**Written Submission of *Geledés – Instituto da Mulher Negra***

**To the Office of the United Nations High Commissioner for Human Rights (OHCHR)**

*This submission is a response to the call for inputs for the preparation of the 2024 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through, transformative change for racial justice and equality”.*

**1. BRIEF DESCRIPTION ABOUT GELEDÉS - BLACK WOMAN INSTITUTE.**

Geledés Black Woman Institute is a Brazilian civil society organization, founded on April 30, 1988, which advocates for women and people of African descent, as they are social segments that suffer from disadvantages and discrimination in accessing social opportunities due to prevailing racism and sexism in Brazilian society, and against all other forms of discrimination that limit the realization of full citizenship, such as: lesbophobia, homophobia, transphobia, regional prejudices, religious racism, disability, opinion, and class. Geledés participates in various civil society initiatives in defense of human rights in Brazil, and on the international stage, it participates in various UN initiatives, which has granted it ECOSOC status.

**2. INTRODUCTION:**

Racial discrimination's harsh reality is increasingly acknowledged in academic discourse, highlighting its pervasive influence on economic behaviors and consequential outcomes such as poverty, violence, and social vulnerability, particularly affecting Afro-descendants, especially women of African descent.

Despite professing a formal universalism, dominant ideological currents in the past century and a half have consistently demonstrated a chronic reluctance or inability to address human diversity with the necessary rigor and urgency. The enduring legacy of eugenics has perpetuated the notion that Afro-descendant individuals, along with other historically marginalized groups, are inherently incapable of achieving personal and collective advancement due to their race or cultural background.

This reality is evidenced by the millions of black workers engaged in various occupations—be it as employers, self-employed individuals, cooperative laborers, or employees—struggling to provide for the material needs of their families and communities with dignity and hope. Notably, countless African-descendant women, often serving as heads of households, engage in commerce by selling goods or providing services in their homes or on the streets of major urban centers worldwide to support their families.

Data and analyses reveal that the crises impeding the attainment of global objectives, such as the 2030 agenda, are far from race or gender-neutral. Afro-descendant populations and communities worldwide find themselves increasingly distanced from realizing a developed and sustainable world.

Racism, wielded as a tool of power and ideology, systematically oppresses, marginalizes, and perpetuates inequalities among this demographic.

Failing to prioritize sustainable development for the approximately 250 million individuals whose lives have been marred by transatlantic and Mediterranean trafficking, compounded by the impacts of the climate crisis and environmental racism, represents a failure to achieve a world characterized by social and climate justice, democracy, and equity.

Brazilian society is deeply shaped by a complex historical process that molds our social, political, and economic relations, as well as our legal and judicial systems. Structured by systemic, institutional, and environmental racism, this society witnesses the genocide of its black population, with manifestations of racism resulting in violations of the fundamental rights to life and freedom.

Historically, the homicide rankings in Brazil have been dominated by the murders of black men and women. While daily violence affects all Brazilians to some extent, the pervasive presence of racism exacerbates poverty, unemployment, and ultimately, the mortality rate within this demographic.

Data from the Institute of Applied Economic Research indicates that from 2011 to 2021, 445,527 black individuals fell victim to violent deaths. The 2015 Map of Violence in Brazil further highlights the disproportionate violence faced by black women, with a 54% increase in violent deaths recorded between 2003 and 2013, contrasting sharply with a 9.2% reduction among white females.

This report aims to delve into the myriad rights violated against black women, with a keen focus on the Brazilian context.

**3. RIGHT TO HEALTH**

Regarding measures to prevent torture from a gender bias, in Brazil, the State has been seriously failing in its guarantees, especially when regarding the **sexual and reproductive health of black girls and women**. Among serious violations of rights in this area is **obstetric violence**, which affects more black women than white women. Black women, for example, are 50% less likely to receive anesthesia during episiotomies[[1]](#footnote-1).

An **emblematic case of the systematic violation of sexual and reproductive rights**, marked by the intersectionality of gender, race, and class, is that of **Janaína Aparecida Quirino, an impoverished black woman**. In 2018, the Public Ministry of the State of São Paulo requested the Judiciary to perform a tubal ligation so that Janaína could no longer get pregnant. At the time, she was in prison, accused of drug trafficking, where she had her eighth child. In the decision, the judge responsible for the case ordered the procedure to be performed, so Janaína was subjected to **forced sterilization** without her consent. In 2023, Janaína was a victim of domestic violence and died after seeking medical attention and being dismissed by the hospital.[[2]](#footnote-2)

A National Abortion Survey conducted in 2016 revealed that 13% of Brazilian women aged 18 to 39 have had at least one **abortion[[3]](#footnote-3)**. Out of those, **black women represent 29%,** while white women represent 9%. The percentage representing black women may be even higher, given that not all respondents provided information on race.

Regarding access to **gestational health**, there are also asymmetries: **in 2013, 69.8% of black women had the recommended minimum number of six prenatal consultations; among white women, the number reached 84.9%.** The difference between white and black women in access to health is also revealed by the number of maternal deaths: in 2012,out of **1,583 cases, 60% were of black women and 34% of white women[[4]](#footnote-4).**

**4. WOMEN IN DEPRIVATION OF FREEDOM**

There has also been a significant increase in the number of **women in deprivation of freedom**, of 656% between 2000 and 2016[[5]](#footnote-5). This increase was noticed especially from 2006 onwards, due to the drug policy instituted by Law No. 11,343/2006. In 2016, data from the National Survey of Women Penitentiary Information (INFOPEN Women) indicate that crimes related to drug trafficking were responsible for the imprisonment of 3 out of 5 women[[6]](#footnote-6).

According to the National Council of Justice (CNJ) data, in 2023 48,930 women are in prison[[7]](#footnote-7).This monitoring does not inform racial profile, but according to the Ministry of Justice data, of the 42,000 women deprived of freedom in 2016, the government had information on the race of only 72% of the incarcerated population; **of these, 62% were black[[8]](#footnote-8)**.

Despite not reaching 6% of the incarcerated population, 21% of cases of torture reported to the Pastoral Carcerária Nacional have women as victims, in addition to another 8% of cases of torture against men and women[[9]](#footnote-9). However, women are also victimized by the prison system when visiting family members who are in prison, especially through the practice of humiliating or degrading searches[[10]](#footnote-10) and other humiliating or degrading treatments, including arbitrary restrictions both on entry and on the delivery of food and hygiene items, which, incidentally, should be provided by the State.

In a survey carried out by the Pastoral Carcerária Nacional with 471 relatives of people arrested in the country, 77.75% said they had been subjected to a vexatious search when visiting, of which about 97.7% were women and 69.9% were black[[11]](#footnote-11).

**5. RIGHT TO WORK**

According to research carried out by Oxfam, in recent years, **social and income inequality has increased in Brazil.** The wages of Brazilian workers fell 6.9% on average in the year 2022, while corporate shareholders received US$ 33.8 billion, an increase of 23.8% compared to 2021 (US$ 27.3 billion)[[12]](#footnote-12).

Most workers have not yet managed to recover the income levels they had before COVID-19. In the case of Brazil, Oxfam pointed out other relevant factors, such as the **precariousness of work as a result of the labour reform** approved by the government of Michel Temer, in 2017[[13]](#footnote-13).

According to IBGE, in 2019, **the average wage of black workers was 45% less than that of white workers**. The disparity is even deeper among black women, for whom the average salary was **70% lower than that of white women[[14]](#footnote-14).** Black people also occupy less management positions. **Only 0.4% of board positions are occupied by blacks** while occupying 33.2% of operational jobs[[15]](#footnote-15).

In Brazil, **contemporary slave labour** is defined by the criminal type of reduction to a condition analogous to slavery, provided for in Article 149 of the Penal Code. In recent years, news denouncing cases involving the crime of “reduction to a condition analogous to slavery” has increased significantly. In 2023 alone, between January and May, more than 1,200 people were rescued from slavery-like labour in Brazil[[16]](#footnote-16). In this context, **black women** have their social and economic rights systematically violated, especially concerning precariousness and exploitation ratio in housework. One **emblematic case,** disclosed in 2023, is that of the woman rescued by the Public Labour Prosecution Office (MPT) after 47 years of domestic slave labour[[17]](#footnote-17).

Wage inequality has remained the same for 10 years in Brazil**[[18]](#footnote-18)Black workers earn 40.2% less** than whites per hour worked.[[19]](#footnote-19) In 2018 (before the COVID-19 pandemic), the average monthly income of white-employed persons was 73.9% higher than that of black or *pardos*. Whites with a university degree earned 45% more per hour than blacks or *pardos* with the same level of education[[20]](#footnote-20).

**Black or *pardo* women remain at the base of income** [**inequality in Brazil**](https://brasil.elpais.com/tag/desigualdad_social)**. They earn, on average, less than half the wages of white women (42%)[[21]](#footnote-21).**

In this regard, it is important to mention that the labour reform carried out in 2017, through Law No. 13,467/2017, greatly impacted the lives of black male and female workers. The reform has as its backbone the defence of the thesis of negotiation between employees and employers over the legislation in the Consolidation of Labour Laws - CLT (Decree-Law No. 5.452/43). Even the plenary of the Federal Supreme Court (STF) established the thesis of the prevalence of the negotiated over the legislated. This may show the precariousness and lack of legal security in the work environment which, even before the approval of the reform, could already be felt by the black population, especially women, with the lowest wages among the economically active population and the lowest participation in the formal labour market[[22]](#footnote-22).

## **6. Right to social security**

The Brazilian social security system suffered significant setbacks promoted by Constitutional Amendment No. 103/2019. The pension reform changed rules for granting retirement and pensions,[[23]](#footnote-23) establishing a new age and contribution time minimum for retirement, among other changes,[[24]](#footnote-24) harming mainly the **women and the black population and reproducing gender and racial inequalities that exist in the labour market.**

By raising the minimum age for retirement, the Brazilian State ignored the social data reported by the IBGE that show important differences in the life expectancy of Brazilian society: while white people live an average of 73 years, **black people** live 67 years.

Bearing in mind the new rules for granting retirement - 62 years for women and 65 years for men -, **a large part of the black population will not be able to retire[[25]](#footnote-25).**Regarding gender inequality, women receive about 30% less than men to occupy the same positions. According to data from the General Register of Employed and Unemployed (CAGED), from 2019, **black women receive 70% less.**

**7. RIGHT TO AN ADEQUATE STANDARD OF LIVING**

Extreme poverty manifests itself in multiple ways beyond insufficient income, including food and nutrition insecurity, low education, low professional qualification, and precarious access to water, electricity, health and housing, among others. In Brazil, this whole context assaults the black population even more dramatically. According to the 2nd National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil (Vigisan), around 1 out of 5 families headed by black people in Brazil suffers from hunger (37.6%), while for white people the rate is 10.6%[[26]](#footnote-26). In 2021, poverty had a record increase and reached 62.5 million people in the country[[27]](#footnote-27). According to the IBGE, more than 7.8 million people are living in households headed by black women, and 3.6 million living in ones headed by white women. 63% of the households in extreme poverty are headed by black women[[28]](#footnote-28).

**8. RIGHT TO PARTICIPATION IN PUBLIC AFFAIRS**

Political violence has been a significant barrier to the political participation of women, especially black women. In 2020, political violence affected 98.5% of the interviewed black female candidates[[29]](#footnote-29). Among them, 78.1% reported experiencing online violence. Under this and other forms of violence, 44.3% were subjected to racist attacks, including 6.3% in the form of physical assaults based on race/color/ethnicity. Institutional violence affected 56.6% of the interviewees, and 24.6% of candidates reported experiencing gender and LGBTQIA+phobic violence. In terms of psychological impact, 62% of the participants stated experiencing this type of violence, including religious racism. Physical violence, in the forms of intimidation, threats, and actual assaults, affected 42% of the candidates, and 32% declared experiencing some form of sexual violence[[30]](#footnote-30).

**9. POLICE VIOLENCE**

It's worth briefly recalling the emblematic case of Luana Barbosa. Luana Barbosa, a black woman, lesbian, and resident of the periphery, was brutally murdered by beatings in front of her 14-year-old son after yet another brutal act of police violence stemming from an approach by the Military Police in the city of Ribeirão Preto, in the interior of the state of São Paulo, Brazil.

The need to emphasize the formulation of public policies addressing the intersectionality of race, gender, and class in the issue of police violence is heightened when we analyze the gender violence affecting transgender women.

The situation regarding the rights and guarantees of transgender women is further compromised, as there is underreporting of violence perpetrated by state security agents against the transgender population. This is partly because reports of misconduct by these officers do not require information about the gender identity of the victims.

In this context, we must highlight the lack of organization by states to sensitize security agents regarding issues relevant to the transgender and travesti population. There are no specific guidelines on how to approach and treat transgender and travesti individuals in the training courses for these agents.

Discriminatory practices commonly perpetrated by public security agents against the transgender population range from aggressive police approaches to the denial of the right to use their chosen names, physical assaults, and refusal to recognize them as victims. Generally, the justice and security system does not provide specific training for personnel working in this sector to handle demands arising from bodies and sexualities that diverge from gender norms, contributing to the perpetuation of discriminatory behaviors.

**10. RECOMMENDATIONS**

1. Ensure non-regression in cases of already established legal abortion, decriminalize, and legalize abortion, ensuring accessibility and safety in all situations, for all women and girls, without stigma and discrimination, in line with recommendations made by the CERD Committee (CERD/C/BRA/CO/18-20, paragraph 17, c, d) and the Committee against Torture (CAT/C/BRA/CO/2, paragraph 50).

2. Ensure the provision of sexual education, including as a means to combat sexual exploitation and violence against girls and women, particularly black girls, who are most affected by sexual violence, also in accordance with recommendations made by the CERD Committee in the "Concluding observations on the 18th to 20th periodic reports of Brazil" (CERD/C/BRA/CO/18-20, paragraph 17, e), in order to understand the training of health professionals.

3. Strengthen, including with adequate financial resources, the National Mechanism for the Prevention and Combating of Torture, both at the federal and state levels.

4. Formulate public policies addressing the intersectionality of race, gender, and class in the issue of police violence, to highlight the police violence endured by cis and trans black women.

5. Ensure that national, state, and municipal plans for Public Security and Social Defense are based on citizen security and necessarily include policies and actions aimed at reducing police lethality and violence, as well as municipal guards, addressing institutional racism in public security agencies, and providing guidelines for the implementation of protocols related to police approach and the use of force, including in peaceful demonstrations, aligned with the fundamental rights provided for in the Federal Constitution and international human rights treaties, security, and peace, to which Brazil is a signatory, also in line with the recommendations of both the CERD Committee (CERD/C/BRA/CO/18-20, paragraph 36, b to h; and 42) and the Committee against Torture (CAT/C/BRA/CO/2, paragraph 18, b to e).

6. Proceed with the demilitarization of the police forces in Brazil, as recommended by the CERD Committee (CERD/C/BRA/CO/18-20, paragraph 36, a) and the Committee against Torture (CAT/C/BRA/CO/2, paragraph 18, a).

7. Include the criterion of race/ethnicity in all data collection efforts (in areas such as health, education, public security, etc.) carried out by the State in order to promote adequate public policies for the black population, ensuring the possibility of generating disaggregated microdata by race, also in accordance with the recommendations of the CERD Committee (CERD/C/BRA/CO/18-20, paragraphs 6; 31, f; 40, d).

8. Establish, within justice institutions, a higher hierarchical body for addressing institutional racism (board, secretariat, coordinatorship, committee, etc.) with qualified teams, adequate infrastructure, and sufficient budget for planned actions, in order to promote the confrontation of racism in access to justice, also in line with the recommendations of the CERD Committee (CERD/C/BRA/CO/18-20, paragraph 12).

9. Officially acknowledge that contemporary racism, racial prejudice, and discrimination, as well as all related ideologies, attitudes, and behaviors, have a structural impact on economic life, burdening and even endangering millions of Afro-descendants worldwide every moment.

10. Incorporate the reality of racial inequality and its causes into political economies, development policies, and macroeconomic adjustment programs, always considering the potential positive and negative effects on Afro-descendant peoples.

11. Reorient public development banks' strategies to prioritize Afro-descendant economic development, by providing resources for training Afro-descendants - always considering its gender dimension - to enter a competitive market where they are underrepresented; establish an increasing number of enterprises led by Afro-descendants to enable access to the formal economy, credit, growth, and employment of workers.

12. Implement and support corporate policies based on the principles of gender and racial diversity and inclusion, as well as regular monitoring aiming to eliminate barriers against Afro-descendants and women in the formal job market, improve corporations' strategies for training and promotion, and protect them against business downturns.

13. Expand fiscal space and strengthen institutions to support economic and societal transformations aimed at ending women's poverty, ensuring sustainable development and reinstating a strong social contract, by transitioning to new development strategies grounded in a comprehensive vision of human rights, focused on reducing systemic risks and structural inequalities, and centered on the care of people and the planet.

14. Ensure a more effective global financial safety net and access to financing for countries in need to invest in ending women’s poverty.

1. <https://www.abrasco.org.br/site/noticias/8m-mulheres-negras-sofrem-mais-violencia-obstetrica/45463/> [↑](#footnote-ref-1)
2. <https://g1.globo.com/sp/sao-carlos-regiao/noticia/2023/02/04/mulher-que-passou-por-laqueadura-sem-consentimento-morre-apos-ser-agredida-em-mococa.ghtml?utm_source=twitter&utm_medium=social&utm_campaign=g1> [↑](#footnote-ref-2)
3. <https://cienciaesaudecoletiva.com.br/artigos/pesquisa-nacional-de-aborto-2016/15912?id=15912&id=15912> [↑](#footnote-ref-3)
4. <https://bvsms.saude.gov.br/bvs/publicacoes/politica_nacional_saude_populacao_negra_3d.pdf> [↑](#footnote-ref-4)
5. <https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf> [↑](#footnote-ref-5)
6. <https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf> [↑](#footnote-ref-6)
7. <https://portalbnmp.cnj.jus.br/#/estatisticas> [↑](#footnote-ref-7)
8. <https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf> [↑](#footnote-ref-8)
9. <https://drive.google.com/file/d/1ROJ8xtFHCXE59X7rv9PUMixRYZCPNzo7/view> [↑](#footnote-ref-9)
10. Vexatious searches are illegitimate personal searches, carried out within the area of the prison establishment, in violation of the dignity of the human person and the fundamental rights to integrity, intimacy, and honor. They are generally adopted to facilitate security and prevent the entry of prohibited equipment and substances into prison units, but with people stripping naked, squatting, and searching intimate cavities. [↑](#footnote-ref-10)
11. <https://drive.google.com/file/d/1AkyuPO6Sfit8XpTWWqOUrc_Bp7aFY7av/view> [↑](#footnote-ref-11)
12. <https://www.geledes.org.br/maiores-ceos-do-mundo-tiveram-9-de-aumento-de-salarios-em-2022-enquanto-trabalhadores-tiveram-corte-de-3/> [↑](#footnote-ref-12)
13. <https://www.geledes.org.br/levantamento-revela-aumento-da-desigualdade-entre-rendimentos-dos-mais-ricos-e-mais-pobres/> [↑](#footnote-ref-13)
14. <https://www.cut.org.br/noticias/racismo-estrutural-segrega-negros-no-mercado-de-trabalho-548e> [↑](#footnote-ref-14)
15. <https://g1.globo.com/trabalho-e-carreira/noticia/2022/09/16/negros-ocupam-so-04percent-dos-cargos-de-diretoria-mostra-levantamento.ghtml> [↑](#footnote-ref-15)
16. <https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2023-05/mais-de-12-mil-pessoas-foram-resgatadas-de-trabalho-escravo-em-2023> [↑](#footnote-ref-16)
17. <https://www.brasildefato.com.br/2023/05/15/mulher-e-resgatada-de-trabalho-analogo-a-escravidao-apos-47-anos> [↑](#footnote-ref-17)
18. [Black workers earn 40.2% less than white workers per hour worked | Economy | G1](https://g1.globo.com/economia/noticia/2022/11/15/trabalhadores-pretos-ganham-402percent-menos-do-que-brancos-por-hora-trabalhada.ghtml) [↑](#footnote-ref-18)
19. [Black workers earn 40.2% less than white workers per hour worked | Economy | G1](https://g1.globo.com/economia/noticia/2022/11/15/trabalhadores-pretos-ganham-402percent-menos-do-que-brancos-por-hora-trabalhada.ghtml) [↑](#footnote-ref-19)
20. [Black women earn less than half the salary of white men in Brazil](https://brasil.elpais.com/brasil/2019/11/12/politica/1573581512_623918.html) [↑](#footnote-ref-20)
21. [Black women earn on average 42% less than white women - Noticia Preta - NP](https://noticiapreta.com.br/mulheres-negras-mulheres-brancas/) [↑](#footnote-ref-21)
22. [Labour reform worsens the situation of black women in the labour market](https://www.brasildefato.com.br/2017/04/22/reforma-trabalhista-piora-situacao-da-mulher-negra-no-mercado-de-trabalho) [↑](#footnote-ref-22)
23. The new rules for accessing the Continuous Cash Benefit Programme (BPC) - provided for in the Organic Law of Social Assistance (LOAS) - also directly harmed the **black population**. While the level of social security coverage of white men is 70.7% in 2009, black women are the least socially protected, with 56.0% coverage. As for the assistance benefit, in 2021, of the total beneficiaries of the Bolsa Família Program, more than 75% were black, representing a total of 32,964,667 people ([Dossiê Criola](https://drive.google.com/file/d/1eHGSM3DmKx1m9NbXEqrFBKRQQnZgeoBx/view), 2021). [↑](#footnote-ref-23)
24. [Check out the main changes of the Social Security Reform Plan](https://www.gov.br/inss/pt-br/assuntos/noticias/confira-as-principais-mudancas-da-nova-previdencia) [↑](#footnote-ref-24)
25. [Social Security](https://www.gov.br/inss/pt-br/assuntos/noticias/confira-as-principais-mudancas-da-nova-previdencia) [Reform prevents black population from retirement – ​​RIAAM](https://www.riaambrasil.org.br/2019/04/05/reforma-da-previdencia-afasta-populacao-negra-da-aposentadoria/) [↑](#footnote-ref-25)
26. [Hunger hits one in five families headed by black people in Brazil, points out research – Society – CartaCapital](https://www.cartacapital.com.br/sociedade/fome-atinge-uma-a-cada-cinco-familias-chefiadas-por-pessoas-pretas-no-brasil-aponta-pesquisa/) [↑](#footnote-ref-26)
27. [IBGE: In 2021, poverty has a record increase and reaches 62.5 million people, the highest level since 2012](https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/35687-em-2021-pobreza-tem-aumento-recorde-e-atinge-62-5-milhoes-de-pessoas-maior-nivel-desde-2012) [↑](#footnote-ref-27)
28. [In Brazil, 63% of households headed by black women are below the poverty line – Society – CartaCapital](https://www.cartacapital.com.br/sociedade/no-brasil-63-das-casas-chefiadas-por-mulheres-negras-estao-abaixo-da-linha-da-pobreza/) [↑](#footnote-ref-28)
29. <https://www.violenciapolitica.org/2021> [↑](#footnote-ref-29)
30. <https://www.violenciapolitica.org/2020> [↑](#footnote-ref-30)