

ANNEX  
INFORMATION FROM THE GOVERNMENT OF BRAZIL REGARDING THE  
COMMUNICATION RRDD/ARDS/YB/SA/JF, DATED JULY 5<sup>TH</sup> 2022.

With regard to the communication RRDD/ARDS/YB/SA/JF, dated July 5<sup>th</sup> 2022, on the request from the Intergovernmental Working Group (IGWG) on the effective implementation of the Durban Declaration and Programme of Action (DDPA), the Brazilian Government thanks the IGWG-DDPA for the said communication and has the honour to convey the following views and information.

2. Brazil favours the inclusion of proposals in the draft Declaration whose main objective is to build the legal, political and institutional capacities necessary to combat racism, to promote racial equality and to guarantee the human rights of people of African descent.

3. Such proposals may incorporate both instrumental actions related to the strengthening of state capacity to combat racism and to promote equality, as well as substantive actions, which, based on the already consolidated international legal framework, are aimed at equitable guarantees of fundamental rights as well as at equitable access to public goods and services.

4. The negotiation of a proposed Declaration should be based on international norms already applicable to human rights in general and to the fight against racism and the promotion of racial equality and the commitments undertaken in the framework of the Durban Declaration and Programme of Action (2001) and the Outcome Document of the Durban Review Conference (2009).

5. The drafting and publication of a Declaration on the rights of people of African descent would represent the recognition of the historical condition of social vulnerability of these peoples. In this sense, in order to prepare a declaration on the rights of people of African descent, attention should be paid to the following aspects:

- Recognition that racism and racial discrimination against the population of African descent have their roots in the history of the colonization of the American continent;

- Recognition of the urgency of respecting and promoting the rights of peoples of African descent and the repudiation of racism;

- Ensuring equal opportunities regardless of skin colour or ethnicity;

- Indication that people of African descent are free and equal to all other peoples and, while exercising their rights, have the right not to be subjected to any form of discrimination or prejudice based, in particular, on their origin or identity;

- Indication that people of African descent have the right to self-declaration and the full enjoyment of all human rights and fundamental freedoms recognized by the Universal Declaration of Human Rights, other international human rights treaties and the Durban Declaration and

Programme of Action. These instruments enshrine the minimum level of protection and the process of negotiating a future Declaration should deepen and strengthen that protection;

- Provision of the duty of states and communities to guarantee equal opportunities, recognizing to every citizen of African descent, regardless of ethnicity or skin colour, the right to participate in the community, especially in political, economic, business, educational, cultural and sports activities, defending their dignity and their religious and cultural values;

- Indication that states must comply with all their obligations towards people of African descent, as well as develop monitoring and accountability mechanisms for those obligations;

- Provision of rights to health, education, culture, religious freedom, access to adequate housing and the guarantee of decent working conditions, including through affirmative actions;

- Provision of the duty of the States to prevent, eliminate, prohibit and punish, in accordance with their constitutional norms, all acts and manifestations of racism, racial discrimination and related forms of intolerance;

- Promotion of cooperation, dialogue, exchange of experiences and good practices among States with the purposing of complying with the precepts of the Declaration;

Furthermore, from the Brazilian government's standpoint, the Declaration should recognize the following:

a) racial or ethnic-racial discrimination is any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose of nullifying or restricting the recognition, enjoyment or exercise, on an equal basis, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public or private life;

b) indirect racial discrimination occurs when an apparently neutral device, practice or criterion has the capacity to bring about a particular disadvantage for people belonging to a specific group based on reasons listed on item "a" above in any field of public life or private;

c) multiple or aggravated discrimination means any preference, distinction, exclusion or restriction based concurrently on two or more criteria as listed on the said item "a, the purpose or result of which is to nullify or restrict, in any area of public or private life, the recognition, enjoyment or exercise, under conditions of equality, of one or more human rights and fundamental freedoms enshrined in international instruments applicable to States Parties;

d) racism consists of any theory, doctrine, ideology or set of ideas that state a causal link between the phenotypic or genotypic characteristics of individuals or groups and their intellectual, cultural and personality characteristics, including the false concept of racial superiority. Racism causes racial inequalities and the notion that discriminatory relationships between groups are morally and scientifically justified. Every theory, doctrine, ideology and set of racist ideas described in this item are scientifically false, morally objectionable, socially unjust and contrary

to the fundamental principles of international law and, therefore, seriously disturb international peace and security, and therefore are condemned by States Parties;

e) racial inequality is any unjustified situation of differentiation of access and enjoyment of goods, services and opportunities, in the public and private spheres, due to race, colour, descent or national or ethnic origin;

f) gender and race inequality is the existing asymmetry within society that accentuates the social distance between black women and other social groups;

g) public policies are the actions, initiatives and programmes adopted by the state in the fulfilment of its institutional responsibilities;

h) affirmative actions are special programmes and measures adopted by the state and the private sector to correct racial inequalities and to promote equal opportunities;

i) intolerance is an act or set of acts or manifestations that denote disrespect, rejection or contempt for the dignity, characteristics, convictions or opinions of people for being different or having different opinions, positions or attitudes. Manifestations of intolerance appear in the form of marginalization and exclusion of groups in vulnerable conditions from participating in any sphere of public or private life or in the form of violence against these groups.