

REPORT ON ACTIONS FOR THE PROMOTION OF

RACIAL JUSTICE

AND EQUALITY THROUGH THE HUMAN RIGHTS SYSTEM OF THE

FEDERAL PUBLIC DEFENDER'S OFFICE



DPU
DEFENSORIA PÚBLICA DA UNIÃO

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NATIONAL HUMAN RIGHTS DEFENDER



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1. RACE AS A CENTRAL ASPECT OF BRAZIL'S SOCIAL AND LEGAL FORMATION

The category of "race" can be analyzed from different perspectives. According to a traditional view, race would designate "a set of common phenotypic traits to certain human groups living in the same territory" (MOREIRA, 2020, p. 557). This perspective sees race not only as a biological category representing physical characteristics but also as a characterization of moral, cultural, and intellectual traits, associating forms of "moral degeneration

inherent to members of a racial group" (MOREIRA, 2020, p.557). This perspective "underlies the perception of racial minorities that is behind different forms of discriminatory practices"(MOREIRA, 2020, p.557).

As the Brazilian thinker Adilson José Moreira warns "the most recent studies on race classify it as a social construct"(MOREIRA, 2020, p.560). Those who understand it in this way "argue that race does not exist as a biological reality but as a mechanism for classifying individuals resulting from a cultural process called racialization" (MOREIRA, 2020, p.560).

In this view, "members of the dominant racial group have the power to create cultural meanings, which they use to attribute negative connotations to phenotypic traits of human groups they want to exploit economically"(MOREIRA, 2020, p.560). The conclusion is that "we do not have human races but cultural processes whose categories for classifying human beings are created in a specific historical context" (MOREIRA, 2020, p.560).

Sharing this perspective, the author Sueli Carneiro argues that "the concept of race was instituted to justify the domination, slavery, and exploitation of one racial group over another" (CARNEIRO, 2019, p. 122), and currently, the denial of the social reality of "race" and the consequent need to direct public policies to historically discriminated segments "serves to perpetuate the exclusion and privileges that the ideology supporting it has produced and still reproduces daily" (CARNEIRO, 2019, p.122).

Once the notion of race is established, it is possible to introduce the concepts of racism, prejudice, and discrimination. According to Silvio Almeida, current Minister of Human Rights in Brazil, racism is a systematic form of discrimination "based on race and manifested through conscious practices or privileges for individuals, depending on the social group to which they belong" (ALMEIDA, 2018, p. 25).

Although related, racism is distinct from racial prejudice and racial discrimination. Racial prejudice is "judgment based on stereotypes about individuals belonging to a certain racialized group, which may or may not result in discriminatory practices" (ALMEIDA, 2018, p. 25). On the other hand, racial discrimination is "the assignment of differential treatment to members of racially identified groups" (ALMEIDA, 2018, p. 25).

The historical social and racial inequality in Brazil is largely a result of the colonization process, particularly the process of enslavement and the formal abolition of slavery in the country. This is compounded by the unequal distribution of land embodied in the Land Law of 1850 and the enactment of penal norms that criminalized behaviors and cultural traits of freed slaves.

The unequal competition for urban space has shaped a country structurally marked by income inequality and the criminalization of racially identified groups. These factors have hindered the realization of rights for millions of people over the years.

The formal liberation of tens of thousands of African slaves and the subsequent criminalization of their bodies kept them away from opportunities for social mobility and access to rights, leading to processes of slum development and institutionalization (in correctional facilities and prisons). These processes have had a lasting impact on the intergenerational perpetuation of poverty among their descendants.

Furthermore, four centuries of slavery not only shaped the economic and political foundations of Brazil but also influenced its axiological vectors and collective imaginary. Discussing the Brazilian legacy of slavery and the formation of the organized black movement, Lélia González refers to the convocatory letter of the Unified Movement against Racial Discrimination in the 1970s, which emphasizes: "Racial discrimination is a striking fact in Brazilian society, hindering the development of the Afro-Brazilian community, destroying the soul of the black man and his ability to fulfill himself as a human being" (GONZÁLEZ, 1982, p. 43).

The construction of Brazil's economic, political, legal, and institutional system based on a pseudo-equality among citizens has resulted in deficient access to basic rights. Thus, access to rights is marked, on one hand, by privileges that benefit a few at the expense of a portion of the population left outside the "social pact," as they find themselves on the margins of the State itself.

This unequal access to rights highlights the existence of various processes of

discrimination that operate both directly and indirectly, permeating not only social but also institutional relations in Brazil.

Direct discrimination "occurs when one agent treats another disadvantageously based on a certain criterion" (MOREIRA, 2020, p. 389) and in the case of racial discrimination, the criterion is precisely the race of the person being treated in a discriminatory manner. Indirect discrimination "refers to a norm or institutional practice that has a disproportionately negative impact on a vulnerable group," (MOREIRA, 2020, p. 401) and "this norm or practice may be neutral because the person or institution responsible did not intend to harm a specific group" (MOREIRA, 2020, p. 401).

In this context, it is important to emphasize that when it comes to ethno-racial policies, addressing human rights requires confronting the age-old process of dehumanization imposed on blacks through permanent extermination processes or the various life-threatening practices that mark their trajectories.

The challenging social mobility in the country's political-economic structure "condemns" thousands of people to live on the fringes of society, without knowledge, access to health care, basic sanitation, transportation, leisure, and conditions to assert their most basic rights, while such rights are naturally enjoyed by other social groups.

According to the methodology developed by Critical Race Theory, race must be inserted as a central element in the interpretation of the law, given the realization that racial relations play a crucial role in structuring legal foundations.

In this sense, the Brazilian thinker Adilson José Moreira draws attention to how

"the Brazilian Constitutional State was born under the sign of black slavery; its institutions aimed to legitimize a political order based on the hierarchy between races. Our society formulated various mechanisms for the maintenance of white hegemony, processes that operate independently of the will of individual people. Race is the central aspect of social governance processes aimed at the social control of the undesirable" (MOREIRA, 2019, p. 35).

With this conclusion, Moreira argues that the function of the law should be analyzed considering the structural role that race occupies in the formation of the modern legal framework (MOREIRA, 2019, p. 35). According to the author, the interpretation of legal norms should have a transformative character, being "attentive to the differing status of various social groups" (MOREIRA, 2019, p. 35).

After struggles led by the black movement within the power spaces of Brazilian society, the legal system began to incorporate provisions aimed at eradicating discriminatory behaviors and promoting equal treatment among all members of society. This includes the adoption of affirmative action policies designed to correct historical inequalities.

In this regard, Article 3, Clause XLI of the Federal Constitution states that "the fundamental objectives of the Federative Republic of Brazil include promoting the well-being of all, without prejudice as to origin, race, sex, color, age, and any other forms of discrimination."

Furthermore, Article 5 of the Federal Constitution, in its Clause XLII, declares that "the practice of racism constitutes a non-bailable and imprescriptible crime, subject to imprisonment as provided by law."

At the level of laws without constitutional status, Law No. 7.716/1989 defines crimes resulting from discrimination or prejudice based on race, color, ethnicity, religion, or national origin, outlining various behaviors with corresponding penalties.

The Law No. 12.288/2010 established the Racial Equality Statute, listing a range of rights for the black population to ensure the realization of equal opportunities, the defense of individual, collective, and diffuse ethnic rights, and the fight against discrimination and other forms of religious intolerance.

The Law No. 12.711/2012, recently updated by Law No. 14.723/2023, establishes a special program for access to higher education institutions for black, brown, indigenous, and quilombola¹ students, as well as people with disabilities.

In 2022, Brazil internalized the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance under the procedure of Article 5, §3 of the Federal Constitution, giving the international norm the force of a constitutional amendment. Thus, Decree No. 10.932 was issued on January 10, 2022, internalizing the Convention into the Brazilian legal system.

In brief, what has been sought to demonstrate is that the foundations of Brazilian society are built on systems and institutions constructed from structural inequality marked by race. This process culminates not only in direct and indirect discriminatory practices but also in a perverse logic of systematic and widespread violence against the Brazilian black population.

1 - Quilombola is an Afro-Brazilian resident of quilombo settlements first established by escaped slaves in Brazil.

With the consolidation of the Public Defender model by the 1988 Federal Constitution, as an institution not only for access to justice but also for the promotion of human rights, this institution has played a significant role in promoting racial justice and equity, as will be seen below.



2. ROLE OF THE FEDERAL PUBLIC DEFENDER'S OFFICE IN THE PROMOTION OF HUMAN RIGHTS

Through Complementary Law 6/77 of the State of Rio de Janeiro, the Public Defender's Office was established as a separate entity from the State Attorney's Office, creating a political structure with its own leadership exercised by a Public Defender-General. This materialized the idea of legal assistance provided by dedicated state bodies that guided the entire formation of the Brazilian Public

Defender-General. This materialized the idea of legal assistance provided by dedicated state bodies that guided the entire formation of the Brazilian Public Defender's Office thereafter.

The Federal Constitution of 1988 consolidated a model of legal assistance through the Public Defender's Office and attributed to it the importance of being an essential institution for justice. Following a change in 2014, the constitutional text expressly stipulated that it is the responsibility of the Public Defender's Office not only to provide legal guidance and free legal defense, but also to promote human rights.

In Brazil, each of the 26 states of the federation and the Federal District has an established Public Defender's Office, and in addition, there is the Federal Public Defender's Office that operates in federal judicial cases and various activities related to human rights.

To ensure the full fulfillment of its constitutional mission, the Federal Public Defender's Office proceeded with the effective structuring of its strategic litigation system for the protection of human rights, issuing resolutions that govern the system for the promotion and protection of human rights.

Thus, the National Human Rights Defender System and Regional Human Rights Defenders were established, a system present in all the capitals of the 26 states and in the Federal District, with two Regional Human Rights Defenders in the states of Rio de Janeiro and São Paulo.

The system is coordinated by the National Human Rights Defender, who is responsible for monitoring the planning, implementation, and execution of national public policies on human rights; encouraging coordinated action by Regional Human Rights Defenders; establishing national dialogue with other agencies and institutions responsible for promoting human rights, among many other functions.

In addition to its extensive territorial presence covering the entire national territory, the National Human Rights Defender System and Regional Human Rights Defenders have a broad thematic scope. They engage in the promotion of various fundamental and social rights for diverse marginalized social groups, including women, indigenous peoples, traditional communities, LGBTQIA+ individuals, and the black population.

3. ACTIONS OF THE NATIONAL HUMAN RIGHTS DEFENDER SYSTEM AND REGIONAL HUMAN RIGHTS DEFENDERS IN THE

PROMOTION OF RACIAL JUSTICE AND EQUITY



The actions of the National Human Rights Defender System and Regional Human Rights Defenders of the Federal Public Defender's Office in the promotion of racial justice and equity encompass efforts primarily aimed at eliminating all forms of violence, which constitute an extreme form of discrimination directed against black individuals.

It is crucial to highlight that in Brazil, a person's skin color can exponentially increase the chances of being killed or assaulted, even in the simple act of everyday consumption. According to a 2019 study by the Sou da Paz Institute, Black men represented 75% of victims of firearm assaults in the country, compared to 19% of non-Black men. Meanwhile, black women accounted for 4% of victims, compared to 2% of non-Black women².

Thus, the actions of the Federal Public Defender's Office (DPU) are comprehensive and encompass state violence committed by law enforcement agents, such as police officers; state and private violence against traditional communities descended from quilombos and violence committed by private entities or individuals against black individuals in various contexts.

Therefore, this report aims to list some of the most emblematic actions of the National Human Rights Defender System and Regional Human Rights Defenders of the Federal Public Defender's Office in promoting racial justice and equity in recent years:

2- <https://soudapaz.org/wp-content/uploads/2021/11/Violencia-Armada-e-Racismo.pdf>.

3- Quilombo is a Brazilian hinterland settlement founded by escaped slaves.

1) Rio de Janeiro Military Police (PM) establishes social media usage rules following requests from the DPU (Federal Public Defender's Office) and the Federal Public Prosecutor's Office (MPF)

<https://www.dpu.def.br/noticias-rio-de-janeiro/50-noticias-rj-geral/77835-pm-do-rj-cria-norma-para-uso-de-redes-sociais-apos-pedido-da-dpu-e-do-mpf>
Rio de Janeiro/ 2023

“The Military Police Department of the State of Rio de Janeiro (PMERJ) has issued a normative instruction to regulate the use of social media and messaging apps within the department. This measure also encompasses the content present on the personal accounts of the agents and their participation in podcasts and debates broadcasted on internet channels.

This initiative arose following a recommendation issued by the Federal Public Defender's Office (DPU) and the Federal Public Prosecutor's Office (MPF) in July of this year 2023. The recommendation urged the PMERJ to establish clear guidelines for the use of these platforms.

‘The encouragement of violence and, especially, the endorsement of police violence fall outside the scope of freedom of expression. Companies that profit from social media should be attentive to human rights violations disseminated on their platforms. It is essential to understand that violence, especially when propagated by the agents themselves, undermines the public's trust in law enforcement’, explains Thales Arcoverde Treiger, the regional human rights defender in Rio de Janeiro from the DPU, who endorsed the recommendation.”

2) DPU requests information from Google regarding the moderation of content that promotes violence

<https://direitoshumanos.dpu.def.br/dpu-pede-ao-google-informacoes-sobre-moderacao-de-conteudos-que-exaltam-violencia-2/>

Rio de Janeiro/ 2023

“The Federal Public Defender's Office, through the Regional Human Rights Defender in Rio de Janeiro (RJ), requested information from Google Brazil regarding the protocols adopted by the company for moderating audio and video content distributed on its platforms. This content tends to incite crime and reveal violence and actions that violate human rights committed by police officers.

According to Thales Arcoverde Treiger, the regional human rights defender in Rio de Janeiro, on various channels maintained by Google services, such as the YouTube platform, police officers, often in uniform, express hate speech and narrate the commission of violent crimes by themselves. On these occasions, they use tones of mockery and celebration.

The public defender emphasizes that, despite being a fundamental right deserving protection, freedom of expression is not absolute and has limits both in the 1988 Federal Constitution and in the human rights treaties to which the Federative Republic of Brazil is a party.

‘Hate speech and the incitement to crimes and violence of such gravity are not covered by freedom of expression and cannot be tolerated in a democratic environment subjected to human rights protection norms. The mentioned contents may not only convey accounts of crimes committed by police officers in the episodes they narrate but also constitute crimes against public peace, as provided in articles 286 and 287 of the Brazilian Penal Code’, he concludes.”

3) Public civil action requests reparatory measures for operations conducted by the Federal Highway Police (PRF) in Rio de Janeiro (RJ)

<https://direitoshumanos.dpu.def.br/acao-civil-publica-pede-medidas-reparatorias-por-operacoes-da-prf-no-rio-de-janeiro-rj/>

Rio de Janeiro/ 2023

“The Federal Public Defender’s Office (DPU), together with the Public Defender’s Office of the State of Rio de Janeiro (DPE/RJ) and the Federal Public Prosecutor’s Office (MPF), filed a public civil action (ACP) in the Federal Court requesting a series of reparatory measures related to operations involving the Federal Highway Police (PRF) over the past four years.

The Public Civil Action seeks the condemnation of the Federal Government to pay compensation for collective moral damages, in the amount of R\$100 million, for all human rights violations that occurred in joint police operations involving the PRF.

The defenders and the prosecutor also request that the State, based on a concrete plan, implement mechanisms for the prevention, monitoring, and resolution of conflicts in cases of public security involving the PRF, including the installation of body cameras on the uniforms of federal agents. There is also a request for the Brazilian state to implement a training plan on human rights and citizen security for police officers, both recruits and regular personnel.

According to the document, between 2019 and 2023, there were frequent episodes of violence and mortality involving the actions of Federal Highway Police agents, whether in the context of incursions and police operations or in daily activities. During the mentioned period, a total of 126 deaths were recorded in confrontations involving federal highway police, with 57 deaths in the context of 12 massacres. These numbers represent an escalation in lethality in the actions of the PRF.

For Thales Arcoverde Treiger, the regional human rights defender of the DPU in Rio de Janeiro (DRDH/RJ), ‘it is necessary for the public security agenda to be addressed, as the name suggests, in a public manner. The presence of institutions such as the MPF and the Public Defender’s Office in this debate and in the social control of this policy is necessary for the maintenance and promotion of the democratic environment.’

‘For this reason, the Public Defenders of Rio and the Union, along with the MPF, have come together to seek the adoption of preventive measures to avoid the repetition of cases like these, such as the adoption of body cameras, training for agents, and the creation of extrajudicial mechanisms to ensure the right to compensation for victims and their families,” adds André Castro, public defender of the state and coordinator of the Human Rights Defense Center of the DPE/RJ.”

4) Atakarejo Supermarket to pay R\$20 million for the deaths of two young individuals who stole meat in Salvador.

<https://www.dpu.def.br/noticias-bahia/24-noticias-ba-geral/76934-atakarejo-tera-que-pagar-r-20-milhoes-por-morte-de-jovens-que-furtaram-carne-em-salvador>

Bahia/2023

“Almost two and a half years after the murder of two young black individuals who stole meat from one of the Atakarejo supermarkets in Salvador (Bahia), the wholesale chain will pay R\$20 million in compensation for collective moral damage and will have to implement various measures to combat racism.

A judicial agreement between the Federal Public Defender’s Office (DPU), various institutions, and black entities was reached with the Atakarejo company and ratified.

The collective moral damage agreement was filed by the DPU, the Public Defender's Office of the State of Bahia (DPE-BA), the Public Labor Ministry in Bahia (MPT-BA), the State Public Prosecutor's Office (MP-BA), Educafro, Odara - Institute of Black Women, and the Santo Dias Center for Human Rights.

Atakarejo will pay the first of 36 fixed installments in mid-October of 2023. The amount will be allocated to the Decent Work Promotion Fund (Funtrad) and should be used to fund initiatives that are preferably related to combating structural racism.

This agreement filed within a Public Civil Action (ACP) does not eliminate other legal proceedings against the company, such as criminal charges and compensation actions for the victims' families.

On April 26, 2021, after stealing meat from Atakarejo, Bruno Barros and Yan Barros, uncle and nephew, then 29 and 19 years old, were handed over by security guards to members of a criminal faction in the Nordeste de Amaralina neighborhood. In the local criminal "law," thefts are not allowed to prevent the appearance of police. The young black individuals were tortured and killed, and their bodies were found in the trunk of a car in the Brotas neighborhood.

Federal Public Defender Gabriel César explained that the DPU and the institutions involved in the negotiation opted for an agreement with the supermarket because the legal process is always unpredictable and can take years. 'We know that no amount of money will bring back these lives, but compensation and the demand for the adoption of measures to prevent the

murder of black people are what can be done in the legal field. We will monitor and ensure that this money is indeed used to benefit black people and combat racism’, said Gabriel, who serves as the regional human rights defender in Bahia.”

5) Court orders mandatory recording of race in COVID-19 cases - Measure complies with the request of an NGO and the Federal Public Defender’s Office.

<https://agenciabrasil.ebc.com.br/saude/noticia/2020-05/justica-determina-registro-obrigatorio-de-raca-em-casos-da-covid-19>

Rio de Janeiro/2020

“The Federal Court of Rio de Janeiro has mandated that the data recorded and released regarding coronavirus cases in the country must, by obligation, include information about the ethnic-racial background of those infected. This interim decision responded to a request from the Federal Public Defender’s Office and the Luiz Gama Institute (an NGO combating prejudice) and acknowledged the need to identify groups more vulnerable to the pandemic.

Thales Arcoverde, the regional human rights defender for the Federal Public Defender’s Office in Rio de Janeiro, argues that the data is relevant not only to demonstrate the influence of racial inequality and racism in the context of the pandemic but also for public policies to combat this disparity. ‘What motivated us is a fear that structural racism will manifest itself in this way. Black people have less access to health care than white people’, said the defender.

In the request, the defense describes that 67% of the black population depends on the Unified Health System (SUS).

The Federal Public Defender’s Office also argues that this population faces

greater difficulty in practicing social distancing, given that informality is at 47.3% among black workers, while the same rate is 34.6% among whites.”

6) After an agreement with the Federal Public Defender's Office (DPU), Carrefour will invest in scholarships for black students.

<https://www.dpu.def.br/noticias-rio-grande-do-sul/58-noticias-rs-geral/73059-apos-acordo-com-a-dpu-carrefour-vai-investir-em-bolsas-para-estudantes-negros>

Rio Grande do Sul/2023

“The Carrefour Group will provide scholarships for 883 black students enrolled in undergraduate, specialization, master's, and doctoral courses at public and private universities in Brazil. The investment of R\$ 68 million is the result of an agreement signed with the Federal Public Defender's Office (DPU) and other entities after the murder of João Alberto Silveira Freitas, a black man who was beaten to death at a Carrefour store in the Passo D'Areia neighborhood of Porto Alegre in 2020.

The DPU in Rio Grande do Sul, the State Public Prosecutor's Office, the Federal Public Prosecutor's Office, and the Labor Public Prosecutor's Office participated in the elaboration of the Conduct Adjustment Term (TAC) signed by the company in June 2021, which determined the investment in scholarships and other actions to combat racism.

Regional Human Rights Defender in Rio Grande do Sul (DRDH/RS) Daniel Cogoy was involved in the case, emphasizing that the agreement aimed to combat racism. “This agreement can also have a positive impact on the families of the students who will receive the scholarship. When a poor person and a victim of

prejudice achieve upward mobility, it has an impact on the entire family. The student, in addition to helping family members, also serves as an example to relatives that it is possible to overcome obstacles’, he said.”

7) Unisuper (Supermarket) signs agreement providing for the allocation of nearly 6.5 million for the fight against violence

<https://www.dpu.def.br/noticias-rio-grande-do-sul/58-noticias-rs-geral/77294-unisuper-assina-acordo-que-preve-aplicacao-de-quase-6-5-milhoes-para-o-combate-a-violencia>

Rio Grande do Sul/2023

“The regional human rights defender in Rio Grande do Sul (DRDH/RS), Daniel Mourgues Cogoy, participated in the signing, by Unisuper and Supermercado Formenton, of a Conduct Adjustment Term (TAC) that foresees the allocation of almost 6.5 million reais for the fight against violence, torture, discrimination, and food insecurity. The agreement was signed in response to the episode on October 12, 2022, when two men were allegedly assaulted in a warehouse of the network in Canoas (RS).

According to regional human rights defender Daniel Cogoy, ‘the signing of the TAC is important because it demonstrates the commitment of the participating institutions to the fight against racism and various forms of discrimination’. For the defender, ‘although it is not possible to fully repair the social damage suffered, the measures to be adopted with the signing of the TAC have a strong pedagogical content and discourage the repetition of conduct like the one that originated it’.

The Public Defender's Office will monitor the implementation of the measures established in the agreement, including: internal and external training and education campaigns, the creation of an annual day for actions aimed at

combating violence, torture, and discrimination; new hires must respect a minimum percentage of 50% for women, 21% for black people, 5% for transgender individuals, and 5% for ex-convicts; the creation of an independent ombudsman; and the offer of scholarships and basic food baskets to people in situations of social vulnerability’.”

8) Racial identification board of the Federal University of Maranhão should analyze only phenotypic criteria.

<https://www.dpu.def.br/noticias-maranhao/32-noticias-ma-geral/68591-banca-de-heteroidentificacao-racial-da-ufma-deve-analisar- apenas-criterios-fenotipicos>

Maranhão/2022

“A sentence issued by the Federal Court in Maranhão in a public civil action (ACP) filed by the Federal Public Defender’s Office (DPU) confirmed the previously granted decision in a preliminary injunction, annulling the procedure of the racial identification board of the Federal University of Maranhão (UFMA), which also adopted subjective criteria to issue opinions. The sentence orders the reassessment of all those who were rejected by the board.

The irregular practice of the board, which verifies the truthfulness of ethnic-racial self-declarations, reached the DPU unit in São Luís in 2020, through students selected via the Unified Selection System (Sisu), who subsequently sought legal assistance after being rejected in the criteria set for racial quotas. The regional human rights defender in Maranhão, Yuri Costa, was responsible for initiating the Public Action after noting the illegality of the board’s practice in evaluations.

In the analysis of the criteria in the notice, it was found that the university did not strictly adopt phenotypic criteria, as required by the legal provisions adopted

in the institution's own notice, such as Resolution 1.899/2019 - CONSEPE-PROEN and Normative Ordinance 04, dated 06/04/2018, from the Ministry of Planning, Development, and Management/Personnel Management Secretariat.

These provisions regulate the complementary identification procedure to the self-declaration of black candidates for the purpose of filling reserved positions in federal public competitions and are clear in establishing that 'the identification committee will use exclusively the phenotypic criterion to assess the condition declared by the candidate in the public competition.'

During the identification procedure by the committee, in addition to visual assessment, candidates were subjected to social questions unrelated to phenotype, such as: 'Have you ever experienced discrimination and/or prejudice because of your color: being black or brown? Comment briefly'; 'Do you consider yourself a beneficiary of the quota policy for blacks? Why? (Record in observation)' and "In your social and family environment, do you discuss the issue of blackness? When and in what situation? (Record in observation).'

The defender argued that if the law establishes only the phenotypic criterion for assessing the condition declared by the candidate, it is evident that the use of socially-oriented questions by the identification committee constitutes "an abusive and legally unfounded act to tarnish the ethnic-racial assessment carried out in the context of the selection process.'

'What relevance does this question have to benefit black individuals? If the individual has not experienced any prejudice or discrimination, will they not benefit? Will they not be part of the oppressed majority that suffers social segregation? In other words, it is noted that the use of these forms and questions,

being subjective, reflects a high probability of violating the rights of those who are beneficiaries of racial quotas," argued Yuri Costa in the reply to the UFMA's presented defense."

9) DPU demands action from the Federal Government and Bahia government after the murder of a *quilombola*⁴ leader

<https://www.metropoles.com/brasil/dpu-cobra-planalto-e-governo-da-bahia-apos-assassinato-de-lider-quilombola>
<https://reporterbrasil.org.br/2023/09/alvos-ambulantes-execucao-de-mae-bernadete-revela-descaso-com-regularizacao-de-quilombos/>

Bahia/2023

"After the murder of quilombola leader Bernadete Pacífico, the Federal Public Defender's Office (DPU) and the Federal Public Prosecutor's Office (MPF), sent a letter to President Luiz Inácio Lula da Silva (PT) and the Governor of Bahia, Jerônimo Rodrigues (PT), demanding urgent measures to ensure the protection of traditional territories, their people, and leaders.

Among the requests, the creation of a specialized investigative unit for cases related to traditional peoples and the suspension of licenses for works and projects in which the affected communities have not been consulted are highlighted.

If, on the one hand, the regularization of traditional territories does not progress, on the other hand, economic activities continue at an accelerated pace in all regions of Bahia, with state consent, impacting traditional communities and putting their leaders at constant risk," emphasizes the document.

⁴Quilombola is an Afro-Brazilian resident of quilombo settlements first established by escaped slaves in Brazil.

Bernadete Pacífico, leader of the Quilombo Pitanga dos Palmares, was murdered on the night of August 17th, 2023. She was shot after being taken hostage in her house in the city of Simão Filho, Bahia. The case gained national attention, and Governor Jerônimo ordered an investigation by state security forces.”

10) In a legal action for a racist remark, the Federal Public Prosecutor's Office (MPF) and the Federal Public Defender's Office demand R\$ 15 million

<https://noticias.uol.com.br/politica/ultimas-noticias/2021/07/23/mpf-e-defensoria-entram-com-acao-contra-bolsonaro-por-fala-racista.htm>

National/2021

“The Federal Public Prosecutor's Office (MPF) and the Federal Public Defender's Office (DPU) filed a public civil action against President Jair Bolsonaro (independent) for a racist statement earlier this month.

The entities are seeking reparative actions totaling R\$ 15 million. On the 8th (July, 2021), Bolsonaro, laughing, remarked that a supporter's kinky hair was a "roach breeder." Following this, the politician asked how many times a month the young man washed his hair.

The statement was made in the "cercadinho," an area in the Palace of Alvorada in Brasília that gathers Bolsonaro supporters. Later, the President added, "You can't take ivermectin; it will kill all your lice." The man did not appear bothered by the comment, stating that he was "not a victimist black." The president was aware that he was being recorded.

In the document, the MPF and DPU request that the president and the Federal Government be condemned to pay a minimum of R\$ 5 million as compensation for collective moral damage, "to repair the harm caused by the statements", which

would be allocated to the Diffuse Rights Fund. Additionally, they call for a minimum of R\$ 10 million for a public awareness campaign against racism.

The prosecutors and defenders who signed the petition also demand that Bolsonaro refrain from making further comments of this nature and issue a public apology through the media and government official channels.”



4. CONCLUSION

It is important to point out that any strategic action in the promotion of human rights is inevitably an action aimed at racial justice. This is because all dimensions of injustice that mark Brazilian society, such as economic injustices, gender-related injustices, sexual orientation, religious, and origin-related injustices, are exacerbated by racial issues.

Thus, racial injustice, when intertwined with these other injustices, results in a social framework in

which black women are more susceptible to femicide and domestic violence than white women, black men living in peripheral areas are more prone to police violence than white men, economically disadvantaged black individuals receive poorer healthcare than white individuals, among numerous other forms of intersecting injustices.

Therefore, the actions of the Public Defender's Office in promoting basic human rights, such as access to education, health, housing, a healthy environment, cultural preservation, security, and general dignity, even when the central aspect of race is not the most immediate focus, inevitably constitute actions for the promotion of racial justice and equity.

With the list of emblematic cases from Public Defender's Office, the intention is to demonstrate how the institution has been contributing to the construction of a society that is truly more just and less unequal.



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