

In response to the call for contributions from the Office of the United Nations High Commissioner for Human Rights (OHCHR) regarding OP 27 of Resolution A/RES/77/205, entitled "A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Program of Action", the Brazilian state presents the following information.

In Annex 1, a legal framework of national and federal scope was assembled. The framework aims at guaranteeing for the black population the realization of equal opportunities, the defense of individual, collective and diffuse ethnic rights and the fight against discrimination and other forms of ethnic intolerance.

#### **a) Extent and impact of systemic racism and effective legal, policy and institutional measures that address racism beyond a summation of individualized acts (OP 20).**

In Brazil, racism is structural and manifests itself concretely as political, economic and legal inequality (ALMEIDA, 2018). Structural because it is part of its modes of operation, because it configures the ways in which different individuals, groups and institutions function and relate to each other. Racial inequalities are vehemently proven by means of social indicators, as shown in the following examples. According to Cerqueira (2021), in 2019 the black population represented 77% of homicide victims. According to data from the Brazilian Institute of Geography and Statistics (IBGE), "In 2021, the average monthly income of white employed persons (R\$ 3,099) was much higher than that of black (R\$ 1,764) and brown (R\$ 1,814)".

In recent years, a direct consequence of the growth of sectors connected with information technology in Brazil has been a strong increase in the offer of services through applications. The disorderly growth of these sectors shaped precarious labor relations, growing informality and 'uberization' in the labor market. Young black people, who are the most affected by this informality, suffer from job insecurity, as well as absence of labor or social security rights, which increase racial asymmetries.

Regarding the several strategies that were adopted to maintaining classes in educational institutions during the Covid-19 pandemic, the use of technological instruments, such as cell phones and notebooks, reinforced inequalities, especially racial. According to data (2022) from the Brazilian Institute of Geography and Statistics (IBGE) in 2021, only 42.6% of public schools were able to hold synchronous classes (live, with the possibility of interaction between teachers and students). Access to technology and the internet was not detected in 46% of the residences of students aged 15 to 17 years. Still according to IBGE data (2022), when clipping by race/color is applied, 67.3% of the young white population had a computer and internet at home, among young black and brown people this rate was 46.8%.

Physical, psychological or sexual violence also affects the black population more significantly. According to IBGE 2019 National Health Survey (PNS 2019), in the 12 months prior to the survey, 18.3% of people aged 18 years or over had suffered physical, psychological or sexual violence. Black people were the most affected (20.6%), followed by brown people (19.3%). Black women were the color, race and gender group with the highest proportion of victims (21.3%).

Brazilian society racial asymmetries have been boosting Brazilian black movement's fights, demands and propositions to overcome racism. Their action led to changes in legislation to promote racial equality. Thirty-three measures were adopted, including decrees, laws, resolutions and ordinances.

#### **b) Hate speech, incitement to racial discrimination, hostility and violence (PP 6)**

Complaints received by the National Complaints Center of the Non-Governmental Organization SaferNet showed that, in the first half of 2022, hate crimes grew by 67.5% compared with the same period of the previous year. Furthermore, at the same period in 2022, there were more complaints about racism, LGBTQIA+ phobia, xenophobia, neo-Nazism, misogyny, apology for crimes against life and religious intolerance.

The reproduction of structural racism also happens through the spread of fake news, which directly affect the history/memory/identity of the black population. Nunes Júnior (2021) emphasizes that fake news seeks to legitimize violent actions against black people or people from peripheral areas, especially with regard to murders due to police action.

Regarding religious intolerance, the demonization of cults of African origin is detrimental to the preservation of black culture in Brazil. Such situation evinces the need to addressing this issue in order to overcome racial discrimination in the country. In 2020, Brazil joined the International Alliance for Religious Freedom, effectively participating in all editions of the Meeting of MERCOSUR High Authorities on Human Rights (RAADH). The International Alliance for Religious Freedom carried out by MERCOSUR emphasizes

the racial identity concept linked to traditional communities of African origin in Latin America and the importance of the theme worldwide. According to data presented by the Marginalized Populations Articulation Center (CEAP) and the Religious Freedoms Observatory (OLR), based on information recorded by “Dial 100”, there has been an increase in cases of religious intolerance, since 2021, and 988 cases were registered in that year. Religious intolerance in Brazil has a statistical variant, which in itself underscores the need to formulate, implement, monitor and evaluate public policies aimed at eradicating religious intolerance.

In addition, a Working Group (WG) with the goal of studying and discussing strategies to combating hate speech and discouraging extremism in the country was created in the Ministry of Human Rights and Citizenship (MDHC). The WG, which will be comprised by specialists from various areas, scholars, communicators, digital influencers, among others, will also be responsible for proposing public policies on human rights on the subject. The group should strive for acting educationally and constructively.

**c) Reparatory justice initiatives regarding slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies contributing to the development and recognition of the dignity of the affected States and their people (OP 16)**

Overcoming racism, racial prejudice and racial discrimination in Brazil, as well as prejudiced and discriminatory views in relation to African people, involves recognizing their dignity and implementing restorative actions regarding slavery, enslaved people trafficking, colonialism, apartheid, genocide and past tragedies. According to the Legal Opinion requested by the Racial Equality Commission of the Brazilian Lawyers Institute (IAB) on the legal aspects of reparation for slavery, affirmative action policies are just one of the means by which dignity equality, the objective of repairing the remnants of slavery, can be achieved.

In this sense, as a result of the struggles of the Brazilian black movement, there are a series of initiatives for the recognition of the dignity and for the affirmation of the rights, memory and history of the black population: the Palmares Cultural Foundation, which intends to foster, promote and preserve the history, memory and cultural manifestations of the black population; the National Historical and Artistic Heritage Institute (IPHAN), which develops actions to protect the Afro-Brazilian Cultural Heritage; and the AfroBrasil Museum, whose mission is to promote recognition, appreciation and preservation of Brazilian, African and Afro-Brazilian cultural heritage. Additionally, it is worth mentioning The Valongo Wharf Working Group, which is being established and aims to propose public policies to preserve the African heritage of the Valongo Wharf Archaeological Site (RJ), place of arrival of millions of enslaved people brought from Africa to Brazil.

Several instruments and mechanisms have been implemented in order to contribute to the recognition of the dignity of the black population. In January 2022, the Brazilian State ratified the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, which was negotiated within the Organization of American States (OAS). In January 2023, another significant progress made at the national level was the reintegration of the Ministry of Racial Equality (MIR) into the structure of the Federal Government, whose role is to: formulate affirmative action policies, as well as policies to combat and overcome racism, formulate policies for “quilombolas”, traditional peoples and communities (including the protection and the support of African and “terreiro” peoples), articulate, promote, monitor and evaluate the execution of cooperation programs with national and international partners. Another important step taken at the national level, by means of MIR, was the resumption of the US-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality (Joint Action Plan), better known as JAPER.

**d) Participatory and inclusive design and implementation processes that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism; and the role of people and communities of African descent and young people in these processes (OP 19)**

Regarding the legal framework for the promotion of racial equality, presented in detail in Annex 1, it is worth mentioning processes with inclusive formulation and participation. For instance, the elaboration process of the National Curriculum Guidelines for the Teaching of Ethnic-Racial Relations and of Afro-Brazilian and African History and Culture, as well as the formulation of the National Curriculum Guidelines for Quilombola School Education.

**e) 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 (OP 24)**

In Brazil, the excessive use of force and other forms of violation of human rights by law enforcement agents particularly affect the black population. According to Gomes (2020), racial oppression is intrinsically linked to social class, but affects all black bodies and their African ancestral heritage, regardless of their position in social hierarchy. Racial oppression intersects with other forms of oppression, such as gender, sexual orientation, and class, creating a complex oppressive entanglement. Although it may seem that racism can be attenuated depending on socioeconomic status, education or position, the harmful effect of racism on the lives and identities of its victims is never attenuated.

According to data from the Brazilian Public Security Forum (Infographic: Violence against Black People in Brazil 2022), 408,605 black people were murdered in the decade between 2012-2022. Also according to the aforementioned source, in the same decade, the homicide of white people fell by 26.5%, while the homicide of black people grew by 7.5%. The publication also reveals that, in 2021, for every 100 people murdered in Brazil, 78 were black, which shows an increase in data on lethal violence against the black population. According to the Brazilian Public Security Yearbook (2019) organized by the Brazilian Public Security Forum, lethal police actions occur in low-income territories, affect young males and victimize black people the most. Racial selectivity is evinced by the overrepresentation of blacks among victims, who in 2021 constituted 84.1% of those killed by the police. Likewise, black police officers are also the ones who die the most: 67.7% of police officers who were victims of homicide in 2021 were black (FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA, 2022).

In this context, we mention, as an example of policies to combating racism and against violence that targets the black population, particularly black youth, the Black Youth Alive Plan (“Plano Juventude Negra Viva”). On March 21, 2023, President Luís Inácio Lula da Silva signed Decree No. 11.444/2023, which instituted the Interministerial Working Group for the preparation of the Black Youth Alive Plan, which will be a program focused on reducing black youth homicides and social vulnerabilities, generating opportunities and increasing knowledge from the peripheries.

**f) Racial discrimination and inequality experienced by children and youth of African descent in all areas of life, including the administration of justice, law enforcement, education, health, family life and development (OP 20)**

In Brazilian society, practices of racism, racial discrimination, xenophobia and intolerance are recurrent, affecting the black population in different ways, as follows. Previously mentioned social indicators (items a and e) demonstrate the structural racism that exists in Brazil. Furthermore, according to the report by UNICEF and the Brazilian Public Security Forum (2021), there is a significant difference in gender and race/color in victims of lethal crimes in Brazil. Among children aged 0 to 4 years, 35% of victims are female and 65% are male, while among children aged 10 to 14 years, 78% of victims are boys and 80% are black. Although blacks are the majority among victims in all age groups, the proportion of black children increases with age, reaching 80% among those over 10 years old. (UNICEF, BRAZILIAN PUBLIC SAFETY FORUM, 2021).

**g) Racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugees (PP 9 and 10)**

According to data from SaferNet's National Denouncement Center, in the first six months of 2022, 23,947 complaints of racism, LGBTQIA+phobia, xenophobia, neo-Nazism, misogyny, apology for crimes against life and religious intolerance were registered. Until June 30, 2022, religious intolerance and xenophobia were the crimes whose complaints grew the most compared with the same period in 2021: by 654% and 520%, respectively. As stated by the National Secretariat for the Promotion and Defense of Human Rights (SNDH), one of the first acts of the current government with regard to the themes of racism, racial discrimination, xenophobia and related intolerance directed at migrants and refugees was the return of Brazil, on January 5, 2023, to the Global Compact for Safe, Orderly and Regular Migration, established by Resolution 73/195 of the General Assembly of the United Nations. This act is in line with the provisions of the Brazilian migration law - LAW No. 13.445, of May 24, 2017 -, such as the recognition of migration as a human right, the provision of repudiation and prevention of xenophobia, racism and any forms of discrimination (art. 3, II, of Law

13.445/2017), as well as the promotion of equal treatment and opportunity for migrants and their family members (art. 3, IX, of Law 13.445/2017).

## **LEGISLATION, POLICIES AND PRACTICES OF 2022 AND 2023**

With regard to laws, regulations, policies and practices implemented in 2022 and 2023, the Brazilian government has taken several actions to eliminate racism, racial discrimination, xenophobia and related intolerance. In 2022, Decree No. 10.932, of January 10, 2022, promulgated the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, signed by the Federative Republic of Brazil, in Guatemala, on June 5, 2013, regarding to the total and unconditional eradication of racism, racial discrimination and all forms of intolerance by member states of the Organization of American States (OAS).

On January 1, 2023, the Ministry of Racial Equality was created by Decree No. 11.346. The Ministry is responsible for affirmative action policies, as well as combating and overcoming racism; for the articulation, promotion, follow-up and evaluation of the execution of cooperation programs with national and international organizations, either public or private, aimed at the promotion of racial and ethnic equality and of affirmative actions; coordinating and monitoring the implementation of intersectoral and cross-cutting policies on racial equality, affirmative action, combating and overcoming racism; and the assistance and proposal to the competent bodies in the preparation of the Pluriannual Plan, the Budgetary Guidelines Law and the Budgetary Law so that a cross-cutting approach to the promotion of racial equality, affirmative action, combating and overcoming racism is taken.

On January 12, 2023, Law No. 14.532 was published, which equates the crime of racial slur, a crime that constitutes an attack on the individual and not the race as a whole, to the crime of racism. Such equivalence demonstrates the commitment of Brazil to eradicate discrimination based on race.

By means of the publication Ordinance of the Ministry of Justice and Public Security (MJSP) n° 290, of January 23, 2023, the MJSP created a Working Group aimed at establishing the National Policy on Migration, Refuge and Statelessness, which will have, among its thematic axes, an axis focused on the promotion and protection of Rights, as well as the fight against xenophobia and racism. This same Ordinance launched the Program for Attention and Acceleration of Refugee Policies for People of African descent, with a view to universalizing good practices directed at the refugee population of African descent and the implementation of the Moise Kabagambe Observatory - Observatory of Violence against Refugees, whose attribution is to map violence and xenophobia against refugees and asylum seekers in Brazil.

On March 21, 2023, the date in which 20 years of racial equality policies in Brazil were celebrated, there was a great advance in Brazilian legislation. Five decrees on racial issues were signed by the President of the Republic, Luís Inácio Lula da Silva:

- Decree No. 11.442/2023, which establishes an Interministerial Working Group for the preparation of the National Affirmative Action Program aimed at promoting equal opportunities for the black, brown indigenous, disabled and women population;
- Decree No. 11.443/2023, which provides for at least 30% of commissioned positions to be filled by black people in the federal public administration;
- Decree No. 11.444/2023, which establishes an Interministerial Working Group to prepare the proposal for the Young Black Lives Plan, with a view to reducing lethal violence and social vulnerabilities against black youth and confronting structural racism;
- Decree No. 11.445/2023, which establishes the Interministerial Working Group to propose public policies, at the federal level, to guarantee the safeguard and promotion of the Valongo Wharf Archaeological Site, which is considered the largest and main port of entry for enslaved Africans in Brazil and the Americas; and
- Decree No. 11.446/2023, which establishes an Interministerial Working Group with the purpose of presenting a proposal for the development of a Program to Combat Religious Racism and to Reduce Violence and Discrimination against Traditional Peoples and Communities of African Matrix and Peoples of Terreiros in Brazil.

Finally, in 2023, the General Coordination of Public Security and Human Rights was created within the scope of the Ministry of Human Rights and Citizenship (MDHC). Among the main purposes of the Coordination are the inclusion and the dissemination of Human Rights in the scope of public security, with emphasis on police forces, in order to promote, by means of concrete actions to eliminate racial discrimination and xenophobia in police actions, effective awareness in institutions that work controlling violence in the country.