.criola.org.br

² Organization of the civil society of black women for the defense of Afro-descendant women because they understand that these two social segments are affected by discrimination and by disadvantages in access to social opportunities due to racism and chauvinism in Brazilian society. Site: www.geledes.org.br

³ Organization for the black movement in Brazil, besides defending the rights of LGBT people. The coalition consists of more than 200 associations, NGOs, collectives, groups and institutions. Site: www.coalizaonegrapordireitos.org.br

⁴ Independent monotheistic religion. Bahá'ís believes that humanity's current and urgent need is to find a unifying vision for the future of humanity, and of the purpose and nature of life. Site: www.bahai.org.br

⁵ Support: Race & Equality - The International Institute on Race, Equality and Human Rights.

human rights issues and racial discrimination, and influence the actors responsible to formulate public policies for better government action on racial discrimination.

The objectives of this report are to: a) evaluate the compliance of the obligations of the Brazilian State with the CERD from an analysis based on data, documents, illustrative cases, in the monitoring of public policies and actions with the higher courts of the Judiciary; b) include, in a transversal way throughout the document, the cross-sectional analysis (considering gender, race and class) of the Brazilian reality in the period between 2004 and 2022; c) expose the social, political, economic and cultural context in which racism and its consequences (racial discrimination, xenophobia, and intolerance) are inserted, especially the extermination of the Brazilian black population; d) analyze progress and obstacles in confronting racism; e) develop recommendations for combating racism, highlighting, where necessary, the financial resources for its implementation. These recommendations are at the end of each article examined and have also been gathered together in Annex 1.

Based on the material derived from the research, an analysis is presented of whether or not the Brazilian State has fulfilled its commitments with the collation of the following documents: i) International Convention on the Elimination of All Forms of Racial Discrimination; ii) last remarks made by the CERD Committee to the Brazilian State in 2004 (CERD/C/64/CO/2); and iii) Durban Declaration and Program of Action.

The report notes the specifications adopted by the Committee in document CERD/C/506 (*Guidelines on the cooperation of the Committee on the Elimination of Racial Discrimination with Non-Governmental Organizations NGOs*), as well as the survey and analysis of good practices adopted by civil society internationally in the work with the Committee.

Monitoring on the implementation of the Convention and Recommendations for the State

Concept of ethnic and racial discrimination (Article 1)

1. OUR HIGHLIGHT: Despite the commitments made in the international sphere and national legislation that affirms equality and prohibits racial discrimination, the State has systematically failed to guarantee human rights and fundamental freedoms in the economic, social and cultural political spheres of the black population. The intentional ignorance of the reality of Afro-descendants and the absence of data is part of the set of actions and omissions of the Brazilian State in the management - and erasure - of racial issues.

2. The repeated practice of racial discrimination in Brazil is responsible for the social stratification, that is, for violence based on race that passes through different generations and negatively impacts the quality of life and social rise of racialized groups. In Brazil, **racial classification**⁶ occurs both by physical appearance of African descent and by social class pertinence, which manifests through consumption power and social circulation.⁷

3. Fundamental for the knowledge of the population and identification of their needs for the formulation of public policies, the **demographic census**, of ten-year intervals, did not occur in 2020 due to the Covid-19 pandemic. In 2021, the federal government reduced 96% of the Union's budget, making it impossible to conduct the census.⁸ The cancellation was even more

⁶ In statistical terms, the Brazilian Institute of Geography and Statistics (IBGE), responsible for the demographic census, establishes 5 possibilities of self-classification of race/color: black, mixed race, indigenous, yellow, and white. According to the Statute of Racial Equality, the set of black and mixed race people form the black population. However, in addition to the official classification, the reality of belonging to social groups due to color is quite complex, as it expresses the miscegenation between Africans, Europeans and indigenous people that historically constituted the country, in search of a process of whitening of the population.

⁷ ALMEIDA, S. L. **Racismo estrutural**. São Paulo: Sueli Carneiro; Editora Jandaíra, 2021.

⁸ [2021 census is canceled after budget cuts for research.](#)

serious because it is a pandemic context, since the data collected would be fundamental to plan public health policies necessary to confront the pandemic and measures to reduce the contagion that, at the time, had already caused more than 390 thousand deaths in Brazil.⁹ Racial inequality, evidenced by the level of income of white people approximately twice as high as that of black people,¹⁰ caused the pandemic to affect the black population in dramatic ways, further undermining the impoverished black population.

That said, we encourage the Committee to adopt the following recommendations:

1.1 Maintain the question of self-declaration of race/color in the census and inclusion of this criterion in all data surveys (in the areas of health, education, public safety, etc.) carried out by the State in order to promote public policies appropriate for the black population;

1.2 To enable, in the census, the collection of data on gender, gender identity, disability and territoriality variables, already present in the National Survey by Continuous Household Sample (PNAD) conducted by IBGE;

1.3 Ensure the possibility of generating microdata disaggregated by race

Legal and political provisions for the elimination of racial discrimination (Article 2)

4. *OUR HIGHLIGHT: Instead of condemning racial discrimination and ensuring a policy that eliminates racism, while promoting understanding of diversity, the State has violated Article 2 of the Convention, this has caused an increase in social inequalities largely impacting black people, especially girls, women, and people with disabilities, ultimately leading to the extermination of the black population.*

5. In 2012, Law No. 12.711¹¹ instituted quotas in federal universities and federal high-school technical education institutions.¹² Despite the 10 years, equality between black and white students in access to higher education has not yet been achieved, with greater disparities in terms of gender, disability, and territory.¹³ The effectiveness of the law also faces the challenge of **evasion** arising due to the lack of scholarships and support programs that guarantee the permanence of black and poor quota holders in universities, which is worse when it comes to families headed by black, illiterate and rural women. This demonstrates that school advancement is related to racial, territorial and gender issues, as well as socioeconomic issues.¹⁴ The Bolsonaro government has not made any moves to support the continuity of the law, nor has the National Congress stepped in, as the law has to be reviewed in 2022

6. In 2015, in a scenario of political and economic crisis, President Dilma Rousseff made the first of a series of ministerial reforms carried out by her successors that weakened the

⁹ [Cancellation of the 2021 Census leaves Brazil blind in the midst of the pandemic](#)

¹⁰ IPEA. [Racial inequality in Brazil over the last three decades](#)

¹¹ [Law no. 12.711/2012](#)

¹² The law is the result of a long trajectory of struggles and affirmative actions that were mobilized so that black students could have access to higher education, with reserve of vacancies in the selective processes. In 2000, through a state law, the State University of Rio de Janeiro (UERJ) was a pioneer in granting a quota of 50% in undergraduate courses for public school students. In 2004, the University of Brasilia (UnB), through affirmative actions, proposed racial quotas in the university entrance exam. In 2012, ADPF 186 was filed in the Federal Supreme Court, alleging the violation of the principle of equality, but racial quotas were unanimously judged according to constitutional regulations.

¹³ The UN CEDAW Committee expressed its concern about the effectiveness of affirmative actions for women, recommending that the State should take steps to broaden the understanding of these measures as a strategy to achieve gender equality, in particular for women with disabilities, Afro-descendants, indigenous and rural women (CEDAW/C/BRA/CO/7, paragraphs 16 and 17).

¹⁴ [Observatory of Education Instituto Unibanco](#)

portfolios directly related to citizenship and, in particular, the rights and policies of the black population. With the extinction of the ‘Special Secretariat for Policies for the Promotion of Racial Equality’ (SEPPIR), whose creation was recognized by the Committee as an advance in the fight against racial discrimination (CERD/C/64/CO/2, paragraph 7), its attributions were absorbed by the current ‘Ministry of Women, Family and Human Rights,’¹⁵ under the command of Minister Damares Alves until April 2022, which has implemented an ultra-right conservative and religious agenda.¹⁶ As a result, the agendas and public policies of the SEPPIR were not guided nor implemented by the Ministry.

7. During his government, Jair Bolsonaro has drastically weakened civil society’s participation in the creation, execution, and monitoring of public policies. He is also responsible for extinguishing or emptying 75% of national committees and councils,¹⁷ preventing or making civil society’s participation unfeasible,¹⁸ including weakening progressive respect for human rights.¹⁹ In addition to these setbacks, the State has never established a national human rights institution, directly violating the recommendations provided in articles 90 and 91 of the Durban Program.

8. **Disque 100 (Dial 100)**, a channel for reporting human rights violations,²⁰ had its institutional functions distorted by the ‘Ministry of Women, Family and Human Rights when it produced a technical note against the vaccination passport and the mandatory vaccination of children against Covid-19, placing Disque 100 at the disposal of people who were against the vaccine and who claimed they had suffered discrimination. Provoked, the Federal Supreme Court ruled that such complaints should not be received by the government’s whistleblower channel.²¹ In 2017, the service received 921 complaints of racial discrimination, and in 2018 this figure dropped to 615, which represents a 33.2% reduction.²² Considering that Disque 100 is an important channel and that the information collected can be used in investigations to combat racism, the negligence of the Brazilian State regarding this channel for complaints violates the provisions of article 164 of the Durban Program, especially the letter “c.”

¹⁵ With the extinction of the ‘Special Secretariat for Policies for the Promotion of Racial Equality’ (SEPPIR), which was established in 2003, and the departments of policies for Women (SPM) and Human Rights (SDH), the three were incorporated by the then ‘Ministry of Women, Racial Equality and Human Rights’ (MMIRDH). In 2016, this Ministry was extinguished by the reform of interim President Michel Temer, and recreated in 2017 only as the ‘Ministry of Human Rights.’

¹⁶ [NOTE FROM BRAZILIAN CIVIL SOCIETY: Statement on the speech of Minister Damares at the United Nations CDH49 UN that released false information on the human rights situation in Brazil](#)

¹⁷ [Cebrap’s Research on dismantling in the National Committees and Councils is highlighted in Journal Nacional news](#)

¹⁸ [Government blocked civil society at a meeting of human rights entity](#)

¹⁹ The Brazilian democratic system, still in consolidation, reached the apex of its fragility in the political conjuncture initiated in 2018, with the election of Bolsonaro to the Presidency of the Republic and, then, with Decree no. 9.759/19, through which the newly elected president fulfilled the promise to close public spaces of political dialog, such as councils and secretariats, especially on issues of promoting racial and gender equality. Through this Decree, the government extinguished all the councils that had not been established by law. Moreover, since human rights and intersectionality agendas were removed from the collegiate bodies with social political participation and incorporated into ministries, any kind of relationship with civil society was put in the second or third plan. With the extinction of the ‘Follow-up and Monitoring Committee of the PNDH,’ the ‘National Human Rights Program’ (PNDH3) was left without evaluation and, in 2021, an inter-ministerial Working Group was created to review the national human rights policy, without the participation of civil society, in contrast to the Committee’s recommendation, expressed in paragraph 12, on the elimination of structural inequalities and the National Human Rights Program (CERD/C/64/CO/2).

²⁰ Created in 1997, aimed at violence against children and adolescents, the scope of Disque 100 was increasing, but began to receive complaints of racism only in 2015.

²¹ [Disque 100 will not be able to receive complaints about vaccination against COVID-19](#)

²² [Disque 100 received 615 complaints of racial discrimination in 2018](#)

In 2016, President Dilma Rousseff was unlawfully removed from power²³ through a lawless-revested **parliamentary coup**. Dilma was accused of committing a crime of responsibility and the illegal impeachment process resulted in the impeachment of her mandate, but without the loss of political rights. The then vice-president, Michel Temer, took over the presidency and put in place an agenda of political and economic interests different from the democratically elected government policy in 2014. **Constitutional Amendment no. 95 (EC no. 95/2016)** instituted the austerity policy that stagnated social investments for 20 years,²⁴ and the UN special rapporteurs considered it the most drastic economic measure in the world against social rights.²⁵ In 2017, another hard blow was given to the working class, whose rights suffered setbacks due to the **Labor Reform** resulting from Law no. 13.467/2017. The black population will suffer even more with the precariousness of labor relations, considering that, in the labor market, 46.9% of the black or mixed race population is in informality, while the percentage among the white population is 33.7%.²⁶ Thus, the State fails to comply with Article 67 of the Durban Program, which recommends the implementation of effective legislative and administrative policies against racial discrimination of workers, including migrants, xenophobia and related intolerance.

9. In the wake of the setbacks in social rights and guarantees, in 2019 the National Congress approved the **Pension Reform**, which changed the rules for granting pensions and retirements, harming the working class and other beneficiaries, including cases of disability, special retirement (related to unhealthy work) and people with disabilities. Gender and race inequalities in the labor market are, as a rule, repeated in social security and welfare.²⁷

10. In the Chamber of Deputies, the Draft Legislative Decree (PDL no. 177/2021) is under way, which aims to authorize the President of the Republic to denounce **ILO Convention 169**, which has been used as an important instrument in the recognition of socio-cultural diversity, in self-recognition as a fundamental criterion of identification and the guarantee of participation in state actions that affect the defense of the territories of traditional, indigenous and **quilombola** peoples and communities in Brazil through the Consultation Protocols and Biocultural Protocols elaborated by the communities themselves.²⁸ If approved, it would also violate articles 61 and 171 of the Durban Declaration, which recommends ensuring multicultural and multiracial harmony and diversity in societies, in addition to article 78, “j,” which calls for ratification of Convention 169. Within the framework of the Inter-American Commission on Human Rights (IACHR), it contradicts the recommendation of paragraph 22 of the Report ‘Situation of Human Rights in Brazil’ (OAS/Ser.L/V/II).

11. The Brazilian State has not ratified the amendments to article 8, paragraph 6, of the Convention, as recommended by the Committee (paragraph 24, CERD/C/64/CO/2).

²³ BARROSO, Luís Alberto. [Democracy under pressure: what is happening in the world and in Brazil](#)

²⁴ As a result, the Program ‘Facing Racism and Promotion of Racial Equality (2034)’ had an 80% reduction in spending between 2014 and 2019, which decreased from R\$ 80.4 million to R\$ 15.3 million (GT Agenda 2030. [Civil Society Light Report on the 2030 Sustainable Development Agenda: Brazil](#)). The General Government Budget (OGU) allocates, for the promotion of racial equality, on average only 0.08% of its total value, added to the values destined for the black and quilombola population in various entities (INESC. [Brazil with low immunity: Balance sheet of the General Government Budget 2019](#))

²⁵ [Manifest Rights Are Worth More. Elections 2022: The economy we want](#)

²⁶ In 2017, white workers received, on average, 72.5% more than black or mixed-race people (INESC. [Brazil with low immunity: Balance Sheet of the General Government Budget 2019](#)), that is, the labor market in Brazil is a reproducer of inequalities, which is not only verified in the conflict between capital and labor.

²⁷ While the social protection level of social security coverage of white men is 70.7%, in 2009, black women are the least socially protected, with a 56.0% coverage. As for the assistance benefit, in 2021, of the total number of beneficiaries of the Bolsa Familia Program, more than 75% were black, representing a total of 32,964,667 people ([Criola Dossier](#), 2021)

²⁸ [Technical Note ILO Convention 169 - Land of Rights](#)

That said, we encourage this Committee to adopt the following recommendations:

- 2.1** To extend the validity of Law no. 12.711/12, which establishes the quotas in universities, until the goal of 40% equity between Afro-descendants and white people is reached, and establish scholarship and university permanence programs, aimed at quota students;
- 2.2** Extend the validity of Law no. 12.990/14, which establishes quotas in the public service, for another 10 years and expand it to political positions (e.g. ministries, secretariats, etc.), commissioned, trusted, among others, so that the law is destined for all public service, and not just for those who have passed the civil service examination;
- 2.3** Create and monitor indicators to measure the effectiveness of revised affirmative action laws and programs every 4 years in order to progressively increase the effectiveness, and any setback being prohibited;
- 2.4** Reestablish and strengthen the racial equality policy and its mechanisms of social participation, with the elaboration and implementation of a National Plan to Combat Institutional Racism and the Death Policy towards the Black Population, with the participation of civil society organizations and the black movement, and inclusion of verifiable goals, a determined budget and established programs, including combating misogyny and LGBTQIA+phobia, in order to promote the integral development of the black population over the next 30 years;
- 2.5** Recreate instances such as SEPIIR and establish mechanisms for national, state and municipal implementation of existing policies for the black population;
- 2.6** Allocate an appropriate budget for all public policies to promote racial equality;
- 2.7** Ensure the principle of non-regressive social participation, in particular by restoring the configuration of collegiate bodies in the entities of the Federal Administration that must have the participation of blacks, women, LGBTQIA+ and other minorities;
- 2.8** Expand the structure and responsiveness of reporting channels, with allocation of financial and human resources, from a secular perspective;
- 2.9** Make available to civil society, government transparency platforms, within the scope of each federal entity's power, information and technical reports on the state of the art of denunciations of institutional racism due to racial and religious violence in process in the State Ombudsmen's Offices and municipalities, in the state and federal Public Prosecutor's Offices, in the internal affairs departments of the armed forces and in the internal affairs departments of the civil and military police and municipal guards (or the corresponding Secretariat);
- 2.10** Establish a new sustainable and human rights-oriented tax regime, overcoming the fiscal austerity policy instituted by Constitutional Amendment no 95 (Expenditure Ceiling), including as provided for in Constitutional Amendment Proposals 54/2019 and 36/2020;
- 2.11** Revoke the Labor Reform;
- 2.12** Instituting a policy to promote equal pay between different sexes, races and genders in the labor market and encouraging the implementation of equality policies in the private sector;
- 2.13** Review the Social Security Reform and strengthen the Single Social Assistance System;
- 2.14** Create preferential treatment for private companies belonging to Afro-descendants or those who have the federal, state or municipal certificate, as the case may be, of voluntary promotion of the racial equality policy;
- 2.15** Create a credit policy for Afro-descendant entrepreneurs, focused mainly on black women;
- 2.16** Maintain ratification and strengthen compliance with ILO's Convention 169;
- 2.17** Ratify the amendments to article 8, paragraph 6, of the CERD Convention.

Socio-spatial segregation (Article 3)

12. OUR HIGHLIGHT: While the State should be committed to condemning racial segregation, Article 3 is evidently violated by the violation of the right to housing of the

population living in the favelas (slums) and by the unconstitutional state of affairs in Brazilian prisons, which has not only been a form of social exclusion, but also the extermination of the black population through the systematic violations of the rights of people living in the peripheries and those deprived of liberty (such as the right to health, food, and life).

13. In almost all medium and large Brazilian cities, **favelas** have been the housing for the low-income population.²⁹ It is estimated that 17.1 million people live in favelas in Brazil, equivalent to 8% of the population, of which 89% are in capitals and metropolitan regions. The black population represents 67% of this total.³⁰ There is no basic sanitation or access to drinking water in these places; when they exist, they are very precarious,³¹ which also reveals a side of **environmental racism**.³² Between December 2021 and May 2022, there was a 16% increase in the number of **homeless people** in Brazil. From 158,191 people, this number increased to 184,638, of which 68% are declared black, 31% are white and 1% are indigenous and yellow. However, it is estimated that this amount is between 45 and 50% higher due to underreporting.³³ In article 33, the Durban Declaration also considers that historical inequality in terms of access to **housing** has been one of the root causes of the socioeconomic disparities affecting the black population. This situation became worse especially in the Bolsonaro government, in view of the drastic reduction of investments in popular housing programs aimed at low-income families, which led to the extinction of the program, ‘Minha Casa, Minha Vida’ (‘My House, My Life’). The federal government then launched the ‘Programa Casa Verde e Amarela’ (‘Green and Yellow Housing Program’), but it does not include 90% of the Brazilian housing deficit or the families with lower income, from 0-3 minimum wages.³⁴ At the same time, the amount of **evictions** has increased severely since the beginning of the Covid-19 pandemic.³⁵

14. Despite the concern expressed by the CERD Committee and the recommendation of measures to eradicate inequalities arising from racial segregation (CERD/C/64/CO/2, paragraph 13), the Brazilian State has acted in the opposite direction, increasing violence in the favelas and deepening social inequalities, as evidenced by the present report. In 2015, the State received recommendations from the Committee on the Rights of the Child, which expressed concern about structural discrimination against indigenous and Afro-Brazilian children (CRC/C/BRA/CO/2-4, paragraphs 23 and 24).

15. From 2011 to 2021, there was an increase in **the incarceration** of black people, revealing to be disproportionate when compared to white people, since the percentage of white people fell and that of black people increased.³⁶ There are currently 909,549 people in prison in Brazil, of

²⁹ [Housing Policies in Favelas: The case of São Paulo](#)

³⁰ [About 8% of the Brazilian population lives in favelas, says Instituto Locomotiva](#)

³¹ UPR Brazil Coalition. [Civil society Report: Human Rights Universal Periodic Review in the Context of Covid-19](#)

³² CHAVIS Jr., Benjamin F. Foreword. In: BULLARD, Robert D. (ed.) **Confronting Environmental Racism: Voices from the Grassroots**. South End Press Boston, Massachusetts, 1993, pp. 3-5.

³³ [The homeless population in Brazil grows 16% from December to May, says research](#)

³⁴ UPR Brazil Coalition. [Civil society report: Human Rights Universal Periodic Review in the Context of Covid-19](#)

³⁵ Between March 2020 and May 2020, there was a 393% increase in the number of evicted families: from 6,373 families between March and August 2020 to 31,421 through May 2022. In the same period, the number of families threatened to lose their housing increased by 655%: from 18,840 to 142,385 (Zero Eviction Campaign. [Balance of data until May 31, 2022](#)). There was even an express demonstration by UN’s rapporteur for Adequate Housing so that Brazil would suspend evictions during the pandemic (UN News. [UN rapporteur says that Brazil has to suspend evictions during the pandemic](#)).

³⁶ In 2011, while 60.3% of the imprisoned population was black and 36.6% white, in 2021, the ratio was of 67.5% of black to 29.0% of white prisoners.

which 48,930 are women, and $\frac{2}{3}$ of them are black. Of the total prison population, 406,333 are in pre-trial custody.³⁷ Between 2000 and 2016, there was a 455% increase in the incarceration of women, who come from economically disadvantaged social strata, have low education, and performed informal work activities in the period prior to their imprisonment.³⁸ To a large extent, this increase relates to the legislative change in the **drug policy**, instituted in 2006 by Law no. 11.343.³⁹ Almost 47% of the population deprived of liberty range from ages 18 to 29 years old, and 68.5% of them are black.⁴⁰ In this sense, it is important to emphasize that the Durban Declaration, in Article 25, expresses repudiation of racism, racial discrimination, xenophobia and related intolerance that persist in the functioning of **criminal systems** and law enforcement, as well as in the actions and attitudes of institutions and individuals responsible for compliance with the law, especially in cases where this has contributed to certain groups being excessively represented among those **in custody or imprisoned**.

16. Brazilian prisons have been the place of serious and systematic human rights violations. In 2017, in hearings of the IACHR, more than 30 civil society organizations denounced the Brazilian State to that Commission for violence, such as torture and ill-treatment, and overcrowding in prisons and in the **socio-educational system**, aimed at adolescents in conflict with the law (see Annex 3, paragraph 3).⁴¹ Also, the UN Committee against Torture has already expressed its strong concern about the situation of poor black people, who are at much greater risk of imprisonment, excessive use of force, summary and extrajudicial execution by the police, recommending the review of state practices (CAT/OP/BRA/3, paragraphs 69 and 70).

17. In 2017, the **Inter-American Court of Human Rights (IA Court HR)**, in an unprecedented resolution, brought together four cases that deal with prison establishments in Brazil: prison complex of Curado, in Pernambuco; prison complex of Pedrinhas, in Maranhão; Instituto Penal Plácido de Sá Carvalho, in Rio de Janeiro; and Unit of Socio-educational Admission in Espírito Santo. On June 2, 2021, the State had to clarify to the Court the failure to comply with provisional measures, with effective measures to protect the life and integrity of people within the systems of deprivation of liberty.⁴²

18. In 2020, the IACHR expressed concern about the situation of people deprived of liberty in Brazil in the face of the Covid-19 pandemic and urged the State to reduce prison overcrowding.⁴³ In 2021, in the report, 'Human rights situation in Brazil,' the IACHR highlighted overcrowding in prisons, poor infrastructure and hygiene conditions, as well as degrading and inhuman treatment by State agents.⁴⁴

That said, we encourage this Committee to adopt the following recommendations:

3.1 Create programs and policies that combat environmental racism and ensure the right to adequate housing of the black population, including both housing provision with reduced interest rates for housing acquisition, and urban infrastructure and community equipment, such as sanitation, water, electricity and leisure policy;

³⁷ [CNJ. National Prison Monitoring Bank](#)

³⁸ [Infopen Women. National Survey of Penitentiary Information, 2018](#)

³⁹ [ITTC EXPLAINS: THE NUMBER OF WOMEN ARRESTED INCREASED BECAUSE THEY ARE COMMITTING MORE CRIMES?](#)

⁴⁰ Fórum Brasileiro de Segurança Pública (Brazilian Forum of Public Security). [2022 Brazilian Public Security Yearbook](#)

⁴¹ [Brazil is denounced to the IACHR for violence and overcrowding in prisons and socio-educational institutions](#)

⁴² [Brazil responds to the Inter-American Court for violating human rights in prisons](#)

⁴³ [The IACHR expresses concern about the situation of people deprived of liberty in Brazil in the face of the COVID -19 pandemic](#)

⁴⁴ [For IACHR, Brazil violates human rights in the prison system](#)

3.2 Promote anti-racist and anti-sexist human rights training for public servants, including justice administration personnel, particularly security services, prison and police services, as provided for in article 133 of the Durban Program;

3.3 Recognize that the current policy of combating drugs, motivated by the logic of ‘war on drugs,’ has immensely impacted the prison system, especially for the black population, with the exponential increase in incarceration of women, this policy needs to be changed with less punitive laws and more principles that promote non-imprisonment;

3.4 Investigate the systematic and continuous murder of black young people, and recommend the adoption of reparation, transition and restoration measures that put an end to the extermination of the black population, without prejudice to the criminal liability of their perpetrators;

3.5 Institute public policies on drugs aimed at promoting greater social impact and public health, in order to reduce the need for public security to act on this issue;

3.6 Promote Restorative Justice practices in courts and institutions, such as schools, Social Welfare network, Universities and Colleges and Socio-educational Programs.

Combating propaganda of racial superiority and incitement to racial discrimination (Article 4)

18. ***OUR HIGHLIGHT: The State has seriously violated Article 4 of the Convention, not only for its failure to confront ideologies based on racial hatred, but also because of its actions of incitement to hatred and propaganda based on racial superiority, which has contributed to the increase in violence against black people and their extermination.***

19. President **Bolsonaro** has already expressed his racism explicitly on several occasions. In 2017, in a pre-campaign for the presidency, he stated that he intended to end the demarcation of indigenous and quilombola territories, besides comparing black people to animals and merchandise, referring to the period of slavery, saying that they are weighed in arrobas and do not ‘serve to procreate.’⁴⁵ The then Attorney General of the Republic Raquel Dodge filed a complaint against Bolsonaro, but the case was not opened by the Federal Supreme Court due to parliamentary immunity.⁴⁶ In 2022, the president again used the same racist expression, when he addressed a black man asking if he ‘weighed more than 7 arrobas.’⁴⁷

20. This scenario of rights violations is exacerbated by hate speech and fake news disseminated by members of the Brazilian government, including the president, whose electoral alliance is under investigation at the Superior Electoral Court for disseminating fake news during the 2018 elections.⁴⁸ In 2020, the then national secretary of Culture, Roberto Alvim, released a video in which he copied speeches from Nazi minister Joseph Goebbels, with one of Hitler's favorite songs as a soundtrack.⁴⁹ In 2021, in the Federal Senate, presidential advisor Filipe Martins made, in the middle of the house’s commission, a gesture of hatred used by white supremacists of the United States.⁵⁰ The racist behavior of Bolsonaro and his advisors (see also

⁴⁵ [Bolsonaro: “Quilombolas cannot even procreate.”](#)

⁴⁶ Regarding the dismissal of the complaint, quilombolas expressed their criticism: “I’m very sad to hear this news, I can’t believe it, he was cleared after committing racism. I assure everyone that if it were one of us, workers, quilombolas and poor people, we would be in jail for this accusation of racism. However, because Bolsonaro is a big shot, he is out there to make other victims,” said Jacira Santos, from Quilombo Galvão. “We can’t do anything. We know his people and it is not easy to mess with them,” said Benedito Alves da Silva, leadership of Quilombo Ivaporanduva ([Quilombolas who were the target of Bolsonaro criticize the archiving of the racism process](#)., 2019).

⁴⁷ [Bolsonaro asks the black supporter how many arrobas he weighs](#)

⁴⁸ Brazil UPR Calition. [Civil society report: Human Rights Universal Periodic Review in the Context of Covid-19.](#)

⁴⁹ [Confused with freedom of expression, apology to Nazism has grown in Brazil since 2019](#)

⁵⁰ [Pacheco determines the investigation of the gesture of the advisor to the Planalto during the Senate session](#)

paragraph 51 of this document) and the non-accountability for his actions have repercussions on Brazilian society as an example of behavior to be followed, ignoring the recommendations of the Durban Program provided for in articles 115, on the role of politicians in the fight against racism, and 144, especially with regard to the promotion of a code of conduct and self-regulatory measures, policies and practices aimed at combating racism, avoiding all kinds of stereotypes and combating the proliferation of ideas of racial superiority.

21. According to SaferNet Brasil, since 2006, more than 2.5 million complaints related to **hate speech** have been received by the organization, 23% of which are related to racism. Of the victims, about 59.7% are black and 67% are women.⁵¹ In 2020 alone, 156,692 notifications were received, of which 98,244 were of child pornography, 10,684 of racism and 12,698 of violence or discrimination against women. In 2020, there was a 92% increase in reports of LGBTQIA+phobia.⁵² In the same year, there was a 740% increase in reports about neo-Nazism, involving ultranationalist, racist, xenophobic and discriminatory ideas⁵³ that violate Law no. 9.459/97, making a total of 9,044 notifications.⁵⁴ Thus, the State fails to comply with article 145 of the Durban Program, which recommends the implementation of legal sanctions against incitement to racial hatred through new information and communication technologies.

22. Contrary to the Committee's recommendation, expressed in paragraph 19, which in 2004 already expressed concern about the increase in racist organizations (CERD/C/64/CO/2), there are at least 530 **extremist centers**, mostly **neo-Nazis**, with the participation of up to 10 thousand people.⁵⁵ However, violence transcends the Internet and materializes in threats⁵⁶ and physical violence,⁵⁷ including against parliamentarians⁵⁸ (see Annex 3, paragraphs 14 and 15). In addition to reinforcing article 145 of the Durban Program, the State also ignores article 86, by which it is called upon to promote measures to stop the appearance and to oppose nationalist, violent and neo-fascist ideologies.

That said, we encourage this Committee to adopt the following recommendations:

4.1 Hold politicians accountable for hate speech;

4.2 Promote measures to stop the appearance and to oppose extremist, violent and neo-fascist nationalist ideologies;

4.3 Strengthen the state investigative structure in order to provide the investigation and punishment of those responsible for hate crimes delivered in a face-to-face and online manner;

4.4 Support research and monitoring on the dissemination of racist material through the Internet, with the publication of reports and good practices to address the problem;

⁵¹ [Hate speech on social networks repeats pattern of prejudice of society](#)

⁵² SaferNet. [Mini guide for creators on hate speech](#)

⁵³ SaferNet. [Learn about the Law on Neonazism](#)

⁵⁴ [Reports of crimes committed by the Internet more than doubled in 2020](#)

⁵⁵ This figure portrays the growth of 270.6% between January 2019 and May 2021, whose concentration left the South of the country and advanced to all other regions. In common, these groups present chauvinism and hatred of women, anti-Semitism, hatred of black people, LGBTQIA+, people from the Northeast, immigrants, and the denial of the Nazi holocaust. Social networks are pointed out as the main reason for the increase in neo-Nazi cells, spaces where private groups share extremist materials ([neo-Nazi groups grow 270% in Brazil over 3 years; scholars fear that online presence may lead to violent attacks](#)). In Rio de Janeiro, in July 2022, a military school held a tribute to the Brazilian Expeditionary Force (FEB) with a greeting and hasting of a Nazi flag ([Note repudiation of Sinasefe CMRJ: staging with Nazi flag and greeting](#)). In Porto Alegre, in 2020, the municipality made a swastika-like painting in the Farroupilha/Redemption Park, claiming to maintain the original project ([Residents they criticize painting similar to a swastika in the Redemption Park in Porto Alegre](#)).

⁵⁶ [School finds knife with swastika and investigates threat of death to student and homophobia](#)

⁵⁷ [Group assaults musician in the antifa bar in the west of São Paulo](#)

⁵⁸ [MP Andréia de Jesus receives photo of swastika, monkey and racist offenses: 'Attempt to inhibit our work.'](#)

4.5 Provide training to judicial authorities and the Public Prosecutor's Office on the specifics of incitement to hatred and racial discrimination on the Internet, to better implement legal sanctions, in accordance with international law, against incitement to racial hatred through new information and communication technologies, including the Internet;

4.6 Adopt and apply, to the greatest possible extent, appropriate legislation to bring to trial those responsible for incitement to racial hatred or violence through new communication and information technologies, including the Internet.

Social rights (Article 5)

23. ***OUR HIGHLIGHT: By violating so many social rights and failing to eliminate racial discrimination and guarantee equality, the State gravely affronts article 5 of the Convention and contributes to the deepening of social inequalities, becoming responsible for the extermination of the black population resulting from the violation of the rights to life, health, security and food, especially due to the increase in lethality resulting from the institutional violence of the police, and the dismantling of public policies aimed at health care and income redistribution.***

24. In 2019, during the 171st Session of the IACHR, civil society organizations⁵⁹ denounced the growing violations of the protection of the heritage and the fundamental rights of Brazilian **quilombola** communities.⁶⁰ Contrary to the recommendation of the CERD Committee for the State to accelerate the process of identification of **quilombola territories** (CERD/C/64/CO/2, paragraph 16), only 3 territories were classified and published by the National Institute of Colonization and Agrarian Reform (INCRA), only 12 public notices referring to the Technical Report of Identification and Delimitation (RTID).⁶¹

25. Indicators related to education continue to show that the black population is more vulnerable, resulting in socioeconomic and political inequalities, according to the CERD Committee it drew attention in its recommendations to the State (paragraph 20, CERD/C/64/CO/2). In 2019, **illiteracy** reached a rate of 6.6% among people aged 15 or older, representing 11 million people. While this rate is 3.6% among white people aged 15 or older, it

⁵⁹ National Coordination of Articulation of Black Rural Quilombola Communities (CONAQ), Land of Rights and Association of Rural Workers' Lawyers (AATR).

⁶⁰ The reports addressed the slowness of the processes of entitlement, the lack of consultation to the people, and the threats to the life of the Quilombola population. The organizations had already made the complaints at the previous session of the IACHR, but in addition to the State not acting for the guarantee of rights, the fiscal austerity policy instituted by EC no. 95/2016 has increasingly worsened the situation, which is why the government has not acted in favor of the guarantee of rights, like the freezing of spending impacts public policies related to the protection of quilombola human rights defenders, land titling and student stays of quilombolas in universities, for example (UPR Brazil Coalition). [Civil Society Mid-term Report | 3rd Cycle 2017-1019](#).

⁶¹ In the biennium 2019-2020, there was the lowest number of entitlement process movements by INCRA since the beginning of the historical series in 2005. In 2019, the first year of the Bolsonaro government, there was a drop of 71% compared to the previous year; in 2020, the drop was of 69%, with only 4 movements (ABRAJI; Transparência Brasil; Fiquem Sabendo. [Right to quilombola land at risk: Recognition of territories has a historic low in the Bolsonaro government](#). In addition, the Federal Constitution provides for the recognition of the ownership of land occupied by remnants of **quilombola communities** only in the Transitional Constitutional Provisions Act (ADCT). By including this right only in the transitional standards, the recognition of the cultural diversity of the Brazilian State is denied. During the COVID-19 pandemic, two lawsuits were filed in the Supreme Federal Court in order to suspend all trespass to try title operations related to quilombola communities during the health emergency period. The first, ADPF 742, was filed by the National Coordination of Articulation of Black Rural Quilombola Communities (CONAQ); the second, ADPF 828, was requested by PSOL. The two lawsuits had a favorable decision for the suspension of all trespass to try title operations related to quilombola communities during the pandemic. Despite the content of the decision, many violations and noncompliance occurred in the country, quilombola families were homeless and had their homes destroyed ([Land of Rights. Amazon: territory of struggles and resistance, 2022](#))

rises to 8.9% among black people. Regarding **school dropout**, of the 71.7% of the young people outside school, 44.4% are black, whereas only 27.3% are white.⁶²

26. Projects, such as ‘**School Without Party**’ (**Escola Sem Partido**) and against the supposed ‘**gender ideology**,’ marked by religious fundamentalism, have violated the right to education. Since 2015, organizations of Brazilian organized civil society have made international complaints about attacks on freedom and gender equality in education. The Brazilian State has also received recommendations against the draft and policies to promote gender equality of the UN Committee on the Rights of the Child, of the IACHR, UN State members (through the Universal Periodic Review) and several Special Procedures of the Human Rights Council.⁶³

27. When relating **education and employment**, in 2016, only 27% of jobs that required higher education were occupied by black people, while 45.2% of places for elementary school and 44.7% of those who requested high school, even if incomplete, were occupied by black people.⁶⁴ That is precisely why the Durban Declaration, in several articles (31, 33, 80, 95 and 96, for example), expresses concern about the indicators of education that reveal a situation of disadvantage and consider that historical inequality in access to education has been one of the causes of socioeconomic disparities affecting the black population. In this sense, the Durban Program, in article 10, calls on States to ensure access to education and to promote the inclusion of the history and contribution of Africans and Afro-descendants in the educational curriculum. However, despite the validity of Law no. 10.639/03, which includes in the official curriculum of the Teaching Network the mandatory theme, ‘Afro-Brazilian History and Culture,’ the State is still far from achieving its effectiveness.

27. **Domestic workers** in Brazil represent 92% of the category. Among them most are black women: 3.9 million, a percentage of 65%. The profession was regulated in 2015, through Constitutional Amendment no. 72. However, in 2018, 70% of the category did not have a regularly signed Work and Social Security Card (CTPS).⁶⁵ In addition to informality, there is also the problem of women subjected to work analogous to domestic slavery. Between 2017 and 2021, 43 rescues of workers were carried out under these conditions. In July 2022 alone, 6 women were rescued (see Annex 3, paragraphs 1 and 2).⁶⁶

28. Currently, 33.1 million people are **starving** in Brazil.⁶⁷ In 2022, 6 out of 10 households are in conditions of **food insecurity**, which represents 125.2 million people.⁶⁸ Only 35% of households headed by black people have food security. When the reference person is a woman, hunger went from 11.2% to 19.3%.⁶⁹ Homes with children under 10 years of age had the hunger doubled: from 9.4% in 2020 to 18.1% in 2022. Food insecurity is higher in rural areas, being present in more than 60% of households, of which 18.6% are of severe food insecurity (hunger).

⁶² IBGE. [National survey by Continuous Sample of Households : PNAD Education 2019](#)

⁶³ Despite these recommendations and the commitments already made by the State, fundamentalist groups, including those integrated by former Minister Damares Alves, have focused on the regulation of home schooling, claiming threat and indoctrination of children and adolescents, through sexual education, plurality and debate of ideas and the teaching of disciplines on politics and history (UPR Brazil Coalition. [Civil Society Mid-term Report | 3rdCycle 2017-1019](#))

⁶⁴ [Whites are mostly in elite jobs and blacks occupy unqualified jobs](#)

⁶⁵ IPEA; UN Women. [Vulnerabilities of domestic workers in the context of the Covid -19 pandemic in Brazil](#)

⁶⁶ [Brazil records six cases of domestic slave labor in one month](#)

⁶⁷ Since 2017, but especially since the extinction of the National Council for Food and Nutrition Security (CONSEA) in 2019, the impoverishment of the population and the increase in **hunger** have been continuous. Among the causes are unemployment and lack of social protection, the divestment and discouragement of public policies, including food security, the promotion of healthy food and for small farmers, and the absence of policies that stimulate the production and consumption of healthy food, marked by the unbridled release of pesticides.

⁶⁸ This data shows an increase of 7.2% since 2020, and 60% compared to 2018.

⁶⁹ This number is lower among homes that have men as those responsible, in which hunger has increased from 7.0% to 11.9%.

Hunger has even affected farming families and small producers, reaching 21.8% of households.⁷⁰ In favelas, access to food has drastically reduced: 97% in one year.⁷¹ While the pandemic and the economic crisis led to 13.5 million **unemployed people**, the values of industry's products from July/20 to August/21 showed an increase of 33%, the food sector being the most affected.⁷² In addition, only in 2021, the use of 562 pesticides, the highest number of the historical series started in 2000, was released.⁷³ In total, there are 4,644 pesticides allowed in Brazil, of which 1,560 had their use authorized in the Bolsonaro government.⁷⁴ This policy ignores the scientific evidence and guidance of international institutions regarding risks⁷⁵ to the environment and people in rural and urban areas, which affect both consumers and rural workers, mostly black people.

29. The black population has suffered more from the **Covid-19** pandemic. In March 2021, while 55% of blacks had died from Covid-19, the proportion among whites was 38%. In the same period, while 3.2 million people vaccinated declared themselves white, among black people this number reduced to 1.7 million. Hospital cleaning teams, in which there are many black people, were not considered health professionals at various vaccination stations,⁷⁶ contrary to the Durban Program which, in article 110, urges states to establish effective mechanisms to monitor and eliminate racism in the health care system, such as the approval and enforcement of effective anti-discrimination laws.

30. Maternal mortality is a reality in the Brazilian health system, especially of black women, victims of institutionalized racist practices. In 2019, the maternal mortality rate was 57.9 per 100 thousand live births, increasing to 107.5/100 thousand in 2021. Of this total, 61.3% were black women. While about 84.2% of white women access prenatal care, this rate drops to 73% when it comes to black women, which also reflects the increase in maternal mortality.⁷⁷ This scenario violates the compromise provided in article 101 of the Durban Program, which calls on States to establish programs to promote access, without discrimination, to groups or individuals who are victims of racism to health services and to promote efforts to eliminate disparities in **maternal and child mortality** rates, in children's vaccinations, HIV/AIDS, heart disease, cancer and infectious diseases. In this sense, the State also fails to comply with the 'National Policy for Integral Health of the Black Population,' established in 2009 through GM/MS Ordinance no. 992.⁷⁸ Faced with the systematic violation of women's human rights, which disproportionately affects black and impoverished women, the paradigmatic case of Alyne da Silva Pimentel Teixeira, a poor, and pregnant, 28 years old woman, was brought to the CEDAW Committee. In

⁷⁰ [2nd National Survey on Food Insecurity in the context of the Covid -19 pandemic in Brazil](#)

⁷¹ [The number of favela residents with access to food falls by 97%.](#)

⁷² [The black population is the most affected by food insecurity](#)

⁷³ [After a new record, Brazil closes 2021 with 562 pesticides released, 33 of which were unprecedented](#)

⁷⁴ At the beginning of his term of office in 2019, the President authorized 475 products, followed by 493 in 2020, 562 in 2021, and 30 between January and March 2022 ([Brazil has almost 5 thousand pesticides authorized](#)).

⁷⁵ For example, the UN special reports on the right to water and food, the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO). These risks involve reproductive problems, behavioral disorders, cancer, and chronic toxic effects. (UPR Brazil Coalition. [Civil Society Mid-term Report | 3rdCycle 2017-1019](#))

⁷⁶ [Brazil registers twice as many white people vaccinated as black people](#)

⁷⁷ "Obstetric violence, which often precedes the mortality of pregnant women and puerperal women, is especially cruel among trans men and women in prison. There are numerous reports of black people who have precarious assistance and medical care during pregnancy or at the time of delivery, being exposed to extreme violations, such as the use of handcuffs or separation for days from their newborn babies. What is worse: in most cases these people should not even be in prison." CRIOLA. [Maternal death is the cruelest expression of racism in Brazil](#)

⁷⁸ BRASIL. **Política Nacional de Saúde Integral da População Negra: uma política para o SUS (National Policy for Integral Health of the Black Population: A policy for SUS)**. 3. ed. Brasília: Publisher of the Ministry of Health, 2017.

2011, the Brazilian State was declared responsible for violations of rights in the ‘**Alyne da Silva Pimentel Teixeira Case (“Alyne”) v. Brazil.**’⁷⁹

31. Despite the recommendations made to the Brazilian State in the Universal Periodic Review (Recommendations 160 and 161 of the 3rd cycle), in line with international regulations, besides not advancing the regulation of **abortion** as a health practice and reproductive right, there are attempts to step backwards in the current legal abortion policy (see Annex 3, paragraphs 4 and 5). Abortion is the fourth cause of preventable maternal death in Brazil. In view of the criminalization of the practice, except in cases of pregnancy resulting from rape, risk for pregnant women, and anencephaly, women resort to clandestine and unsafe abortion, mainly victimizing women in greater social vulnerability: poor, young, black, indigenous and rural residents.⁸⁰ In cases of **legal abortion**, during the Covid-19 pandemic there was a 45% reduction in the services that perform the procedure.⁸¹

32. In June 2022, the Ministry of Health published the booklet, *Technical Attention for Prevention, Evaluation and Conduct in Cases of Abortion*, in which it presents distorted facts and violates rights foreseen in national and internationally recognized regulations, such as the illegality of abortion in Brazil (despite the 3 cases of legal abortion mentioned in the previous paragraph) and the recognition of the proprietary rights of the unborn child.⁸² In addition, only in 2021, of the 13 projects in the Chamber of Deputies on the subject of abortion, only one was thought to be executed. The vast majority, therefore, aims to maintain criminalization and increase penalties, demand bulletin of occurrence in cases of sexual violence, prohibit tests, commercialization and disposal of embryos, and assign rights to the fetus.⁸³

33. In Brazil today, the stereotype of the times of Colonial Brazil still prevails, which states that black people are stronger and resistant to pain. This racist elaboration supports some discriminatory practices in health care and prenatal care of black parturient women, leading to the occurrence of significant cases of **obstetric violence**.⁸⁴ In addition to the fact that there is no legal regulation on obstetric violence, in 2022, the Ministry of Health published the 6th edition of the Pregnancy Booklet,⁸⁵ contrary to consolidated scientific evidence and the guidelines of the ministerial entity for normal childbirth, established in 2017 with technical and social actors.⁸⁶

34. In Brazil, **66% of the women murdered are black**. While there has been an improvement in rates of lethal violence among non-black women, violence has only increased among racialized women. “In 2009, the mortality rate of black women was 48.5% higher than that of non-black women, and eleven years later the mortality rate of black women is 65.8% higher than that of non-black women.” This demonstrates how socioeconomic inequality and other structural issues of racism and gender violence affect black women specifically in Brazil.⁸⁷

⁷⁹ [Alyne v. Brazil](#)

⁸⁰ UPR Brazil Coalition. [Civil Society Mid-term Report | 3rdCycle 2017-1019](#)

⁸¹ GT Agenda 2030. [V Civil Society Light Report on the 2030 Sustainable Development Agenda: Brazil](#)

⁸² [Repudiation note of the “manual” on abortion care of the Ministry of Health](#). 2022

⁸³ [What bills say that try to restrict even more abortion in Brazil](#). 2022

⁸⁴ A Fiocruz study, conducted in 2017, “**The color of pain: racial inequalities in prenatal care and childbirth in Brazil**,” analyzed interviews and medical records of 23,894 Brazilian women. The study showed that black women receive less local anesthesia for episiotomy when compared to white women (FIOCRUZ. [The color of pain: Racial inequalities in pre-natal care and childbirth in Brazil](#))

⁸⁵ MINISTRY OF HEALTH. [Pregnancy Booklet](#)

⁸⁶ Contraindicated since 2018 by the World Health Organization (WHO), the practice of episiotomy, for example, is stimulated by the booklet. The same happens with the Kristeller maneuver, under indication at medical discretion. In addition, the booklet stimulates breastfeeding as a form of prevention of pregnancy, a contraceptive method proven to be ineffective. ([New booklet for pregnant women contradicts evidence and guidelines of the Ministry of Health](#))

⁸⁷ IPEA. [Atlas of Violence 2021](#)

35. **Political violence** is very present in social networks, through which comments are directed with sexist, racist and misogynist offenses. According to research conducted by the Marielle Franco Institute, 8 out of 10 black female candidates suffered virtual violence. Of these, 20.72% received sexist and/or misogynist messages in the online environment; 18% received racist messages and 17% had a virtual meeting invaded.⁸⁸ In addition, **violence against women combined with political violence** affects women in a particular way but is invisible. Among the murders of human rights defenders, 12.24% have women advocates as victims.⁸⁹

36. Black women are the biggest victims of **sexual violence** in Brazil. According to data published in 2022 by the National Public Security Forum, 52.2% of victims of rape and rape of vulnerable people are black, while 46.9% are white women.⁹⁰ Comparing all the lines of violence reported by the Unified Health System (rape, physical violence, sexual violence, repeating violence, psychological/moral violence and self-inflicted injury), the dossier Black Women and Reproductive Justice⁹¹ identified that black women are a primary target in almost all forms of violence, except for self-inflicted injuries.

37. Regarding the LBTQIA+ population, the neglect of the Brazilian State with the production of data is apparent. This demonstrates prejudice and institutional violence against the dissident people of cis heteronormativity. As for **violence against the LGBTQIA+ population**, the indicators published in 2022 by the National Forum of Public Security indicate “an increase in all variables, under the typifications of homicide (7.2%), intentional body injury (35.2%) and rape (88.4%)”.⁹² In the work ‘Lesbocídio: the study of hate crimes against lesbians in Brazil,’ exemplifies a concrete case, in which “a black lesbian, non-feminized, mother and from the periphery lost her life due to a brutal beating by three police officers in service.” In this case, the victim died because “she demanded to die saying that she was a lesbian, that she was a woman.”⁹³

38. In Brazil, of every 10 suicides among young people, 6 are black people. Between the years 2012 and 2016, the death rate compared to young white people who committed suicide remained intact, but increased by 12% among young black people.⁹⁴ Among people aged 10 to 29, the risk was 45% higher among young black people when compared to white people. Among young men and black adolescents, the chance of suicide is 50% higher than among whites.⁹⁵

39. As article 31 of the Durban Action Program points out, **life expectancy** for many people reveals a disadvantage when the factors contributing to this include racism, racial discrimination, xenophobia and related intolerance.

40. In six states of the federation monitored by the Network of Security Observatories (Bahia, Ceará, Piauí, Pernambuco, Rio de Janeiro and São Paulo),⁹⁶ every four hours a black person is killed in **police actions**. In 2020, of the 2,653 deaths by the police, 82.7% were black

⁸⁸ REVISTA AZMINA; INTERNETLAB. Monitor A: report on online political violence on pages and candidate profiles in the 2020 municipal elections. São Paulo, 2021.

⁸⁹ [Land of Rights. Beginning of the end? The worst moment of the Program for the Protection of Human Rights Defenders Communicators and Environmentalists, 2021](#)

⁹⁰ Fórum Brasileiro de Segurança Pública (Brazilian Forum of Public Security). [A decade and more than half a million victims of sexual violence](#)

⁹¹ CRIOLA. [Black Women Dossier and Reproductive Justice](#).

⁹² Fórum Brasileiro de Segurança Pública (Brazilian Forum of Public Security). [Struggles for recognition and indicators of racism and lgbtphobia in Brazil in 2021](#)

⁹³ DIAS, Maria Clara M. et. al. [Lesbocídio: The study of hate crimes against lesbians in Brazil](#)

⁹⁴ UPR Brazil Coalition. [Civil Society Mid-term Report | 3rd Cycle 2017-1019](#)

⁹⁵ [Suicide rate among young people and black adolescents grows and is 45% higher than among whites](#). 2019

⁹⁶ The state of Maranhão, which also integrates the monitoring, does not record the color/race of the victims, which also reveals itself as a form of institutional racism.

people.⁹⁷ The issue of police violence against the black population, including gender violence in the course of police action (see Annex 3, paragraphs 6 to 15), has already been brought by civil society to the Inter-American System of Human Rights, through **the Favela Nova Brasilia case (Cosme Genoveva and others) vs. Brazil**, in which the Inter-American Court of Human Rights holds the Brazilian State responsible for the violation of the right to life and personal integrity of the victims - 26 men victims of murder and 3 women victims of sexual violence - during two police operations carried out in Favela Nova Brasilia, located in Complexo do Alemão, in Rio de Janeiro, on October 18, 1994 and May 8, 1995.⁹⁸

41. In June 2022, the **Inter-American Commission on Human Rights** highlighted the **police violence** in the context of violent police operations carried out in favelas, areas with high concentration of black people, and greater socioeconomic vulnerability. In mentioning also the case of Genivaldo de Jesus Santos, the Commission warns against the multiple and aggravated discrimination which black people face, condemning such attitudes and calling for Brazil to combat racial profiling practices.⁹⁹ In addition, the militia areas¹⁰⁰ in Rio de Janeiro grew by 387% over a period of 16 years, also with an impact on the increase in **political violence** (see Annex 3, paragraphs 14 and 15).¹⁰¹ The UN Committee Against Torture has already expressed its concern about the increase in deaths inflicted by police officers in service, especially against black people and made recommendations to the State (CAT/OP/BRA/3, paragraphs 18 and 19).

42. Between January and June 2022, Disque 100 received 545 reports of **religious intolerance**, equivalent to three complaints a day. In relation to the same period of the previous year, there was an increase of 17%.¹⁰² Although the service does not identify the religious denomination, data from the Ombudsman of the Department of Justice and Citizenship of São Paulo, the state with the highest number of records of occurrences, reveal that religions of African origin, such as Umbanda and Candomblé, are the ones that suffered the most prejudice due to religious intolerance in 2022 (see Annex 3, paragraph 16).¹⁰³ There is therefore a clear violation of the commitment to the Durban Program, whose articles 14 and 47 call on States to recognize the severe problems of religious intolerance and prejudice and to implement policies and measures designed to prevent and eliminate all forms of discrimination based on religion and religious beliefs.

⁹⁷ [Blacks are mostly killed in police actions in six states: This is what research reveals from the Network of Security Observatories](#)

⁹⁸ CNJ. [Executive Summary: Favela Nova Brasilia Case \(Cosme Genoveva and others\) vs. Brazil](#)

⁹⁹ [IACHR condemns police violence against African descendants in Brazil and calls on the State to combat the use of racial profiling practices](#)

¹⁰⁰ The execution of the councilor Marielle Franco (PSOL) and her driver, Anderson Gomes, on March 14, 2018 still has no answers regarding the person accused of ordering the homicides. Marielle Franco was a councilwoman who was keen on the causes of political minorities, communities in Rio de Janeiro and combative to the parallel power installed in these communities. The Marielle case investigation exposed some connections between councilors and militias in Rio de Janeiro (see Annex 3, paragraph 14).

¹⁰¹ [Militias grow almost 400% in 16 years and already occupy 10% of Greater Rio](#)

¹⁰² [Brazil registers three complaints of religious intolerance per day in 2022; the total already reaches 545 in the country](#)

¹⁰³ In the state of Bahia, between 2013 and 2018 there was an increase of more than 1000% of complaints; from 14 records, the number increased to 115, with more than 80% of the victims being of African religion ([Religious racism and the Brazilian state: The police operations in the Candomblé terreiros of Bahia and the reactions of the terreiro people](#)). On several occasions, the first lady, **Michelle Bolsonaro**, expressed **prejudice and religious intolerance**, as when she declared that the elections were a "struggle of good against evil" and that Bolsonaro was God's chosen one, and when she shared the Instagram post of fellow councilwoman Sonaira Fernandes (Republicanos/São Paulo), in which the parliamentarian says that "Lula has already given his soul to win this election" in the caption of a [video](#) in which the former president and presidential candidate in 2022 appears to be blessed by women of African religions ([Janja defends Lula after Michelle video: 'It doesn't matter the religion or creed'](#)).

That said, we encourage this Committee to adopt the following recommendations:

5.1 The determination that the national, state, and municipal plans for Public Security and Social Defense are based on citizen security and contain policies and actions aimed at reducing lethality and police violence and municipal guards, addressing institutional racism in public security agencies, and guidelines for implementing protocols related to the police approach and the use of force aligned with the fundamental rights provided for in the Federal Constitution and in the international treaties on human rights, security and peace to which Brazil is a signatory;

5.2 Implement and monitor a plan to reduce police lethality with broad participation of civil society and public institutions committed to the promotion of human rights, including individual, social and collective redress in cases of violence;

5.3 Carry out investigations to examine possible links between criminal proceedings, police violence and criminal sanctions, as well as racism, racial discrimination, xenophobia and related intolerance in order to promote the eradication of any such link between discriminatory practices;

5.4 Demilitarize the Brazilian police;

5.5 Establish a police inquiry for all deaths classified as “acts of resistance,” prosecute investigations in closed investigations, dismiss investigated officers and punish those found guilty;

5.6 Carry out investigations within the Legislative Branch, through Parliamentary Committees of Inquiry, as well as within the Judiciary, through the State Public Prosecutor’s Office, in the exercise of the external control of police activity, in order to reach parliamentarians and police involved with paramilitary groups and militias, particularly in the state of Rio de Janeiro;

5.7 Establish policies aimed at ensuring the full exercise of political rights of the black population, considering measures aimed at mitigating political violence against black candidates and representatives, creating effective mechanisms for monitoring and investigating cases of political violence, notably gender violence (for reasons of sex, gender identity and sexual orientation), to result in due accountability;

5.8 Include protective measures that consider an appropriate gender and race perspective in the Human Rights Defenders Protection Program;

5.9 Implement legislative and political changes that prevent subjective and cultural factors in the personal search (provided for in article 244 of the Code of Criminal Procedure), so that factors such as age, skin color, gender, social class, place of residence and clothing, for example, do not characterize grounded suspicions in police checks;

5.10 Include, in the training courses for members of the justice and public security agencies provided for in article 144 of the Federal Constitution, content on racial relations, content on racial relations, tackling institutional racism and fundamental rights and guarantees provided for in article 5 of the Federal Constitution, especially those related to the fight against torture and inherent in the exercise of citizen security;

5.11 Implement mandatory training for any public servants on racial relations and the fight against institutional racism within public administration;

5.12 Implement mechanisms for the recognition and accountability of institutional racism, despite the repeated commitment at the regional level for Brazil to become a signatory of the ‘Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance;’

5.13 Establish multidisciplinary reference centers for the care of victims of institutional racism, prioritizing the care for mothers and orphans victims of institutional violence, guaranteeing legal, psychological and social support to victims;

5.14 Increase the effectiveness of the application of Law no. 10.639/2003 concerning the study of African and Afro-Brazilian history in order to promote the appreciation of black culture and

identity, and awareness of racial equality;

5.15 Implement policies and programs to maximize the years of study of the African-descendant population in order to equate the average of the black population to that of the white population;

5.16 Ensure **sexual education**, including as a means of combating sexual exploitation and violence against girls and women, especially black girls, who are most affected by sexual violence;

5.17 Ensure the protection of the spaces of faith of religions of African origin, as well as their liturgies, so that they have the same rights as those reserved for religions of majority representation, and to safeguard the right to the full exercise of religious freedom, in accordance with article 5, paragraph VI of the Federal Constitution;

5.18 Expand public policies aimed at guaranteeing the right to food and nutritional security for the black population, peoples and traditional communities through the implementation, in the National Plan of Food and Nutrition Security, guidelines that consider the urban and rural realities faced by the black population and contemplate them in the guiding instruments for the elaboration, monitoring and evaluation of public policies in this field;

5.19 Implement the emergency regime in the process of bills that discuss the expansion and strengthening of public policies that deal with the right to food and nutrition security, the implementation of universal basic income and income transfer programs - in line with the prediction of the emergency regime provided in the internal regiments of the Chamber and Senate and recently validated by the STF;

5.20 Expand the Popular Restaurant Program - chain of territorial and quantitative coverage of establishments - with mandatory provisions of morning and evening meals (breakfast and dinner) and extended gratuity in all units of the country for people on the streets, drug addiction and presumably in a situation of misery, pursuant to § 3 of article 20 of Law no. 8.742/93 - Organic Law of Social Assistance (LOAS), due to per capita income equal to or less than 1/4 of the minimum wage;

5.21 Remove article 68 from the Transitional Constitutional Provisions Act (ADCT) and recognize, in the Federal Constitution, quilombolas, as well as other peoples of traditional non-originating communities, as subjects of law who are not bound to disappear over time;

5.22 Accelerate the entitlement of quilombola communities and provide basic infrastructure for these communities, in order to facilitate both the development of these populations and the maintenance of their traditions;

5.23 Allocate adequate budget for the concrete application of the **National Health Policy of the Black Population**;

5.24 Approve and sanction laws aimed at the end of violence and gender inequalities, such as the Bill no. 877/2019, 8.042/2014, 6.895/2017, 6.355/2016 and, in addition to not going back in cases of legal abortion already foreseen, decriminalize and legalize abortion by ensuring that it is accessible and safe in all situations, for all women and girls, without stigma and discrimination;

5.25 Train health teams and ensure the allocation of resources to combat racism, sexism, lesbophobia, biphobia and transphobia;

5.26 Perform institutional informational campaigns in health units, expansion and strengthening of the services of the legal abortion network to combat and prevent obstetric violence, with oversight of the Legislative Branch;

5.27 Carry out the joint investigation by the executive and legislative branches the indicators of obstetric violence, considering the racial, gender and gender identity determinants in this action;

5.28 Advance the processing of Bills in the Chamber of Deputies aimed at regulating obstetric violence.

Access to justice (Article 6)

43. ***OUR HIGHLIGHT: Although racism is criminalized in Brazil, the State continues to violate their commitments by denying the black population access to justice and denying them their rights, as per Article 6 of the Convention.***

44. In 2020, 1,826 **racist crimes** were reported in the country. In the state of Rio de Janeiro alone, in 2019 there were 1,706 victims of **libel due to race and color prejudice**. Of these, 844 suffered racially-motivated discrimination, being 90.8% self-declared black.¹⁰⁴ In the jurisprudence, a distinction was made between the libel, provided for in the Penal Code, and the crime of racism, provided for in Law no. 7.716/89.¹⁰⁵ In the application of the law, there is a recurring institutional practice of classifying racial injury when the crime committed is racism.¹⁰⁶

45. The lack of investment in accessible (no-cost) public defense by the Brazilian State has led to the **obstruction of justice**, with a greater impact on the black population,¹⁰⁷ and in violation of article 12 of the Durban Program, by which the State is called to ensure full and effective access to the judicial system. Without the resources to pay the costs of the process, an inequality gap will undoubtedly form between litigants, consequently generating conditions for unequal defense in court.¹⁰⁸ Therefore, the State remains in breach of the Committee's recommendations, with the concerns expressed in paragraphs 18 and 25 (CERD/C/64/CO/2). Institutional racism also prevents access to justice in the exercise of technical defense by black lawyers (see Annex 3, paragraph 17) and discrimination against black people when they are defendants in proceedings (see Annex 3, paragraph 18).

Given the above, we encourage this Committee to adopt the following recommendations:

6.1 Expand access to public defenders and ensure both free legal assistance and free justice, and ensure the implementation of the Brasilia Rules on access to justice for people in vulnerable conditions;

6.2 Equate the crime of racial libel to the crime of racism in order to reduce discretion in the categorization of conduct with racist practices and thus mitigate the problem of criminal prosecution of crimes motivated by racism;

6.3 Carry out inspections and improvements in the judicial units via the National Justice Office of the National Council of Justice, producing specific reports on the performance of the procedural progress of the processes of racial libel and racism;

¹⁰⁴ [Ministry of Human Rights received 1,019 complaints of racial libel in 2021](#)

¹⁰⁵ From the classification of racial injury in 1997, while it would be an offense directed at a specific person and with a lower penalty, subject to the defendant's freedom and time in prison; in racism, the offenses are directed to the community on the basis of race, color, ethnicity, religion or origin, the penalty is more serious, the crime is unspeakable and imprescriptible (IOTTI, Paulo. [STF is correct in recognizing racial libel as a crime of racism](#)). However, in 2021, the Federal Supreme Court ruled that racial libel is also imprescriptible ([Racial libel is an imprescriptible crime, STF decides](#)) and the Federal Senate approved Bill no. 4373/20, typifying racial libel as a crime of racism. The project is now under consideration by the Chamber of Deputies ([Bill no. 4373, of 2020](#)).

¹⁰⁶ About 60% of the judgments analyzed in the research that investigated the institutional racism of the Court of Justice of the State of Rio de Janeiro demonstrate that the magistrates have categorized the illicit racial motivation committed as qualified libel, contained in article 140, § 3 of the Criminal Code, a crime susceptible to prescription (until November 2021) and bail, which would not happen if conduct was characterized as racism. In the five cases in which Law no. 7.716/89 was applied there was no condemnation (PIRES, Thula Rafaela de Oliveira; LYRIO, Caroline. [Institutional Racism and Access to Justice: An analysis of the performance of the Court of Justice of the State of Rio de Janeiro in the years 1989-2011](#)).

¹⁰⁷ Although access is formally universal, the most privileged sectors of society are usually the ones that make use of the judiciary. In 2010, 63% of people who claimed to have had a serious problem did not access justice. In 2012, another research revealed that it is the people with the highest level of income and education who sought the legal system (SAKED, Maria Tereza Aina. [Access to justice: A right and its obstacles](#)).

¹⁰⁸ PINTO, Camila Batista. [Race and Gender: parameters and voices on access to Justice](#)

6.4 Create a compensation mechanism that enables fair reparation in cases of racism and racial discrimination;

6.5 Create in the legal system a hierarchically-superior body (board, secretariat, coordination, committee, etc.) to combat institutional racism with qualified teams, adequate infrastructure, and a sufficient budget for the planned actions;

6.6 Have the National Council of Justice (CNJ) implement a transversal and intersectional policy to confront cis-heteronormative patriarchal racism in the justice system (both in criminal justice and in other areas, as in family law.)

Education, Culture, and information (Article 7)

46. ***OUR HIGHLIGHT: The State has repeatedly failed to comply with Article 7 of the Convention. Rather than taking swift and effective measures to combat discrimination and promote racial equality in the fields of teaching, education, culture, and information, the State has fostered structural racism within these fields and has facilitated the extermination of the black population.***

47. In Brazil, the topic of the **democratization of the media** revolves around the State's regulation of communication services, access to information, and freedom of expression. The majority of the media is concentrated in large conglomerates, which hinders the dissemination of truthful and reliable information. Regarding the issue of race, it is noteworthy to see the clear distinction in which mass media does its reporting when it involves the arrest of poor, black youth in possession of drugs, in contrast to the arrest of middle-class or wealthy white youth. Blacks and the poor are described in the headlines as drug dealers, while wealthy whites are described as consumers, which reveals a **stereotypical representation** of vulnerable groups and reinforces the criminalization of black youth. Daily radio and television programs related to the police often promote hate speech and violate human rights, especially against black youth in the periphery.¹⁰⁹ The stereotypical representation also occurs against **black women**, who are victims of both hyper-sexualization of their bodies in advertisements and of hate speech.¹¹⁰

48. The facial recognition policy used by the Brazilian State has been an example of **algorithmic racism**, which is present in different platforms. Between March and October of 2019, 151 people averaging 35 years old were arrested using facial recognition technology in four states (Bahia, Rio de Janeiro, Santa Catarina and Paraíba) and 90.5% of them were black (in cases where there was information or images that identified race and color.)¹¹¹

49. Supporters of Bolsonaro have used the right of freedom of expression to incite violence and to violate fundamental rights. An emblematic case of this in action is the **presidential pardon** granted by Bolsonaro to Federal Congressman **Daniel Silveira**. On April 21, 2022, one day after the Supreme Federal Court had sentenced the parliamentarian to eight years and nine months in prison for crimes of coercion in judicial proceedings and an attempt to prevent the free exercise of the powers of the government, the president signed a decree granting the individual pardon to Daniel Silveira, thus overruling the prison sentence.¹¹²

50. In 2020, on Black Consciousness Day, **Sergio Camargo**, the then-president of the **Palmares Cultural Foundation (FCP)** - a public institution for the promotion and preservation of cultural, social, and economic values resulting from black influence in the formation of

¹⁰⁹ In 2015, 60% of people who had rights violated by 28 police-related programs, whether as suspicions or victims of violent acts, were black ([Communication and racism policies 18 years after the Durban Declaration](#)).

¹¹⁰ The research of sociologist Luiz Valério Trindade, who analyzed 109 pages and 16,000 user profiles on Facebook, in addition to 224 journalistic articles between 2012 and 2016, found that approximately 80% of hate speech was aimed at black women ([Communication policies and racism 18 years after the Durban Declaration](#)).

¹¹¹ [Racism that structures digital information and communication technologies](#)

¹¹² [Bolsonaro grants pardon to Daniel Silveira: see reaction of jurists and politicians](#)

Brazilian society - declared: “There is no structural racism in Brazil; our racism is circumstantial – that is, there are some imbeciles who commit the crime. The ‘omnipresent structure’ which day and night oppress and marginalizes all blacks, as the left defends, does not make sense or have a foundation.” Both Bolsonaro and Hamilton Mourão, the current vice president, endorsed the speech.¹¹³ This statement, coming from the presidency of the FCP, violates article 67 of the Durban Program, which calls on States to ensure that measures, policies, and programs aimed at eradicating racism address the obstacles that members of certain groups with their own **cultural identity** face, attributed to a complex interaction of ethnic, religious, and other factors, as well as their traditions and customs.

Given the above, we encourage this Committee to adopt the following recommendations:

7.1 Implement democratic communication policies, ensuring the representation of Brazilian ethnic-racial diversity in society, and ensuring social control mechanisms;

7.2 Enable access to education and new information and communication technologies (ICTs) to black people, ensuring the provision of free internet and electronic equipment, such as computers and routers, for the low-income population.

ATTACHMENTS

ANNEX 1 Recommendations

ANNEX 2 Historical Context of Racial Discrimination in Brazil

ANNEX 3 Emblematic cases

¹¹³ [IPEA Social Policies: follow-up and analysis no. 28, 2021](#)

ANNEX 1

General Framework of Recommendations

- 1.1** Maintain the question of self-declaration of race/color in the census and inclusion of this criterion in all data surveys (in the areas of health, education, public safety, etc.) carried out by the State in order to promote public policies appropriate for the black population;
 - 1.2** To enable, in the census, the collection of data on gender, gender identity, disability and territoriality variables, already present in the National Survey by Continuous Household Sample (PNAD) conducted by IBGE;
 - 1.3** Ensure the possibility of generating microdata disaggregated by race
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- 2.1** To extend the validity of Law no. 12.711/12, which establishes the quotas in universities, until the goal of 40% equity between Afro-descendants and white people is reached, and establish scholarship and university permanence programs, aimed at quota students;
 - 2.2** Extend the validity of Law no. 12.990/14, which establishes quotas in the public service, for another 10 years and expand it to political positions (e.g. ministries, secretariats, etc.), commissioned, trusted, among others, so that the law is destined for all public service, and not just for those who have passed the civil service examination;
 - 2.3** Create and monitor indicators to measure the effectiveness of revised affirmative action laws and programs every 4 years in order to progressively increase the effectiveness, and any setback being prohibited;
 - 2.4** Reestablish and strengthen the racial equality policy and its mechanisms of social participation, with the elaboration and implementation of a National Plan to Combat Institutional Racism and the Death Policy towards the Black Population, with the participation of civil society organizations and the black movement, and inclusion of verifiable goals, a determined budget and established programs, including combating misogyny and LGBTQIA+phobia, in order to promote the integral development of the black population over the next 30 years;
 - 2.5** Recreate instances such as SEPIIR and establish mechanisms for national, state and municipal implementation of existing policies for the black population;
 - 2.6** Allocate an appropriate budget for all public policies to promote racial equality;
 - 2.7** Ensure the principle of non-regressive social participation, in particular by restoring the configuration of collegiate bodies in the entities of the Federal Administration that must have the participation of blacks, women, LGBTQIA+ and other minorities;
 - 2.8** Expand the structure and responsiveness of reporting channels, with allocation of financial and human resources, from a secular perspective;
 - 2.9** Make available to civil society, government transparency platforms, within the scope of each federal entity's power, information and technical reports on the state of the art of denunciations of institutional racism due to racial and religious violence in process in the State Ombudsmen's Offices and municipalities, in the state and federal Public Prosecutor's Offices, in the internal affairs departments of the armed forces and in the internal affairs departments of the civil and military police and municipal guards (or the corresponding Secretariat);
 - 2.10** Establish a new sustainable and human rights-oriented tax regime, overcoming the fiscal austerity policy instituted by Constitutional Amendment no 95 (Expenditure Ceiling), including as provided for in Constitutional Amendment Proposals 54/2019 and 36/2020;
 - 2.11** Revoke the Labor Reform;
 - 2.12** Instituting a policy to promote equal pay between different sexes, races and genders in the labor market and encouraging the implementation of equality policies in the private sector;
 - 2.13** Review the Social Security Reform and strengthen the Single Social Assistance System;

2.14 Create preferential treatment for private companies belonging to Afro-descendants or those who have the federal, state or municipal certificate, as the case may be, of voluntary promotion of the racial equality policy;

2.15 Create a credit policy for Afro-descendant entrepreneurs, focused mainly on black women;

2.16 Maintain ratification and strengthen compliance with ILO's Convention 169;

2.17 Ratify the amendments to article 8, paragraph 6, of the CERD Convention.

3.1 Create programs and policies that combat environmental racism and ensure the right to adequate housing of the black population, including both housing provision with reduced interest rates for housing acquisition, and urban infrastructure and community equipment, such as sanitation, water, electricity and leisure policy;

3.2 Promote anti-racist and anti-sexist human rights training for public servants, including justice administration personnel, particularly security services, prison and police services, as provided for in article 133 of the Durban Program;

3.3 Recognize that the current policy of combating drugs, motivated by the logic of 'war on drugs,' has immensely impacted the prison system, especially for the black population, with the exponential increase in incarceration of women, this policy needs to be changed with less punitive laws and more principles that promote non-imprisonment;

3.4 Investigate the systematic and continuous murder of black young people, and recommend the adoption of reparation, transition and restoration measures that put an end to the extermination of the black population, without prejudice to the criminal liability of their perpetrators;

3.5 Institute public policies on drugs aimed at promoting greater social impact and public health, in order to reduce the need for public security to act on this issue;

3.6 Promote Restorative Justice practices in courts and institutions, such as schools, Social Welfare network, Universities and Colleges and Socio-educational Programs.

4.1 Hold politicians accountable for hate speech;

4.2 Promote measures to stop the appearance and to oppose extremist, violent and neo-fascist nationalist ideologies;

4.3 Strengthen the state investigative structure in order to provide the investigation and punishment of those responsible for hate crimes delivered in a face-to-face and online manner;

4.4 Support research and monitoring on the dissemination of racist material through the Internet, with the publication of reports and good practices to address the problem;

4.5 Provide training to judicial authorities and the Public Prosecutor's Office on the specifics of incitement to hatred and racial discrimination on the Internet, to better implement legal sanctions, in accordance with international law, against incitement to racial hatred through new information and communication technologies, including the Internet;

4.6 Adopt and apply, to the greatest possible extent, appropriate legislation to bring to trial those responsible for incitement to racial hatred or violence through new communication and information technologies, including the Internet.

5.1 The determination that the national, state, and municipal plans for Public Security and Social Defense are based on citizen security and contain policies and actions aimed at reducing lethality and police violence and municipal guards, addressing institutional racism in public security agencies, and guidelines for implementing protocols related to the police approach and the use of force aligned with the fundamental rights provided for in the Federal Constitution and in the international treaties on human rights, security and peace to which Brazil is a signatory;

- 5.2** Implement and monitor a plan to reduce police lethality with broad participation of civil society and public institutions committed to the promotion of human rights, including individual, social and collective redress in cases of violence;
- 5.3** Carry out investigations to examine possible links between criminal proceedings, police violence and criminal sanctions, as well as racism, racial discrimination, xenophobia and related intolerance in order to promote the eradication of any such link between discriminatory practices;
- 5.4** Demilitarize the Brazilian police;
- 5.5** Establish a police inquiry for all deaths classified as “acts of resistance,” prosecute investigations in closed investigations, dismiss investigated officers and punish those found guilty;
- 5.6** Carry out investigations within the Legislative Branch, through Parliamentary Committees of Inquiry, as well as within the Judiciary, through the State Public Prosecutor’s Office, in the exercise of the external control of police activity, in order to reach parliamentarians and police involved with paramilitary groups and militias, particularly in the state of Rio de Janeiro;
- 5.7** Establish policies aimed at ensuring the full exercise of political rights of the black population, considering measures aimed at mitigating political violence against black candidates and representatives, creating effective mechanisms for monitoring and investigating cases of political violence, notably gender violence (for reasons of sex, gender identity and sexual orientation), to result in due accountability;
- 5.8** Include protective measures that consider an appropriate gender and race perspective in the Human Rights Defenders Protection Program;
- 5.9** Implement legislative and political changes that prevent subjective and cultural factors in the personal search (provided for in article 244 of the Code of Criminal Procedure), so that factors such as age, skin color, gender, social class, place of residence and clothing, for example, do not characterize grounded suspicions in police checks;
- 5.10** Include, in the training courses for members of the justice and public security agencies provided for in article 144 of the Federal Constitution, content on racial relations, content on racial relations, tackling institutional racism and fundamental rights and guarantees provided for in article 5 of the Federal Constitution, especially those related to the fight against torture and inherent in the exercise of citizen security;
- 5.11** Implement mandatory training for any public servants on racial relations and the fight against institutional racism within public administration;
- 5.12** Implement mechanisms for the recognition and accountability of institutional racism, despite the repeated commitment at the regional level for Brazil to become a signatory of the ‘Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance;’
- 5.13** Establish multidisciplinary reference centers for the care of victims of institutional racism, prioritizing the care for mothers and orphans victims of institutional violence, guaranteeing legal, psychological and social support to victims;
- 5.14** Increase the effectiveness of the application of Law no. 10.639/2003 concerning the study of African and Afro-Brazilian history in order to promote the appreciation of black culture and identity, and awareness of racial equality;
- 5.15** Implement policies and programs to maximize the years of study of the African-descendant population in order to equate the average of the black population to that of the white population;
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representation, and to safeguard the right to the full exercise of religious freedom, in accordance with article 5, paragraph VI of the Federal Constitution;

5.18 Expand public policies aimed at guaranteeing the right to food and nutritional security for the black population, peoples and traditional communities through the implementation, in the National Plan of Food and Nutrition Security, guidelines that consider the urban and rural realities faced by the black population and contemplate them in the guiding instruments for the elaboration, monitoring and evaluation of public policies in this field;

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5.21 Remove article 68 from the Transitional Constitutional Provisions Act (ADCT) and recognize, in the Federal Constitution, quilombolas, as well as other peoples of traditional non-originating communities, as subjects of law who are not bound to disappear over time;

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6.3 Carry out inspections and improvements in the judicial units via the National Justice Office of the National Council of Justice, producing specific reports on the performance of the procedural progress of the processes of racial libel and racism;

6.4 Create a compensation mechanism that enables fair reparation in cases of racism and racial discrimination;

6.5 Create in the legal system a hierarchically-superior body (board, secretariat, coordination, committee, etc.) to combat institutional racism with qualified teams, adequate infrastructure, and a sufficient budget for the planned actions;

6.6 Have the National Council of Justice (CNJ) implement a transversal and intersectional policy to confront cis-heteronormative patriarchal racism in the justice system (both in criminal justice and in other areas, as in family law.)

7.1 Implement democratic communication policies, ensuring the representation of Brazilian ethnic-racial diversity in society, and ensuring social control mechanisms;

7.2 Enable access to education and new information and communication technologies (ICTs) to black people, ensuring the provision of free internet and electronic equipment, such as computers and routers, for the low-income population.

ANNEX 2

Historical Context of Racial Discrimination in Brazil

1. During the colonial period, **slavery** sustained the foundation of the economic formation in Brazil. Between the 16th and 19th centuries, it is estimated that more than 11 million men, women, and children were forcibly removed from their communities and brought to the Americas. In Brazil, about 4 million landed.¹¹⁴ The abolition of slavery in 1888 was not accompanied by inclusion policies for black people. The absence of policies was accompanied by instruments to promote structural racism. The violations of rights, criminalization, torture, and death of the black population showed the institutional, social, and cultural mechanisms by which the control policies of the Brazilian State produced and reproduced the **structural patriarchal cis-heteronormative racism**. This absence of policies resulted, in the **marginalization** of individuals, communities and territories, perpetuating to this day injustices and iniquities regarding the organization of spaces and of life. The Republic was established the following year, in 1889, with eugenics, colonialism, the whitening of the population, epistemicide, and the extermination of the black population as structural elements.
2. In this context and as in other countries of the African diaspora, in Brazil Afro-descendants have systematically suffered from **racism** and the historical denial of their civil, political, economic, social, cultural, environmental, sexual and reproductive rights. **Institutional and structural racism**¹¹⁵ is evident in Brazil through discriminatory institutional practices and a set of disadvantages and privileges based on race, from the Brazilian social structure, constituted by various social conflicts. In this sense, the **intersectionality**¹¹⁶ of race, class and gender is a fundamental aspect of understanding discrimination and oppression, which makes black and impoverished women affected more complex and profound, being the most vulnerable in guaranteeing their rights by patriarchal cis-heteronormative racism.
3. The formation of the national identity had as one of its components the '**myth of racial democracy**'¹¹⁷, which was constituted as a discursive, symbolic and aesthetic strategy to support the whitening and operate eugenics in Brazil. The supposed society without discrimination does not find coherence in the Brazilian reality, which is explained by the crossing of a violent structural racism. With the largest black population outside the African continent in absolute numbers,¹¹⁸ In 2018, 56.10% of the Brazilian population declare themselves as black or mixed race, according to IBGE data¹¹⁹. However, the same survey showed that in the labor market, 68.6% of managerial positions were held by whites, and only 29.9%, by blacks or people of

¹¹⁴ ALBUQUERQUE, Wlamyra R. de.; BRAGA FILHO, Walter. [A history of the black person in Brazil](#)

¹¹⁵ While **institutional racism** explains the racial inequality present in institutions (in addition to discrimination arising from racist groups or individuals), **structural racism** understands that the social structure itself consists of conflicts - including class, race and sex - which are reproduced by institutions (ALMEIDA, S. L. **Structural racism**. São Paulo: Sueli Carneiro; Editora Jandaíra, 2021).

¹¹⁶ CRENSHAW, Kimberlé. [Mapping the margins: intersectionality, identity policies and violence against non-white women](#)

¹¹⁷ DOMINGUES, Petrônio. [The myth of racial democracy and mixed races in Brazil](#)

¹¹⁸ CAVALHEIRO, Carlos Carvalho. [Afrika for Brazilians](#)

¹¹⁹ The Brazilian Institute of Geography and Statistics (IBGE) is an entity of the federal public administration linked to the Ministry of Economy. It is the main provider of data, statistics and information of the Brazilian State.

- mixed race.¹²⁰ Even though they are the majority in Brazilian society, the black population is under-represented in social spaces that provide better living conditions.
4. Between 2012 and 2019, the black population earned half of the average per capita household income of the white population. In 2019, this income was R\$ 981.00 for the black and mixed race population and R\$ 1,948.00 for the white population.¹²¹ The average household income per capita in 2019 was R\$ 1,406.00 for the total Brazilian population. The Southeast and South regions presented the highest incomes (R\$ 1,720.00 and R\$ 1,701.00, respectively), approximately twice the North (R\$ 872.00) and Northeast (R\$ 884.00) regions.¹²² In the last thirty years, the racial inequality of income has persisted almost untouched in Brazil, with the average income of whites at least twice as much as that of blacks.¹²³ In 2020, there was a record of 4.1% reduction in GDP per capita compared to the previous year, reducing to R\$ 35,172.00. Unemployment and informal sectors increased, rising above the national average in 19 states, with the youngest, least educated, female (16.4%) and black population (17.2% among blacks and 15.8% among mixed race) the most affected. In 2020, at any level of education, the white working population received an hourly income higher than the black or mixed race population, reaching a 44.3% higher income than whites compared to blacks in the full upper category.¹²⁴
 5. Brazil ratified the CERD in 1968, but it was only after a period of more than thirty years that the State began to respond to the guidelines of the convention, that is, only after the dictatorial period from 1964 to 1985. It was also only in 1995 that a report by the State to the CERD Committee admitted the existence of racial discrimination and inequality in the country, recognizing the need to develop and implement policies aimed at overcoming them, under strong influence of the pressure exerted by the Zumbi dos Palmares March for Citizenship and Life¹²⁵, which occurred in Brasilia in 1995.¹²⁶
 6. In 2002, Decree no. 4.228 instituted the **‘National Program of Affirmative Actions’**¹²⁷, with the objective of guaranteeing the entry of the black population into the labor market, through percentage goals of access to commissioned positions of the federal public administration, as well as encouraging private companies to join the program¹²⁸. In this context, we highlight the so-called **Public Service Quota Law**, instituted by Law no. 12.990/2014¹²⁹, which reserves 20% of the vacancies in the federal public administration for black people. Its effectiveness, however, faces challenges due to the current policies that reduce the state’s performance in promoting welfare policies and consequent decrease in the number of public tenders; in addition to the fractioning of vacancies in the competitions, which reduces the impact of the law considering that the quotas apply to events with more than three

¹²⁰ [IBGE. Social inequalities by color or race in Brazil](#)

¹²¹ [IBGE. Summary of Social Indicators : an analysis of the living conditions of the Brazilian population , 2020](#)

¹²² [IBGE. Summary of Social Indicators : an analysis of the living conditions of the Brazilian population , 2020](#)

¹²³ [IPEA. Racial inequality in Brazil over the last three decades](#)

¹²⁴ [GT Agenda 2030. V Civil Society Light Report of the 2030 Sustainable Development Agenda : Brazil](#)

¹²⁵ [Jornal da Marcha](#)

¹²⁶ [GELEDÉS - Documentation and Institutional Memory Center. Brazil and Durban: 20 years later](#)

¹²⁷ [Decree no. 4.228/2002](#)

¹²⁸ [IPEA Social Policies : follow-up and analysis no. 28. 2021](#)

¹²⁹ [Law no. 12.990/2014](#)

vacancies.¹³⁰ The same occurs with Law no. 12.711¹³¹, which instituted **quotas in federal universities** and federal high-school technical education institutions.

7. In the decade between 2003 and 2013, important policies were created with the goal of promoting equality, with the creation of the 'Department for Policies for the Promotion of Racial Equality' (**SEPPIR**), the 'National Council for the Promotion of Racial Equality' (**CNPIR**) with the participation of civil society, the 'National Policy for the Promotion of Racial Equality' (**PNPIR**), the 'National Plan for the Promotion of Racial Equality' (**PLANAPIR**), the 'National Policy for Integral Health of the Black Population' (**PNSIPN**) and the 'National System for the Promotion of Racial Equality' (**SINAPIR**)¹³². However, contrary to what the State reported on the consolidation of a policy of racial equality (CERD/C/BRA/18-20, especially paragraphs 28 and 29), since 2015 a series of setbacks have been taking place in the public and government agenda to combat racism and inequalities, with the loss of institutionalism initiated by the extinction of the SEPPIR.
8. Despite the validity of the important legislative advance of **the Statute of Racial Equality** established by Law no. 12.288/10, its implementation is still a major challenge, with the absence of goals, agendas, and budget¹³³. Therefore, the Brazilian State has systematically failed to eliminate racial discrimination. Contrary to what would be expected, a series of measures in recent years have been translated into setbacks and increased inequalities, further deepening racial discrimination and constituting a policy of death perpetuated by the State against the Brazilian black population, like the dismantling of SEPPIR, mentioned above, and the absence of the implementation of racial equality policies in all federative entities. The Councils, entities of participatory democracy, although formally existing, have been negatively impacted by their political emptying.
9. It is in this context that the Argument for breach of fundamental precept No. 973, called 'ADPF Vidas Negras ', was filed in May 2022 before the Supreme Court, in which the Black Coalition for Rights and the seven petitioning political parties (PT, PSOL, PSB, PCdoB, Rede Sustentabilidade, PDT and PV) ask for the recognition of the 'unconstitutional state of things', characterized by the genocide of the black population, and the implementation of a 'National Plan to Confront Institutional Racism and the Politics of Death to the Black Population'.

¹³⁰ [IPEA Social Policies : follow-up and analysis no. 28. 2021](#)

¹³¹ [Law no. 12.711/2012](#)

¹³² [IPEA Social Policies : follow-up and analysis no. 28. 2021](#)

¹³³ [Effective implementation of the Statute of Racial Equality is still a challenge in Brazil. 2020](#)

ANNEX 3

Emblematic cases

1. In May 2022 in Rio de Janeiro, an 84-year-old black elderly woman, whose name has not been revealed to preserve her identity, was rescued from slavery-like conditions after 72 years working as a **maid**. She worked from age 12 for three generations of the same family without receiving a salary. Over the decades she was deprived of establishing other social relations all the while performing domestic services for the family, such as caring for the children and her employer, who is about the same age as her.¹³⁴
2. In May 2020 during the first months of the Covid-19 pandemic, Miguel Otávio Santana da Silva – a 5-year-old black boy – died after falling from the 9th floor of a building. The boy's mother, Mirtes Renata Santana, worked as a maid and had to take her son to work that day because the daycare center was closed due to the preventative health measures in place. Mirtes had to go out to take the dogs for a walk, while Miguel stayed in the apartment playing with the employer's daughter, Sari Côte Real, who was then the first lady of the municipality of Tamandaré in the state of Pernambuco. Sari was warned that Mirtes had gone out. The boy asked for his mother and Sari put him in the elevator. Instead of going down, the boy went up to the ninth floor, from where he fell.¹³⁵ Although Sari was accused and convicted of child abandonment resulting in death, the judge requested in the ruling that the mother and grandmother be investigated for mistreatment, humiliation, racism and private imprisonment against the child.

“The judge acceding to this kind of argument without taking into consideration other evidence, without raising data about it, also shows how the judiciary corroborates these racist arguments and reproduces this racism.”

Maria Clara D'Avila,
lawyer of Miguel's family¹³⁶

3. In 2021, adolescent girls between the ages of 13 and 19 attending boarding school at the General Department of Socio-Education Actions (Degase) in Rio de Janeiro reported being victims of **sexual violence** committed by agents and employees of the school. Two of the girls became pregnant after the attack and were transferred to another school. The Public Defender's Office in Rio is seeking to revoke in court educational provisions for at least seven of the girls who were victimized. The situation is made more difficult to argue sexual abuse is that the majority of agents in the unit are male. “Currently, the Center of Socio-Education, which has 19 students, has 31 agents. Among them, 24 are men and only 7 are women.”¹³⁷
4. In 2020, a **10-year-old** girl who lived in the state of Espírito Santo became pregnant as a result of **rape** by her uncle, who had been sexually assaulting her since the age of 6. The family had to file a lawsuit so that the girl could perform the legal abortion, but had the procedure denied in the hospital. The then Minister of Women, Family and Human Rights, Damara Alves, sent representatives to the city where the child resided and manifested herself on social networks against abortion. The name of the girl and the details of the case, which should be kept confidential, were released by Bolsonaro

¹³⁴ [Woman is rescued after 72 years of domestic slave labor in Rio](#)

¹³⁵ [Miguel Case : how the death of the boy who fell from the 9th floor of a building in Recife happened](#)

¹³⁶ [Miguel Case : judge who handed down a sentence asks that the boy's mother and grandmother be investigated; Judiciary corroborates with racist arguments', says lawyer](#)

¹³⁷ [Rede Brasil Atual. Adolescents report sexual abuse in a socio-educational unit of Rio, 2021](#)

supporter Sara Giromini.¹³⁸ The girl was taken to Recife, in the state of Pernambuco, where she was able to have the procedure done, but was harassed by people around the hospital who called her and the team that performed it “murderers”. The girl and family entered the ‘Program to Support and Protect Witnesses, Victims and Families of Victims of Violence’ (PROVITA), with a change of identity and address.¹³⁹

5. In June 2022, another **10-year-old girl** went through a similar situation. The mother sought the university hospital in the city of Florianopolis, the capital of the state of Santa Catarina, near the municipality of Tijucas, where she resides, but the team did not perform the legal abortion procedure. Resorting to the courts, the girl was victimized again. At the hearing, the judge asked a series of questions to the child, among them if the girl could “bear a little more pain” so that the fetus could be taken out alive. After gaining national repercussion by a report from The Intercept in collaboration with Portal Catarinas¹⁴⁰, the procedure was carried out.¹⁴¹ After the interruption, the family began to consider moving from the city;¹⁴² the Ministry of Women, Family and Human Rights asked for an investigation into the doctors who had performed the legal abortion;¹⁴³ and, even if there is no crime, the promoter who acted in the case initially ordered the police to fetch the fetus in the hospital.¹⁴⁴
6. In the **federal intervention to public security in Rio de Janeiro** between March and December 2018, all the activities of the state's public security forces began to be commanded by the armed forces: military police, civil police, fire department and prison system, all under the command of the federal intervener, general Braga Netto. During this period, the number of murders resulting from police operations increased, reaching a record 1,532 deaths, without the observation of research and clarification initiatives in order to discourage the disproportionate use of force by the police. The intervention was marked by ostensive police operations and ‘special’ operations in strengthening public security agencies, with the death of civilians and also of a military police officer (killed by military personnel) in patrolling actions.¹⁴⁵
7. On May 6, 2021, the **Massacre of Jacarezinho** took place in a favela in the northern part of Rio de Janeiro. More than 40 people were executed, resulting in the deadliest bloodbath in the history of the city.¹⁴⁶ The operation was marked by illegal home searches of residents, aggression, abuse of power and summary executions. It took place during the pandemic, despite a decision of the Supreme Federal Court determining the restriction of police operations in communities of Rio de Janeiro in ADPF 635 (**ADPF das Favelas**)¹⁴⁷. In May 2022, the second most lethal operation occurred, known as **the massacre of Vila Cruzeiro**, with 28 deaths. In July, **the Massacre of Complexo do Alemão** was the third deadliest, leaving 17 dead.¹⁴⁸

¹³⁸ [A 10-year-old girl raped has legal abortion, under the uproar of conservatives at the hospital door](#)

¹³⁹ [Raped girl's family accepts program of change of address and identity](#)

¹⁴⁰ [‘CAN YOU BEAR A LITTLE MORE PAIN?’ Vídeo: In a hearing, SC judge induces an 11-year-old girl pregnant after rape not to go through with the legal abortion](#)

¹⁴¹ [Raped girl in Santa Catarina manages to interrupt pregnancy](#)

¹⁴² [Family of a girl prevented from aborting after rape in SC considers leaving the city in which she lives, says lawyer](#)

¹⁴³ [Ministry of Women asks for legal abortion for an 11-year-old girl in SC](#)

¹⁴⁴ [GIRL FROM SC: PROMOTER ORDERED POLICE TO FETCH A FETUS AT THE HOSPITAL AFTER LEGAL ABORTION PROCEDURE](#)

¹⁴⁵ [IPEA. The federal intervention in Rio de Janeiro and civil society organizations](#)

¹⁴⁶ [Massacres in Rio de Janeiro](#)

¹⁴⁷ [ADPF of the favelas](#)

¹⁴⁸ [In 14 months, Rio records 3 of the 4 most lethal operations in history, with more than 70 deaths](#)

8. On September 20, 2019, **Ágatha**, an 8-year-old black girl who returned home with her mother in a public bus, was shot by a police officer during an operation in Complexo do Alemão, North Zone of Rio de Janeiro. Ágatha was taken to the hospital but did not survive the injuries.¹⁴⁹

“She was the daughter of a normal worker, you know? She spoke English, she had ballet class, she was a straight-A student. She did not live on the street. Now a policeman goes there and shoots anyone who is on the street. He shot my granddaughter. I lost my granddaughter. It was not meant for her to die, or anyone else.”

Ailton Félix,
Ágatha’s grandfather

9. On June 20, 2018, **Marcos Vinícius**, 14, was walking in Complexo da Maré to school when he heard some shooting and decided to go back home. He was hit by a bullet that pierced his stomach. After an hour of waiting for the ambulance to arrive, Marcos Vinicius was taken to the hospital, where he underwent surgery but did not survive. The mother of the black teenager, Bruna Silva, recalls the words he said:

“Mom, I know who shot me, I saw who shot me. It was the armored vehicle, Mom. Didn’t he see me wearing school uniform?”¹⁵⁰

10. João **Pedro** was a black, 14-year-old teenager, who was hit by a bullet of the same caliber that police officers used when they invaded the house where he was with friends and family during an operation on May 18, 2020. One year after the incident, the three police officers being investigated for the crime continued working, including in the elite unit of the Civil Police.¹⁵¹
11. On June 8, 2021, **Kathlen Romeu**, a black, 24-year-old woman who was 3 months pregnant, was shot by police with a rifle in an operation in Complexo do Lins, in the northern part of Rio de Janeiro. The report against the agents took more than a year to be completed and was carried out only in July 2022.¹⁵²

“What I see is the State mocking us on a daily basis”.

Jackeline Oliveira,
Kathlen’s mother¹⁵³

12. The ‘**Crimes of May 2006 in São Paulo**’, as the summary executions of 493 people were known, of which more than 400 were young black, Afro-indigenous descendants or poor men, between May 12-21, 2006. The agents responsible for the deaths were not brought to trial.¹⁵⁴ The Mothers of May movement, which works in search of the memory, truth,

¹⁴⁹ [8-year-old girl dies with a shot in Complexo do Alemão](#)

¹⁵⁰ [Mother of young boy killed in Rio: “It is a sick State that kills children in school uniform . . .”](#)

¹⁵¹ [João Pedro’s Case : When the State kills our children , there is no Justice, says mother of the teenager killed in a police operation](#)

¹⁵² [Kathlen Romeu: MP-RJ denounces two military police officers for the death of young people in Complexo do Lins](#)

¹⁵³ [1 year without Kathlen Romeu: 'What I see is the state mocking us on a our daily basis,' says the mother of the pregnant girl killed by PM](#)

¹⁵⁴ [Mothers of May: " The State is genocidal and hates black and poor youths"](#)

and justice of the victims, has been criminalized and its requests in the judiciary are quickly archived, without investigations being carried out¹⁵⁵.

13. **Genivaldo de Jesus** dos Santos was a 38-year-old black man who was married, had a 7-year-old son and was retired for having schizophrenia. On May 25, 2022, he rode a motorcycle when he was approached by agents of the Federal Highway Police (PRF), in the state of Sergipe, for driving without a helmet. During the approach, Genivaldo was immobilized, had his hands and feet tied up and was placed in the trunk of a PRF vehicle where the police used pepper spray, threw tear gas, and closed the vehicle. Despite being taken to the hospital, Genivaldo died of asphyxia and acute respiratory failure.¹⁵⁶
14. **Marielle Franco** was a **black**, Brazilian sociologist and **politician**, elected in 2016 with the fifth largest vote for the City Council of Rio de Janeiro. Marielle, a feminist and human rights defender, criticized the Military Police and **the federal intervention held in Rio de Janeiro in 2018**, with the alleged intention of restoring order and public security. On the subject, Marielle was the author of the study 'UPP - The reduction of the favela in three letters: an analysis of the public security policy for the state of Rio de Janeiro'. On March 14, 2018, Marielle Franco and her driver, Anderson Pedro Mathias Gomes, were shot dead in the central region of the municipality. The investigation has lasted for more than 4 years and, although the Public Prosecutor has already denounced the perpetrators of the crime - Ronnie Lessa and Élcio de Queiroz, former military police officers linked to the militias of Rio de Janeiro -, it is not yet known who ordered the death of Marielle and why.¹⁵⁷ Benedita da Silva, a black candidate for the City Hall of Rio de Janeiro, is ranked among the three most harassed candidates on Twitter. Major Denice, a black candidate for the City Hall of Salvador, was also the victim of racial political violence. Erika Hilton, a black and trans candidate for the São Paulo legislature, was the victim of racial and transphobic political violence. Benedita da Silva, Major Denice, Erika Hilton, as well as Marina Silva, Dandara Castro, Benny Briolly among many other black Brazilian women face racial political violence, as well as other structural violence that cross the lives of women.¹⁵⁸



Mais um homicídio de um jovem que pode estar entrando para a conta da PM. Matheus Melo estava saindo da igreja. Quantos mais vão precisar morrer para que essa guerra acabe?

11:38 AM · 13 de mar de 2018 · Twitter Web Client

15. In August 2022, **councilor Renato Freitas** of the Workers' Party (PT), lost his mandate for 'breach of parliamentary honor' by decision of the City Council of Curitiba, capital of the state of Paraná, in southern Brazil. Renato, a 38-year-old black lawyer, was being persecuted since the beginning of the year and was accused of invading a church. He participated in an anti-racist demonstration, protesting against the assassination of Congolese **Moïse Kabagambe** in Rio de Janeiro in January 2022.¹⁵⁹ Moïse was a 24-year-old who came to Brazil as a **political refugee** in 2014, along with his mother and

¹⁵⁵ [In the 16 years after the crimes in May 2006 , mothers denounced the Public Prosecutor's Office](#)

¹⁵⁶ [Death of Genivaldo Santos in PRF approach in Sergipe: what is known and what remains to be clarified](#)

¹⁵⁷ [Marielle Case : four years after the crime, what remains to be answered and what are the next steps of the investigation](#)

¹⁵⁸ REVISTA AZMINA; INTERNETLAB. MonitorA: report on online political violence on pages and candidate profiles in the 2020 municipal elections. São Paulo, 2021.

¹⁵⁹ [With 23 favorable votes , Renato Freitas loses his mandate in the City Hall of Curitiba due to breach of parliamentary honor](#)

brothers. He worked at a kiosk in Barra da Tijuca, west of Rio de Janeiro, where he was beaten and killed by at least three men.¹⁶⁰

“I received messages from people saying they were going to shoot me.
Others sent pictures of weapons”.

Renato Freitas¹⁶¹

16. In 2015, an 11-year-old girl was the victim of **religious intolerance** when she was hit on her head by a stone. Accompanied by 7 other people dressed in white Candomblé costumes, they returned home on Sunday evening when they were assaulted by two men on the street.¹⁶² Now in 2022, in Ribeirão das Neves, in the metropolitan region of Belo Horizonte (capital of the state of Minas Gerais), a 14-year-old teenager spent 40 days in an institutional host house for a decision of justice that withdrew the custody of her mother.¹⁶³ The woman was denounced by the Guardianship Council in a practice that reveals religious intolerance because the mother took her daughter to a Candomblé ritual.¹⁶⁴



sonaira_sp 🌐 Lula já entregou sua alma para vencer essa eleição.

Não lutamos contra a carne nem o sangue, mas contra os principados e potestades das trevas.

O cristão tem que ter a coragem de falar de política hoje, para não ser proibido de falar de Jesus amanhã.

17. Lawyer Valéria Santos was arrested and handcuffed in the exercise of her profession during a hearing at the 3rd Special Criminal Court in Duque de Caxias, Rio de Janeiro, in a flagrant violation of prerogative and abuse of authority.¹⁶⁵ During her performance in a hearing, Valéria had the right to view the proceedings taken away and no manifestation could be made by her in the proceedings, even after raising her legal prerogatives as a lawyer. Later, she was immobilized on the ground and handcuffed by the police arbitrarily. Valéria Santos did not have her professional prerogatives recognized and, in response to her questions, suffered gender violence, racism and institutional violence.¹⁶⁶
18. In a sentence handed down in 2020, Judge Inês Marchalek Zarpelon of the 1st Criminal Court of Curitiba (in the state of Paraná, in the south of Brazil), convicted the defendant, Natan Vieira da Paz, 42, to 14 years and two months in prison for criminal organization and for robberies in the center of the city, due to the fact of being a black man. In the first instance decision, the judge stated that he was "Certainly a member of the criminal group, because of his race, he acted with extreme discretion in the crimes and his behavior, together with the others, caused the unrest and despair of the population, and should therefore be negatively valued (sic)".¹⁶⁷

¹⁶⁰ [Moïse Kabagambe: What is known about the death of the Congolese in Rio](#)

¹⁶¹ [Renato Freitas: A councilor between racism and religious fundamentalism in Curitiba](#)

¹⁶² [Victim of religious intolerance , 11-year-old girl is hit by a stone on her head after Candomblé festival](#)

¹⁶³ [Mother loses custody of her daughter after taking-her daughter to an Umbanda ritual](#)

¹⁶⁴ [Adolescent taken away from the family because of a Candomblé ritual spends 40 days in shelter: 'I went to bed crying'](#)

¹⁶⁵ ['If I debated, they could have shot me ': The story of the lawyer arrested during a hearing](#)

¹⁶⁶ [YouTube. Video of the Hearing](#)

¹⁶⁷ [Judge states race by condemning black defendant for criminal organization](#)

