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**Human Rights Council**

**Fifty-seventh session**

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Agenda item 9

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation of
the Durban Declaration and Programme of Action**

 Visit to Brazil

 Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement[[1]](#footnote-1)\*, [[2]](#footnote-2)\*\*

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| *Summary* |
|  The present report contains the findings of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement on its visit to Brazil, undertaken from 27 November to 8 December 2023, pursuant to Human Rights Council resolution 47/21. The visit sought to focus on both good practices and challenges faced by Brazil in upholding its human rights obligations on non-discrimination in the context of law enforcement and the criminal justice system, with a focus on Africans and people of African descent. |
| The Mechanism met Federal and local state officials, including law enforcement, internal oversight bodies, prison officers and offices of public prosecutors and defenders, and visited two criminal detention centres. It listened to more than a hundred testimonies from victims and families of victims. With the purpose of advancing racial justice and equality in this context, the Mechanism highlights key concerns and makes recommendations to address them. |
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Annex

 Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement on its visit to Brazil

 I. Introduction

1. Pursuant to Human Rights Council resolution 47/21, and at the invitation of the Government, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (the Mechanism) undertook a visit to the Federative Republic of Brazil (Brazil) from 27 November to 8 December 2023, visiting the cities of Brasilia, Salvador, Fortaleza, São Paulo and Rio de Janeiro. The delegation comprised Dr. Tracie Keesee and Prof. Juan Méndez, members of the Mechanism.[[3]](#footnote-3)

2. During the visit, the Mechanism met Federal and local states’ officials, including law enforcement, internal oversight bodies, prison officers and offices of public prosecutors and defenders, and visited two criminal detention centres. The Mechanism listened to 117 testimonies from victims and families of victims, and received 41 written submissions that informed the present report.

3. The Mechanism thanks the Government of Brazil for accepting its request to visit the country. The Mechanism is appreciative of the genuine cooperation extended throughout the visit, including for the visit of two detention centres and for the numerous informative meetings with representatives of federal, state and local authorities, who generously answered questions and shared presentations, references, reports, and other materials during and after the visit.

4. The Experts extends its deep appreciation to all the people it met during the country visit, especially victims, their relatives, and all other affected communities and individuals who presented testimony before the Mechanism. The Mechanism also thanks all the contributors of written submissions.

5. In Brasilia, the Mechanism met with the Ministry of Racial Equality, the Ministry of Foreign Affairs, the Ministry of Human Rights and Citizenship, the National Council of Justice, the National Council of Human Rights, the Federal Public Prosecutor's Office, the Federal Public Defender’s Office and the National Mechanism for the Prevention of Torture. The Mechanism also met with the Ministry of Justice and Public Security and various of its departments, including the Federal Police, the Federal Highway Police, the National Public Security Force (military police), and with four National Secretariats: Public Security, Drug Policy, Justice and Penal Policies. It also met with the United Nations Resident Coordinator and the United Nations Country Team.

6. In Salvador, state of Bahia, the Mechanism met with the state’s Secretariat of Public Security and with local law enforcement agencies, including the scientific police, the military police and its academy, the civil police and its academy; the state Public Defender’s Office; the state Public Prosecutor’s Office, including their section of external control of law enforcement activities; and the Secretariat of Justice and Human rights of the State of Bahia. The Mechanism also visited the Penitenciaria Lemos de Brito, a criminal detention centre. The Mechanism heard direct testimony from 25 victims.

7. In Fortaleza, state of Ceara, the Mechanism met with the state’s Attorney General (head of the local Public Prosecutor's Office), the Comptroller General for Discipline of Public Security Agencies and the Penitentiary System, the Superintendence of Public Security Research and Strategy, the Public Security Academy, the civil police, the military police, the firefighters, and with the following secretaries: Public Security and Social Defence, Penitentiary Administration, International Relations, Racial Equality, Diversity and Human Rights. The Mechanism heard direct testimony from 27 victims.

8. In São Paulo, the Mechanism met with the Public Prosecutors Office, including the State’s attorney general, the Police Ombudsperson and the Secretary of Penitentiary Administration. The Mechanism also met 12 civil society organizations. The Mechanism heard direct testimony from 31 victims.

9. In Rio de Janeiro, the Mechanism met with the Public Prosecutors Office, the civil police, the Secretary of Penitentiary Administration and the Institute of Public Security. It also visited the Academy of the Civil Police, the Battalion of Special Operations of the Military Police and a place of detention, the Cadeia Publica Frederico Marques, in which it was accompanied by the national and local preventive mechanisms and the Federal Public Defender’s Office. The Mechanism heard direct testimony from 34 victims.

10. In accordance with the Mechanism’s mandate detailed in Human Rights Council resolution 47/21, the visit sought to focus on both good practices and challenges faced by Brazil in upholding its human rights obligations on non-discrimination in the context of law enforcement and the criminal justice system, with a focus on Africans and people of African descent. With the purpose of advancing racial justice and equality in this context, the Mechanism highlights key concerns and makes recommendations to address them.

 II. Background

11. Brazil is a party to, inter alia, the International Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention for the Protection of all Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. Brazil is also a party to the InterAmerican Convention Against Racism, Racial Discrimination and Related Forms of Intolerance.

12. As a federation of 8.5 million squared kilometres, Brazil comprises 26 states and a federal district, with 5,570 municipalities. It has a population of 203 million people, of whom approximately 92 million (45.3%) self-identify as “Brown” (*Parda*), 88 million (43.5%) as “White” (*Branca*), 20 million (10.2%) as “Black” (*Preta*) and 1.2 million (0.6%) as of Indigenous race or colour (*de cor ou raça indígena*).[[4]](#footnote-4)  Both “Brown” (*Parda*) and “Black” (*Preta*) populations are considered to be people of African descent, representing 55.5% of the total Brazilian population. Further, 1.3 million people self-identify as *Quilombolas*.[[5]](#footnote-5)

 III. Systemic Racism

13. Systemic racism against Africans and people of African descent, including as it relates to structural and institutional racism, is understood to be the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin.[[6]](#footnote-6) Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.[[7]](#footnote-7)

14. Africans and people of African descent continue to face systemic racism in Brazil, as a legacy of enslavement and the transatlantic trade in enslaved Africans. Research shows that between the 16th and 19th centuries, approximately 28 million persons in Africa were captured and forced to march to the sea, shackled with chains and ropes and subjected to violence. Only half of them arrived alive on the coast, where ships awaited to transport them in inhumane conditions across the Atlantic to the Americas. Millions did not survive these journeys.[[8]](#footnote-8) Approximately 9,711 of these voyages headed to what is now Brazil, with 5 million enslaved Africans landing on Brazilian shores.[[9]](#footnote-9) After 300 years of enslavement in its territory, Brazil was the last country in the Americas to abolish this abhorrent practice, in 1888 with the “Golden Law” (*Lei Aurea*). The first Brazilian Republic was proclaimed one year after. The end of this heinous market and the abolition of slavery did not in itself delete the racially discriminatory structures created by those practices. Those structures of racism, racial discrimination, inequalities, marginalization, exclusion and subordination are still felt to this day in Brazil.

15. Brazil's history is deeply intertwined with the intersection of enslavement and systemic racism, shaping the socio-economic and cultural fabric of the nation. The legacy of centuries-long enslavement has left an indelible mark, evident in persistent racial disparities and systemic discrimination. The brutal exploitation of enslaved individuals laid the foundation for deeply ingrained racial hierarchies that persist today. After the abolition of slavery, Brazil did not provide comprehensive measures for the integration and upliftment of freed enslaved people. This lack of systemic redress has contributed to enduring racial inequalities to date.

16. Data underscores the persistent disparities. According to the Brazilian Institute of Geography and Statistics (IBGE), Afro-Brazilians are disproportionately affected by poverty, unemployment, and lack of access to quality education. The racial wealth gap is evident, with Black households earning significantly less than their white counterparts.[[10]](#footnote-10)

17. Systemic racism in Brazil is also deeply affected by intersectionality, that is, in combination with several other identities, including sex, gender, gender identity, sexual orientation, nationality, migration status, disability, religion, socioeconomic and other status. Women and girls of African descent experience greater forms of discrimination arising not only from their racial or ethnic origin, but also with gender-based discrimination and stereotyping. Further, LGBTQI+ persons of African descent and migrants, refugees and asylum-seekers - including Africans, and Haitian and Colombians of African descent - face intersecting forms of discrimination. A critical intersectional form of discrimination in Brazil is when race or ethnic origin intersects with poverty.

18. During the visit, religious racism, rooted in the legacies of enslavement, was highlighted. Afro-Brazilian religions and cultural practices face discrimination, state repression, and persecution, reflecting deep-seated biases aimed at suppressing their practices. Religious racism manifests in the marginalization of sacred spaces, traditions, and Afro-Brazilian cultures. The Mechanism was informed of cases over many years relating to the destruction and invasion of sacred places of worship for people of Afro-Brazilian religions (*povos de terreiro*). While the law no longer criminalizes *terreiro* rituals, the Mechanism heard testimonies of hate speech and incitement to violence, land grabbing, and attacks and killings against Afro-Brazilian religious leaders and communities by both state and non-state actors. These acts raise concerns regarding the denial of access to fundamental rights and a state-backed control logic.

19. The Mechanism received information regarding environmental racism and land disputes in rural areas, which disproportionately affect traditional communities of African descent. These communities report incidents of excessive use of force by law enforcement, especially in the context of land disputes with public and private actors, including agribusinesses, resulting in situations of persistent violence against people of African descent that have not been effectively addressed by the authorities.

20. *Quilombolas* are especially affected in accessing their right to land, often victims of death threats, assaults, invasions of their territory and other forms of violence. They face particular risks when defending their rights and combating climate change with traditional practices that support a sustainable management of the land and its natural resources. Despite efforts by Brazil since 1988, when the Constitution guaranteed quilombo communities the right to own their collective territories, a comprehensive recognition of their territories remains yet to be achieved. It is an essential step to avoid furthering conflicts and insecurity. There is an urgent need for more community-based protection policies to address the main human rights violations that affect them. Consultation and meaningful, safe and inclusive participation of the communities in decision-making processes are key for developing and implementing effective measures.

21. The recent murder of *Ialorixá* Maria Bernadete Pacifico, a *quilombola* leader and national coordinator of the National Coordination of Quilombos articulation (CONAQ), is an egregious example of the violence against traditional peoples and communities in Brazil. *Mãe* Bernadete had been included in the State Protection Program for Human Rights Defenders in response to protection concerns linked to her political activism and fight for justice and human rights. This tragic event follows the earlier violent death of her son, Binho do Quilombo, in 2017, for which there has still been no accountability, emphasizing the dire situation faced by these communities.

22. In general, systemic racism against Africans and people of African descent in Brazil affects their enjoyment of human rights in every part of their life. Its contemporary manifestations include several forms of marginalization, both socioeconomic and in terms of civil and political rights. Information received indicates that racial disparities and inequalities reflect in poorer educational opportunities, access to health, housing, employment, and other areas. People of African descent are overrepresented among homeless people, people living in favelas and precarious households, and people deprived of their liberty. Systemic racism also impacts their right to access to justice.

23. Widespread violence in Brazil disproportionately affects people of African descent, with women and children affected. Of the 46,328 intentional violent deaths that occurred in Brazil in 2023[[11]](#footnote-11), 78% were of Black people.[[12]](#footnote-12) Of the 2,299 children killed in 2023, 70,3% of those between 0-11 years old, and 85,4% of those between 12-17 years old, were Black children. Furthermore, in 2023, 63.6% of victims of feminicide were Black women.[[13]](#footnote-13)

24. The Mechanism recommends that in its efforts to tackle the enduring manifestations of systemic racism against people of African descent, Brazil adopts reparations in various forms, including truth-seeking, justice, reparations and guarantees of non-repetition. Such approaches would shed light on the root causes of systemic racism and related injustice and violence, and provide pathways to dismantle the legacy of enslavement and move the society forward.

25. The Mechanism wishes to acknowledge significant recent policy measures taken by Brazil, such as Decree 11,443/2023 on quotas for people of African descent in the federal public administration;[[14]](#footnote-14) the establishment of the Ministry of Racial Equality in 2023; the launch of the Mandela Project, which aims to promote the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), to advance the fight against systematic violations of human rights in the prison system and promote alternatives to detention through inter-ministerial and intersectoral action; and the “Black Youth Alive” (*Juventude Negra Viva*) plan, a public policy by the Ministry of Racial Equality which seeks to address lethal violence and a wide range of social vulnerabilities affecting youth of African descent. Other local initiatives to combat racial discrimination, religious intolerance, and other forms of discrimination, including the use of technology to report incidents, have also been put in place. The Mechanism further acknowledges the work of the federal and state public defenders’ offices in accompanying families and survivors of systemic racism. These good practices need to be strengthened and replicated. A multiplicity of resources sustained over time will be necessary for these good practices to have a lasting impact on the lives of people of African descent in Brazil.

 IV. Law enforcement

 A. The police

26. The organization of the Brazilian police is complex and reflects the country's size and diversity. Brazil has multiple law enforcement agencies, each with distinct roles and responsibilities at the federal, state and municipal levels. With each federal unit having at least its own military and civil police and its fire brigade, and many municipalities having their own municipal guard, Brazil has 1,595 different law enforcement agencies[[15]](#footnote-15) with 796,180 officials on duty, including 404,871 military police officers, 95,908 civil police agents, 94,673 prison police officers and 60,155 firefighters.[[16]](#footnote-16) Women police officers represent 12% in the military police, 27% in the civil police, 16% in the municipal guards, and 14% in the fire brigades.[[17]](#footnote-17) Additionally, 530,194 private security agents are also on duty.[[18]](#footnote-18)

27. At the federal level, Brazil has the Federal Police, responsible for a wide range of duties, including border control, immigration, customs, and investigations related to federal crimes; the Federal Highway Police, which focuses on patrolling highways and enforcing traffic laws; the Federal Railroad Police; and the National Public Security Force, created to support state governments during security crises and emergencies.

28. The state-level police are responsible for maintaining law and order within their respective state jurisdictions. Each of the 26 states and the Federal District has its own state police force, known as the Military Police. These forces are responsible for general law enforcement duties, including patrolling streets, responding to emergencies, and maintaining public safety. Each Military Police has a militarised structure and functioning. In addition, states also have the Civil Police, which is mostly responsible for criminal investigations. Both the military and civil police are under the overall authority of the state governor, and if existing, they also report to the state's secretary of public security.

29. The municipal police forces, known as the Municipal Guard or Civil Guard, are responsible for local law enforcement and maintaining order within the boundaries of a specific city or municipality. Their responsibilities often include traffic enforcement, public safety, and protecting public facilities.

 B. The need for a human rights-based approach to policing

30. During the visit, the Mechanism perceived a police culture and a public security policy based on repression, violence and hyper-toxic masculinity. In the context of police operations seeking to eliminate the public enemy (criminals), people of African descent are often unjustly seen as criminals or as collateral damage. The Mechanism observed a deep and generalized erosion and profound lack of trust of people of African descent in law enforcement, especially among marginalized communities, mainly due to historical and ongoing police violence, that has created a sense of systemic oppression compounded by longstanding impunity for these acts.

31. The Mechanism considers that a human rights-based approach to policing must be a part of the strategy to reverse these deficits. A human rights-based approach to policing is a comprehensive, systematic and institutional approach to law enforcement that complies with international human rights standards and practices, and that promotes analysing policies and actions through the tripartite obligations to respect, protect and fulfil. Law enforcement officers must be fully aware of all their human rights responsibilities, considering their work as duty bearers towards right holders, that is all the individuals and communities they serve. Law enforcement agencies must ensure that policies and actions of individual law-enforcement officers reflect international human rights norms and standards without being influenced by considerations such as personal, social or political preferences, or by the same police culture in which they act. This approach provides a framework for law enforcement institutions to build public trust and ensures confidence in the commitment of public officials to respect and protect the communities they serve. For example, a sound legal framework on the use of force establishes in clear and predictable terms modalities of oversight and basis for accountability.

 C. Use of force regulations

32. During the visit, the Mechanism was informed that in Brazil, the law does not comply with international standards on the use of force. While there are some federal and local regulations on the use of force, there is no national law that mandatorily applies equally to all law enforcement and that meets international standards. In general, criminal law in Brazil gives police officers a remarkably broad scope to claim self-defence to allegations of killings resulting from excessive use of force. The Mechanism stresses that, under international law, police use of deathly force can only be lawful where it is necessary to confront a real imminent threat of death or serious injury.

33. The Mechanism is profoundly concerned that this current regulatory situation is conducive to the early and unjustified use of force, including lethal force, by law enforcement. The Mechanism has received testimonies and other evidence suggesting that numerous law enforcement practices do not prioritize de-escalation and other less harmful methods of control of the situation, contrary to the principles of strict necessity and precaution of international use of force standards.[[19]](#footnote-19)

34. The Mechanism emphasizes that as long as all the regulations on the use of force do not conform to international standards, acts of excessive use of force by the police will continue to go unpunished. Federal efforts could lead the way forward, to be followed, encouraged and promoted by law enforcement at the state and municipal level.

 D. Racial profiling

35. Racial profiling[[20]](#footnote-20) is not only unlawful but ineffective and counterproductive as a general law enforcement tool. Affected individuals and communities of racial profiling tend to have less general trust in law enforcement, and as a result, tend to be less willing to cooperate, eroding the police-community relations and law enforcement effectiveness.[[21]](#footnote-21)

36. In Brazil, racial bias, stereotypes and profiling play a recurrent role in portrayals or perceptions of what or who is “dangerous” and in presumptions of criminality, reminiscing the harmful legacies of enslavement and colonialism. Systemic racism creates harmful and spurious associations of blackness with criminality and delinquency. These biases, associations and stereotypes have a direct impact on the interactions of Africans and people of African descent with law enforcement officials and the criminal justice system.

37. Before and during the visit, the Mechanism received considerable information indicating that racial profiling is used as a basis for discriminatory identity checks, stops-and-searches, and arrests; and often lead to related abuses and violence, including serious injury and deaths by law enforcement. The Mechanism listened to testimonies of young Black persons being regularly subjected to racial profiling in their daily lives, affecting individuals and entire communities in many ways. The public incident of July 2024 in which the teenage children of three diplomats – all of whom were Black – were searched at gunpoint by police officers in Rio de Janeiro, is one example of this daily normalized practice by law enforcement in Brazil.[[22]](#footnote-22)

38. In this regard, the Mechanism rejects the “bad apple” theory, suggesting that racial discrimination in policing is the result of isolated actions of a small number of police officers or isolated or unrelated incidents. Abusive behaviour by police officers is part of a broader and menacing pattern, connected to larger social, historical, cultural and structural contexts, including systemic racism as explained above, within which policing is undertaken.

39. Generalized and systematic racial profiling by law enforcement officials in Brazil against Africans and people of African descent is a daily practice that needs to be eliminated. This historical and current practice has left cumulative damaging effects on affected individuals and communities. These damages must be urgently recognised, prevented, attended and repaired.

40. The Mechanism also received worrying information suggesting that racial biases exist in the algorithms of facial recognition technologies used by law enforcement in Brazil. The use of new technologies, including by law enforcement, should be strictly monitored and regulated to prevent human rights violations, specially a racist and discriminatory harmful impact.[[23]](#footnote-23)

 E. Killings by law enforcement

41. The Mechanism is alarmed by the figures and circumstances in which people are killed by police in Brazil. In the last ten years, 54,175 persons have been killed by law enforcement officials in the country, with more than 6,000 individuals killed every year (17 every day) in the last six years. Killings by police have increased significantly from 2,212 in 2013, to 6,393 in 2023. The most recent figure represents 13% of the total number of intentional violent deaths in the country.[[24]](#footnote-24) Of the 6,393 persons killed by police in 2023, 99,3% were men; 6,7% children between the ages of 12-17; and 65% were young adults: 41% were between the ages of 18-24 and 23,5% between the ages of 25-29.[[25]](#footnote-25)

42. Available data shows that people of African descent are three times more likely to be killed by police than white people, with 82,7% of the killings by police in 2023 were people of African descent compared to 17% of “white” persons, with a rate per 100,000 of 3,5 for people African descent against 0,9 for “white” persons.[[26]](#footnote-26) This data further reveals that those most affected by police lethality are young men of African descent living in poverty in impoverished areas.

43. In the different cities visited, the Mechanism listened to countless heart-breaking testimonies of sons, brothers, and nephews killed by police officers, as they went about their daily activities, be that going to work, meeting with friends, attending a party, running an errand, or returning home. The testimonies pointed to a pattern of law enforcement authorities planting evidence, including firearms or drugs at the scenes of execution to “frame” the victim to justify their killing. Information received highlighted several cases of police-related deaths of Africans and people of African descent during operations carried out after the death of a police officer in or off duty, bringing with it a desire for revenge for the death of the fallen comrade, and resulting in extrajudicial executions during the operation.

44. The Mechanism notes with profound concern several examples of recent police operations that resulted in multiple killings of people of African descent by law enforcement. In May 2021, a police intervention in the Jacarezinho community of Rio de Janeiro led to 29 reported fatalities, with eyewitness accounts alleging that law enforcement entered civilian residences and conducted extrajudicial executions.[[27]](#footnote-27) In May 2022, an alleged confrontation between military and federal police forces and a criminal organization in the Vila Cruzeiro community in Rio de Janeiro, culminated in a minimum of 26 reported fatalities.[[28]](#footnote-28) In only two months, between July and September 2023, at least 83 people were killed by police in different operations in the state of Bahía.[[29]](#footnote-29) In August 2023, after a police officer was killed, the São Paulo Military Police started a 40-day police operation to fight crime in Baixada Santista, an area on the coast of São Paulo, during which at least 28 people were killed. In February 2024, another similar operation in Baixada Santista led to 45 killings in the same number of days.[[30]](#footnote-30)

45. Given available data and the testimonies received, the Mechanism considers that most of the cases of alleged excessive use of force, killings, enforced disappearances and extrajudicial executions by law enforcement in Brazil are not isolated acts of violence; rather, they show an alarming pattern that points to a deeply rooted systemic problem that needs to be addressed as such. Killings of people of African descent by law enforcement in Brazil are not only generalized in many parts of the territory but are also carried out in a systematic way which suggests that they may be used as a social cleansing process designed to exterminate sectors of society deemed undesirable, dangerous or criminal.

 F. Accountability

46. During the visit, the Mechanism heard repeatedly, directly from victims, about the lack of accountability in cases related to police abuse. It heard of cases not investigated, perpetrators not prosecuted, and cases closed. The Mechanism heard about the general distrust in the criminal justice system based on these experiences; the fear to present complaints due to retaliation; and the lack of independence and resources of internal and external oversight bodies, including the Public Prosecution offices, and of forensic institutions.

47. The Mechanism received testimony about active retaliation and intimidation tactics by law enforcement against witnesses, victims and family members, lawyers and human rights defenders of victims of police violence. The Mechanism listened to how, in their ongoing quest for justice, family members, mainly women of African descent, often confront threats, intimidation, reprisals, and stigmatization from the very authorities required to support them. These family members, mostly Black women, grapple with challenges to their mental and physical well-being, receiving little to no support or assistance from the government. Based on these accounts, the Mechanism perceived the deep dehumanization of poor communities of African descent in the peripheries.

48. The Mechanism received information on the serious gaps inside the processes of Brazil's inquiry into police killings and the substantial shortcomings in the investigative process, including its lack of independence.[[31]](#footnote-31) Internal accountability measures, in which the civil police investigates the military police, fosters a conflict of interest that compromises the credibility and impartiality of the investigations. This internal investigation framework fails to meet the standards required for a fair and unbiased scrutiny of police conduct. Any system that uses police officers as investigators on cases against other police officers, is inclined to be partial. An existing internal police culture of taking care of each other in all types of situations does not help in this regard.[[32]](#footnote-32) Other systemic failures in gathering evidence and conducting autopsies were also mentioned, such as unjustified delays, insufficient forensic examinations, and lack of transparency, especially to families. Also, the testimony of police officers tends to carry more weight than other evidence, leading to an overall bias in their favour and recurrent acquittals. These practices hamper accountability and obstruct justice for victims and their relatives, and demonstrate a failure to comply with international standards, such as the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

49. The Mechanism welcomes information received that some state prosecution services are forming specialised units for the prosecution of crimes committed by law enforcement officials. Even so, the Mechanism observed that these units lack sufficient resources to carry out their work successfully and independently. Ombudsperson offices, which exist in some states such as São Paulo, and which play a role in investigating and prosecuting cases of reported police misconduct, also have a lack of resources.

 G. Redress for victims

50. Victims of police misconduct have an undeniable right to reparation, and reparatory justice for human rights violations by law enforcement against Africans and people of African descent is long overdue. Brazil’s obligation to provide reparation extends far beyond monetary compensation. Reparation should include measures of restitution, compensation, rehabilitation, satisfaction and non-repetition. Measures to redress violations of human rights should provide a range of material and symbolic benefits to victims or their families as well as to affected communities. Reparation must be adequate, effective, prompt, and should be proportional to the gravity of the violations and the harm suffered. Compensation should be provided for any economically assessable damage, e.g. loss of property, loss of earnings, loss of economic opportunities, including loss of earning potential, moral damages, costs incurred for legal or expert assistance, medical, social or psychological services. Rehabilitation measures should include medical and psychological care, as well as legal and social services. Satisfaction should include the ending of further violations, recognition of responsibility by institutions and public apologies, memorials and commemorations, among other symbolic relevant measures. Non-repetition must be guaranteed through accountability, monitoring and by implementing widespread and deep changes in policing.

51. A full comprehensive, holistic support from the State to victims is required in this regard. Brazil should establish by law a specialized victim-centred independent mechanism specifically designed to support affected individuals and communities in all states. This type of independent mechanism should be able to provide legal advice, assistance and representation if needed, as well as other supports, such as psychological and medical services, as well as resources for independent autopsies and forensic services if needed. This comprehensive mechanism should also work on offering compensation programs for victims and offer all kind of assistance to bury victims. The support provided should start automatically right after the event, and not wait until there is a definitive conclusion in the investigations to start providing the necessary contingency support. This type of independent mechanism should be established ensuring the meaningful, safe and inclusive participation and representation of affected communities and individuals in all the process, including its creation, reform, implementation and assessment.[[33]](#footnote-33)

52. These violations are perpetrated as a result of systemic racism rooted in the legacies of enslavement and colonialism. A serious barrier to reparatory justice is the lack of awareness and understanding among part of the public and political leaders regarding these persisting legacies and the successive racially discriminatory policies and systems, which are frequently denied or not fully considered as phenomena that deeply impact policing, public security policies and access to justice. Establishing the truth on these causes and impacts is crucial to building support for reparatory justice. Society as a whole, and institutions specifically, should acknowledge the negative widespread and systemic effects of the injustices occasioned on people of African descent in the past, the effects of which continue to disadvantage people of African descent today – especially in public security - as a first step to reparatory justice.

 H. Law enforcement officials’ wellbeing

53. The wellbeing of law enforcement officials impacts their interactions with communities. The requirement for law enforcement officers to respect and protect human rights also presupposes a culture of respect and wellbeing within the ranks. The human rights of police officers must also be protected.

54. The militarization process of law enforcement and the predominant patterns of violence existing in Brazilian society, also create dangers for law enforcement officials and their families. In 2023, a total of 127 police officers died, with a staggering 57% of these fatalities occurring while they were off duty. Disturbingly, statistics reveal that 69.7% of the police agents who fell victim to murder during 2023 were officers of African descent.[[34]](#footnote-34) This underscores a concerning pattern of violence impacting law enforcement personnel, with a disproportionately high number of casualties among officers of African descent, shedding light on the complex issues surrounding both police safety and racial disparities within the area of law enforcement.

55. Moreover, in 2023, 118 police officers committed suicide, an increase of 26,2% compared to the previous year. Within only the Military Police, the number of suicides surpassed the number of officers killed on and off duty with 110 deaths by suicide compared to 107 killings.[[35]](#footnote-35) This points to a serious mental health situation within the ranks.

1. Data collection

56. The Mechanism received information asserting that official data collection on law enforcement interactions with society has improved in recent years, for example, local efforts to record deaths in the context of police operations in a disaggregated manner. It is because of these efforts that the Mechanism was able to access some data related to deaths of people of African descent by law enforcement, disaggregated by gender, race and age. This has been essential in facilitating an analysis of the profile of those most affected by police violence and lethality, namely young men of African descent, as noted above.

57. However, a lot more needs to be done. The Mechanism received reports of poor national consolidation of such information and incongruence between data sets. As official data is gathered locally, mainly by states public security secretariats, some information is lost when trying to pull together data across different states, jeopardizing the quality of the data available. Most information available relating to police violence is microdata, which hinders access and comprehension for the population. Civil society organizations, such as the Brazilian Forum for Public Security, are trying to fill these gaps by gathering, filtering, interpreting and publishing this microdata. Challenges also exist relating to the lack of national standards of quality for police reports and poor training of law enforcement officials to fill the information needed, especially information pertaining to race or ethnic origin, gender and sexual orientation. Other issues arise when filling in the information relating to the cause of death of the victim, often marked as undetermined or unknown.

 V. Criminal Justice System

 A. Overrepresentation of people of African descent in detention

58. The prison population in Brazil has quadrupled in the last 20 years, from 232,755 incarcerated people in 2000 to 852,010 persons in 2023.[[36]](#footnote-36) Now, Brazil occupies the third place in the world with the highest number of imprisoned persons,[[37]](#footnote-37) with a rate of 419 per 100,000 inhabitants.[[38]](#footnote-38) 805,291 of the persons currently incarcerated are men and 46,719 are women; 643,128 (75,5%) are sentenced and 208,882 (24,5%) are held in pretrial detention.[[39]](#footnote-39) In total, Brazil has 1,534 detention facilities,[[40]](#footnote-40) including 1,382 state prisons and 5 federal prisons.[[41]](#footnote-41)

59. The number and percentage of people of African descent in prison has increased significantly in the last 15 years, doubling in number and rising 12% in representation, from 217,160 (56,8%) persons of African descent incarcerated in 2008 to 472,850 (69,1%) in 2023.[[42]](#footnote-42) This amounts to an overrepresentation of persons of African descent in detention, if compared to their representation of 55,5% in the general population.

60. The Mechanism is deeply concerned by these numbers. The Mechanism sees this disproportionality as a manifestation of the entrenched systemic racism against people of African descent and as a legacy of slavery that permeates the entire spectrum of the law enforcement and judicial system. Poverty and lack of quality education, employment opportunities, healthcare, adequate housing, among others, also generate vicious circles from which people cannot escape.

61. The overuse of incarceration and the overrepresentation of people of African descent in the criminal justice system, especially women, is also a consequence of the so-called “war on drugs”, which has served more as a system of racial control than as an effective tool to reduce drug markets. In general, the overuse of incarceration suggests that it is another tool used as a social cleansing process designed to remove and punish sectors of society deem undesirable, dangerous or criminal, similar to killings by police. The consequences of this disproportionate incarceration are devastating on individuals, families and communities of African descent across the country.

 B. Conditions of detention

62. During the visit, the Mechanism was alerted to poor conditions of detention. The Mechanism visited places of detention in Salvador and Rio de Janeiro and listened to testimonies in these and other cities, which highlighted inadequate food, poor sanitation, lack of access to drinking water and to healthcare, and violent treatment and punishment by prison officials which may amount to torture or ill-treatment, in some cases leading to deaths in custody. The Mechanism also received reports of similar conditions in the detention centres for children in conflict with the law (*sistema socioeducativo*).

63. Overcrowding in prisons, coupled with degrading living conditions and limited access to healthcare contribute to the dissemination of diseases, as seen in the disproportionate risk of tuberculosis in prison in comparison with the general population.

64. LGBTIQ+ people are especially affected by the structural inadequacies of the prison system, especially violence and lack of access to health care. Although some prison facilities have cells and wards dedicated specifically to LGBTIQ+ people, such provisions are not available in all states and not all facilities are set up in ways that would fully respect their rights.

65. Besides the overall degrading conditions, the Mechanism received reports of the excessive and indiscriminate use of force by prison officials, with violent handling and punishment which would amount to torture or ill-treatment, including the excessive use of less-lethal weapons against inmates. The Task Force for Prison Intervention (FTIP), a special force established in 2019 to contain riots and other emergency situations in prisons, and which is allegedly known for its violent methods and degrading treatment, has been deployed increasingly in Brazil, in day-to-day prison work and to instruct and train ordinary prison staff. This has allegedly strengthened a culture of normalized brutality in places of detention.

66. The Mechanism also noticed the understaffing and overworking of prison personnel. Prison officials’ wellbeing impacts their interactions with incarcerated persons. The obligation of prison officers to respect and protect human rights also presupposes a culture of respect and wellbeing within the personnel. The human rights of prison police and other personnel must also be protected. Authorities must develop programs to guarantee their human rights, including mental health care programs, and address the understaffing that overloads officials in service.

 C. Pre-trial detention

67. The Mechanism observed that pre-trial and sentenced inmates, most of them of African descent, were not always held separately. The Mechanism recalls that the separation between untried and convicted detainees is based on the principle of the presumption of innocence and allows the different regimes to adapt regarding matters such as contact with the outside world, work, or access to vocational training. Untried inmates should always be held separately from those serving a sentence, in accordance with article 10 (2)(a) of the International Covenant on Civil and Political Rights and the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

68. The Mechanism received alarming information about the problem of the backlog of judicial cases, which would mainly affect prisoners who are in provisional detention. With 208,882 persons in pretrial detention and only 13,711 magistrates available to resolve their cases,[[43]](#footnote-43) it would take at least two years to review them, which would far exceed the reasonable timeframe for resolving their legal situation.

69. The Mechanism emphasizes that pre-trial detention should be used only to the extent it is lawful, reasonable, and necessary. Prolonged pre-trial detention violates human rights standards by jeopardizing the presumption of innocence and other principles. When delays in the trial become necessary, judicial authorities must consider alternatives to pretrial detention.

 D. Drug policies and organized crime

70. The Mechanism recognizes the security problem that Brazil faces in some of its cities, mostly linked to organized crime and so-called militias, which often de facto control territories and carry out illegal activities. Combatting organized crime is a relevant part of public safety policies. However, current policies have resulted in more insecurity, unsafety and human rights violations with no lasting effects in reducing criminality and effectively dismantling criminal organizations. A different approach must be adopted.

71. Interconnected with systemic racism, the “war on drugs” makes Africans and persons of African descent disproportionately more likely to experience harmful interaction with law enforcement and the criminal legal system. For years, UN human rights mechanisms have documented the devastating human rights and health impacts of drug policies over reliance on punishment, criminalization and militarization,[[44]](#footnote-44) bringing, among others, killings and enforced disappearances by law enforcement and over-incarceration of people of African descent and related prison overcrowding. UN experts have stated that the war on drugs “has been more effective as a system of racial control than as a tool to reduce drug markets. Policing interventions based on racial profiling remain widespread, whilst access to evidence-based treatment and harm reduction for people of African descent remains critically low”.[[45]](#footnote-45) Brazil is a clear example of this situation.

72. The narrative of the "war on drugs" has been employed in Brazil to rationalize militarized interventions in *favelas* and other marginalized and racialized neighbourhoods, ostensibly targeting issues linked to illicit drug trade. This approach has resulted in the unwarranted and excessive use of force, leading to numerous extrajudicial executions, as explained above. This documentation underscores a significant facet of systemic racism in Brazil, namely a public security policy that effectively targets the Afro-Brazilian population, perpetuating a cycle of discrimination and injustice.

73. During the visit, the Mechanism could see the militarization of law enforcement under the claimed need to combat organized crime. It heard that militarized equipment and tactics are more frequently deployed in drug-related raids in neighbourhoods predominantly inhabited by people of African descent. Normalization of military equipment in law enforcement agencies enables and encourages a type of policing that prioritizes the excessive use of force. It creates a warlike atmosphere in which the objective is to eliminate the enemy, bringing with it extrajudicial executions.

74. The Mechanism heard several testimonies recounting these militarised raids on marginalized and racialized communities, with armoured vehicles entering the narrow streets of favelas and carrying heavily armed officers using excessive force, leaving behind civilian deaths and community trauma.

75. Further, the Mechanism heard of the so-called Operations for Ensuring Law and Order (GLO), in which the military of the Armed Forces takes control of law enforcement and policing until “normality” is restored. Designed to be implemented in cases of “serious disturbances of the social order”, when traditional law enforcement agencies are not sufficient to respond to them, GLOs are implemented under a provision contained in article 142 of the Federal Constitution and under the President’s instruction. Between 1992 and 2022, Brazil implemented around 145 GLOs; the most recent one was declared at the end of 2023 and extended until mid-2024 to secure ports, airports and borders. The Mechanism wishes to reiterate that the participation of military personnel in law enforcement activities greatly increases the likelihood of excessive use of force. Military personnel do not generally have appropriate training or equipment for law enforcement activities. If strictly necessary, their involvement in public safety operations should only be used in cases of exceptional urgency and for a short period of time. It should always be carried out in strict compliance with international human rights norms and standards, including the ones relating to the use of force by law enforcement officials.[[46]](#footnote-46)

76. Drug-related offenses are also the leading cause of arrests. Numbers on the general overuse of incarceration and criminal supervision, and of the overrepresentation of people of African descent, as well as other information received by the Mechanism, indicate that people of African descent are more overrepresented in drug-related arrests than other group. Women are particularly affected with 60% of the overall female prison population detained for offenses associated with drug trafficking. Examining the incarceration rate for women reveals even more alarming statistics. Over a sixteen-year span, the female prison population has surged by 656%, 63.55% of them of African descent. The profile of incarcerated women suggests that a considerable portion is detained for engaging in micro trafficking activities associated with the lower echelons of the trafficking economic hierarchy, occupying subordinate and higher-risk roles, like transporting small quantities of drugs.[[47]](#footnote-47) To address this issue, Brazil should rely on policies to improve the living conditions of women of African descent, disproportionately represented in unemployment, poverty, food insecurity and inadequate housing. Guaranteeing that these women, often household leaders, are attended and cared for, with decent living conditions, is imperative to ensure rehabilitation and reinsertion.

77. In 2006, Brazil enacted the "new" Drug Law, No. 11,343/06,[[48]](#footnote-48) representing a significant step forward in acknowledging the rights of users and implementing a harm reduction strategy. Despite incorporating provisions for the decriminalization of users (Article 28), this law concurrently heightened the minimum sentence for trafficking offenses (Article 33) from three to five years. This change has been pinpointed as one of the contributors to the problem of over-incarceration. Drug trafficking stands as the second leading cause of imprisonment, accounting for nearly 26% of cases. A survey conducted in Rio de Janeiro and Brasília revealed that many individuals convicted of drug trafficking were first-time offenders apprehended alone, without arms, in possession of small drug quantities, and lacking connections to organized crime.[[49]](#footnote-49)

78. The Mechanism is also concerned about the recent Senate approval of the Constitutional Amendment Proposal 45/23 (PEC 45/23), also known as the Drug Amendment, which furthers criminalizes drug possession. The Mechanism urges the National Congress to reassess such a proposal, ensuring that it explicitly and objectively differentiates drug users and drug traffickers, considering a human rights-based approach. New legislation and policies to address issues relating to drug use and drug trafficking should be widely discussed, assessed and evaluated to avoid fuelling the current harmful trends of overincarceration, racial profiling and racially discriminatory punishments.

 VI. Conclusions and recommendations

79. **The Mechanism acknowledges the efforts taken by the federal government and some local governments to address systemic racism against Africans and people of African descent in the context of law enforcement and the criminal justice system. It also expresses satisfaction at the willingness of federal and state officials to engage in dialogue and cooperate with the Mechanism. The Mechanism looks forward to continuing to cooperate with Brazil to implement its recommendations.**

80. **Pervasive systemic racism, including structural and institutional factors, is a legacy of enslavement and colonialism. It is deeply embedded in the current policies and practices, which perpetuate racial disparities across education, healthcare, housing, employment and other areas. The Mechanism welcomes the acknowledgement by the federal government and some local governments of the systemic nature of racism. The Mechanism noted with concern the lack of adequate representation of people of African descent, notably women, in positions of power and in the judiciary.**

81. **This entrenched discrimination exists in law enforcement and the criminal justice system where racial bias, profiling and stereotypes influence the action and inaction of the State. The excessive use of force that leads to thousands of deaths every year and the overuse of incarceration, which disproportionately affect people of African descent, are a consequence of systemic racism that, combined with the current “war on crime” policies, results in a social cleansing process which serves to exterminate sectors of society deemed undesirable, dangerous and criminal. This is a widespread systemic issue that calls for a response that is systemic and wide-ranging.**

82. **The Mechanism wishes to emphasize the following recommendations, addressed to all competent Brazilian authorities:**

83. **Fully implement the United Nations High Commissioner for Human Rights’ four-point agenda towards transformative change for racial justice and equality, containing twenty actionable recommendations to end systemic racism and human rights violations by law enforcement against Africans and people of African descent,**[[50]](#footnote-50) **and implement the recommendations of this Mechanism contained in its three first thematic reports, on data collection, policing, and justice, accountability and redress.**[[51]](#footnote-51)

84. **Combat systemic racism and racial discrimination against Africans and people of African descent with a systemic human-rights-based approach, including tackling poverty and a lack of quality education, employment opportunities, quality healthcare, adequate housing and other human rights concerns. Adopt special measures (affirmative action) to increase representation of people of African descent, in all their diversity, in decision-making and policy-making positions in the Executive, Legislative and Judiciary.**

 85. **Adopt a human-rights-based approach to policing. Strictly evaluate the recruitment and training of police officers to ensure appropriate education on human rights standards and non-discrimination and provide for independent and impartial periodic review of law enforcement practices to ensure compliance with international standards. This should be accompanied by consultations and meaningful, safe and inclusive participation of affected communities, especially of African descent, *povos de terreiro* and *quilombola*.**[[52]](#footnote-52)

86. **Adopt** **a national law on the use of force that complies with international human rights standards on the use of force and firearms by law enforcement officials - particularly the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination, and the obligation to protect and respect the right to life. Further ensure that these principles apply uniformly to all law enforcement agencies and all kinds of operations across the country; and ensure that all laws, policies, procedures and practices to regulate the use of force - at federal and state levels - are in compliance with these standards. Appropriate and robust law enforcement training should be rolled out in this regard.**

87. **Review in detail and strictly regulate the trade and use by law enforcement of all less-lethal weapons, including in situations of deprivation of liberty. Consider imposing tighter restrictions on weapons that may be used indiscriminately and prohibitions on weapons that cause excessive harm or that result in collective punishment, such as tear gas, in accordance with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

88. **Eliminate all racial profiling. Ensure that racial profiling is clearly defined and prohibited by law, and establish clear guidelines to prevent and combat its use. Investigate all allegations of racial profiling and prosecute accordingly. Ensure that all law enforcement agencies collect, analyse and publish data disaggregated by race or ethnic origin on all incidents, complaints and investigations on racial profiling. Ensure that law enforcement officers receive adequate training to acknowledge and tackle this widespread practice. Monitor and regulate new technologies, like facial recognition tools using artificial intelligence, to avoid racial and other biases.**

89. **End the current “war on drugs” and “war on crime” policies and adopt a human rights-based approach to those issues. Tackle these problems at their root by addressing the problems of economic and racial injustice and inequality. Confront organized crime by prioritizing intelligence operations and combating financial and corruption structures, rather than through law enforcement operations using excessive force. End the generalized normalization of military techniques and equipment in law enforcement; and limit and strictly regulate the acquisition, trade and use of military equipment by law enforcement. Reduce and strictly supervise and regulate the special operations used to raid marginalized communities with the use of militarized enforcement teams. Review in detail and strictly regulate the trade and use of all less-lethal weapons.**

90. **Adopt through national legislation a mandatory national strategy to drastically reduce the number of killings by law enforcement.**

91. **Protect witnesses and victims of police violence from any kind of intimidation and reprisals. Strengthen the Program for the Protection of Victims and Threatened Witnesses (PROVITA) to ensure it can effectively protect individuals impacted by law enforcement intimidation.**

92. **Strengthen and reinforce the Human Rights Defenders, Journalists and Environmentalists Protection Programme, in its federal and local implementation, including through implementation of recommendations by other UN mechanisms and the judgement of the Inter-American Court of Human Rights in the case *Sales Pimenta v. Brazil*.**

93. **Ensure accountability in all cases of excessive use of force and other human rights violations by law enforcement officials, by conducting prompt, effective and independent investigations, including criminal investigations, and holding perpetrators accountable. Initiate *ex officio* criminal investigations on all killings and serious injury for use of force. Investigate, prosecute, and provide redress to victims and their families in relation to all allegations of excessive use of force by police, not only killings. Given the severity and the large number of cases, accountability cannot be carried out only by focusing on individual high-profile cases. There are clearly identified patterns that must be tackled at the root, including by holding accountable superiors with command responsibility, and not only those officers directly involved. Further, hold accountable law enforcement agencies as institutions. Ensure the correct application of the Minnesota protocol in all investigations. Examine the role that systemic racism played in the alleged violations. Promptly address the backlog of judicial cases pending.**

94. **Put in place automatic mandatory reporting and independent review for all use of force or threat of use of force by law enforcement, and not only for lethal events or cases involving the use of firearms. Establish effective reporting and independent review procedures for this purpose. All incidents of use of force or threat to use force should be recorded and reviewed by an oversight body, taking appropriate measures, defined by law, to detect, document and refer incidents for further follow-up and review. The reporting should be done in real time or immediately after the incident; and the use of information technology, such as apps and body-worn cameras, should be considered for this purpose. This reporting should preferably be automatically forwarded to an independent civilian oversight body for review. In cases of death or serious injury, the reports should also be automatically referred to the public prosecutor’s office for criminal review and judicial control. An independent and impartial autopsy should always be conducted.**[[53]](#footnote-53)

95. **Create well-resourced specialized units for the prosecution of cases against law enforcement in all state public prosecutors’ offices. Adopt clear national guidelines for prosecutors performing external control of police activity, creating a nationwide monitoring system and standardized procedure outlining the role of public prosecutor’s offices in this regard.**

96. **Create Ombudsperson Offices in all states’ security secretariats, providing them with sufficient autonomy, human and financial resources, and protection to carry out their work without fear of reprisals. Ombudspersons should be independently appointed with civil society participation.**

97. **Establish by law a well-resourced, independent, national civilian oversight body to law enforcement, with total operational and hierarchical autonomy, and with full financial and structural independence.**[[54]](#footnote-54)

98. **Establish national mandatory use of body-worn cameras for law enforcement officials. Impose sanctions for those not using them or turning them off. Establish as mandatory the display of identification numbers in uniforms, with adequate monitoring and accountability for non-compliance.**

99. **Guarantee victims' right to reparations, notably by establishing by law a well-resourced specialized victim-centred independent mechanism specifically designed to support affected individuals and communities with a human rights and non-discrimination approach, and ensuring their meaningful, safe and inclusive participation in all the process, including its creation, reform, implementation and assessment.**

100. **Ensure that all law enforcement agencies develop programs to guarantee the human rights of police officers, including mental health care programs.**

101. **Create a national systematic data collection system on all law enforcement interactions, made mandatory at all applicable levels of government. This data should be documented, analysed, published, and used to inform policies and practices in law enforcement.**

102. **Adopt a national strategy to reduce overincarceration and the overrepresentation of people of African descent in the criminal justice system. Privilege alternatives to detention and reduce pretrial detention in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).**

103. **Combat inadequate conditions of detention, enhancing the existing preventive mechanisms. Fully apply the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).**

1. \* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-1)
2. \*\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information. [↑](#footnote-ref-2)
3. https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-racial-justice-law-enforcement/experts. [↑](#footnote-ref-3)
4. 2022 Census Results: <https://censo2022.ibge.gov.br/panorama/>. [↑](#footnote-ref-4)
5. Ibid; The Mechanism welcomes the inclusion of *Quilombolas* in the 2022 census. The term “Quilombo” refers to communities of former enslaved individuals who resisted the oppressive enslavement system that persisted in Brazil for over 300 years before its abolishment. These Quilombo communities are distributed throughout Brazil, with the Northeast Region being home to the majority, comprising 69.19% of the total Quilombo population. See: <https://cpisp.org.br/direitosquilombolas/observatorio-terras-quilombolas/quilombolas-communities-in-brazil/>. [↑](#footnote-ref-5)
6. A/HRC/47/53, para 9. [↑](#footnote-ref-6)
7. A/HRC/47/53, para 9. [↑](#footnote-ref-7)
8. See: [https://unesdoc.unesco.org/ark:/48223/pf0000384447](https://unesdoc.unesco.org/ark%3A/48223/pf0000384447). [↑](#footnote-ref-8)
9. See: [Trans-Atlantic Slave Trade - Database (slavevoyages.org)](https://www.slavevoyages.org/voyage/database#tables) <https://www.slavevoyages.org/voyage/database#tables>. [↑](#footnote-ref-9)
10. See <https://biblioteca.ibge.gov.br/visualizacao/livros/liv101979.pdf>. [↑](#footnote-ref-10)
11. Rate of 22.8 per 100,000 inhabitants. [↑](#footnote-ref-11)
12. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-12)
13. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-13)
14. See <https://www.gov.br/secom/en/latest-news/in-brazil-a-new-decree-establishes-that-30-of-all-public-trust-positions-in-the-federal-government-are-to-be-occupied-by-black-people>. [↑](#footnote-ref-14)
15. 86 of police force, 25 fire brigades, 17 technical police and 1,467 municipal guards. See: <https://publicacoes.forumseguranca.org.br/items/9628cf35-d687-4588-abd3-cd8628634ca6>. [↑](#footnote-ref-15)
16. <https://publicacoes.forumseguranca.org.br/items/9628cf35-d687-4588-abd3-cd8628634ca6>. [↑](#footnote-ref-16)
17. https://publicacoes.forumseguranca.org.br/items/9628cf35-d687-4588-abd3-cd8628634ca6. [↑](#footnote-ref-17)
18. https://publicacoes.forumseguranca.org.br/items/9628cf35-d687-4588-abd3-cd8628634ca6. [↑](#footnote-ref-18)
19. As underlined by the Code of Conduct for Law Enforcement Officials of 1979, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement of 2020. [↑](#footnote-ref-19)
20. Racial profiling is the practice of law enforcement authorities relying, to any degree, on grounds of race, colour, descent, national or ethnic origin or their intersection with other relevant grounds, as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity. Racial profiling is linked to stereotypes and biases, which can be conscious or unconscious, and individual or institutional and structural. In this sense, stereotyping becomes a violation of international human rights law when stereotypical assumptions are put into practice to undermine the enjoyment of human rights; See CERD General recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials. CERD/C/GC/36, paras. 13-20. [↑](#footnote-ref-20)
21. CERD/C/GC/36, para. 26. [↑](#footnote-ref-21)
22. See: https://www.theguardian.com/world/article/2024/jul/07/brazil-apology-diplomats-teen-children-searched-gunpoint. [↑](#footnote-ref-22)
23. See: A/HRC/56/68 and https://www.ohchr.org/sites/default/files/documents/issues/racism/sr/statements/20240816-eom-stm-brazil-sr-racism.pdf. [↑](#footnote-ref-23)
24. See: https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-24)
25. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-25)
26. https://apidspace.forumseguranca.org.br/server/api/core/bitstreams/80177eeb-4a88-40f6-98f5-c476dea0f3db/content. [↑](#footnote-ref-26)
27. See: <https://www.ohchr.org/en/2021/05/press-briefing-notes-brazil?LangID=E&NewsID=27069>. [↑](#footnote-ref-27)
28. See: <https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-racial-justice-law-enforcement/communications>. [↑](#footnote-ref-28)
29. See: https://anistia.org.br/informe/bahia-combate-a-crime-organizado-nao-e-licenca-para-matar/. [↑](#footnote-ref-29)
30. See: <https://g1.globo.com/sp/santos-regiao/noticia/2024/03/16/operacao-verao-e-607percent-mais-letal-do-que-operacao-escudo-no-litoral-de-sp.ghtml>; https://www.amnesty.org/en/latest/news/2023/08/brazil-must-cease-investigate-lethal-police-operations/ and: https://www.hrw.org/report/2023/11/07/they-promised-kill-30/police-killings-baixada-santista-sao-paulo-state-brazil. [↑](#footnote-ref-30)
31. See: https://www.hrw.org/news/2023/11/07/brazil-inquiry-police-killings-falls-short. [↑](#footnote-ref-31)
32. A/HRC/57/71. [↑](#footnote-ref-32)
33. See A/HRC/57/71. [↑](#footnote-ref-33)
34. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-34)
35. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-35)
36. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-36)
37. Surpassed only by the People’s Republic of China (2,340,000 people incarcerated) and the United States (1,775,300 people incarcerated). [↑](#footnote-ref-37)
38. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-38)
39. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-39)
40. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-40)
41. <https://www.gov.br/senappen/pt-br/servicos/sisdepen/relatorios>. [↑](#footnote-ref-41)
42. https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0. [↑](#footnote-ref-42)
43. <https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0>. [↑](#footnote-ref-43)
44. <https://www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/activities/2024-06-26-stm-World-Day-against-Drugs.pdf>. [↑](#footnote-ref-44)
45. Press release of 23 June 2023: UN experts call for end to global ‘war on drugs’. <https://www.ohchr.org/en/press-releases/2023/06/un-experts-call-end-global-war-drugs>. [↑](#footnote-ref-45)
46. As underlined by the Code of Conduct for Law Enforcement Officials of 1979, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement of 2020. [↑](#footnote-ref-46)
47. Submission by the Federal Public Defenders Office. [↑](#footnote-ref-47)
48. See https://sherloc.unodc.org/cld/uploads/res/document/law-no--11-343--of-23-august-2006\_html/Law\_No.\_11.343\_of\_23\_August\_2006.pdf. [↑](#footnote-ref-48)
49. See <https://sur.conectas.org/en/brazil-critical-reflections-repressive-drug-policy/#:~:text=In%202001%20the%20country%20decriminalised,as%20increase%20access%20to%20treatment>. [↑](#footnote-ref-49)
50. [A/HRC/47/53](https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans) and A/HRC/47/CRP.1. [↑](#footnote-ref-50)
51. A/HRC/51/55; A/HRC/54/69 and A/HRC/57/71. [↑](#footnote-ref-51)
52. See the guidance note on ‘How to effectively implement the right to participate in public affairs: A spotlight on people of African descent’ <https://www.ohchr.org/en/documents/tools-and-resources/how-effectively-implement-right-participate-public-affairs-spotlight>. [↑](#footnote-ref-52)
53. See: A/HRC/57/71. [↑](#footnote-ref-53)
54. See: A/HRC/57/71. [↑](#footnote-ref-54)