

REPORT ABOUT THE HUMAN RIGHTS OF THE AFRICAN AMERICANS IN BRAZIL .

As there is a possibility of the civil society - in particular the non profit organizations that fight for enforcement of the Human Rights – expresses its opinion on the process of the Universal Periodic Review – UPR (a periodic review about the Human Rights situation in each member countries) made by the High Committee of United Nations for Human Rights, the:

-UNEAFFRO / Brazil (União de Núcleos de Educação Popular para Negras, Negros e Classe Trabalhadora);

-MOVIMENTO NEGRO UNIFICADO;

-ASSOCIAÇÃO JUÍZES PARA A DEMOCRACIA;

comes to present a brief report about the situation of African Americans in Brazil in the past years.

The objective of this text is to give an empiric report about the dimensions of racial inequality in Brazil and specially to make it clear, in the context of the investigation about the life conditions of the white and black populations, the huge difference between whites and blacks.

Through this report, one notices that the poverty is not democratically distributed between the races. Despite the headway, the blacks continue over represented in poverty and in indigence, considering the age and regional distribution and the gender structure.

That being so, it is important to stress that the research about Brazilian racism has to take into account mainly, two peculiarities: the build of Brazilian nationality which is associated to the ideology of whitening and racial democracy; Also, the social hierarchy system that relates color, status and class, based on the duality of the slavery system: elite/ people and whites/blacks.

The main feature of the racial issue debate in Brazil is its ambiguity. It belongs to it what it is usually denounced as an implicit and silent Brazilian racism, with the pretension of the institutional anti racism.

Brazil was, for a long time, seen domestically and internationally as a paradise in terms of race, source of national pride. Even after several denounces of the Black Movement and intellectuals and also a relative acknowledgement of the Public Power, this image remains.

It turns out that, according to the statistics data , practically in all socio - economic indicators, there are meaningful disparities between whites and blacks in the national income distribution and in the enjoyment of social rights.

We should see the international indicator of the Brazilian racial inequality: The Human Development Index (HDI), that takes into consideration such criteria: education, life expectancy and per capita income . Once, it is analyzed through the racial groups, it demonstrates that there is an abyss of 61 countries between the black Brazil and the white Brazil. In the ranking of quality of life, the whites are in the 46th position while the blacks are in the 107th one. It is worse than all African countries, including Nigeria and South Africa.

Therefore, when the incidence of poverty is related to the racial composition of the population, it is possible to notice one over representation of the Black community inside the poor and indigent population.

Similarly, a research done by the Institute of Economic and Applied Research (IPEA) has demonstrated that the blacks are not only over represented among the poor, but also the average income of the whites is superior to the blacks in the poor intermediate and rich segments of the population, what would justify the conclusion that the white Brazil is twice and a half richer than the black Brazil.

In the educational field, the same research showed that there is a difference of 2, years of school between whites and blacks, what can be considered very high, due to the fact that the average school background of adults is something around 6 years in Brazil.

There are several studies that illustrated these segregation context in Brazil. The work of Ricardo Henriques goes this path when it makes a diagnostic of racial inequality in the country using

the data collected in the homes for the National Survey per Home Sample (PNAD) of 1999 and in the data of Brazilian Institute of Geography and Statistics (IBGE). The author highlighted the racial composition of the poverty where the blacks represented 45% of the Brazilian population, but it represented 64% of the poor population and 69 % of the indigent one. The whites, on the other hand, represented 54% of the total population but only 36% of the poor and 31% of the indigent.

Another data that draws our attention is the inequality of income between blacks and whites. It was noticed that in Brazil, among the 1% richest people, almost 88% are white whereas among the 10% poorest, almost 68 % declared being black. Owing to that, the black population is over represented among the 10% poorest and under represented among the 1% richest ones.

Under another aspect, while the number of university students more than doubled from 1991 to 2000, increasing from 1.400.000 (one million and four hundred thousand) to 3.000.000 (three million) of enrolled students, it is noticed that the proportion of black students fell from 19,7% to 19,3%. This fall is even higher if we consider only the individuals between eighteen and twenty four years old because in such conditions, the rate decreased from 16,7% to 15,9%.

Therefore, despite the figures presented by IBGE indicate that the educational indicators for blacks and whites improved last decade, if the average of years of study and the attendance of young people in the University, it is possible to see that in 2009, the blacks still had not reached the indicators that the whites presented in 1999.

The inequality is also fierce when related to the illiteracy rates that among the blacks are more than twice higher than among the whites. In 2009, the rate of illiteracy among the blacks was of 13,3% and the whites of 5,9%.

In the labor market arena, despite the fact that we have identified a reduction of the inequalities between blacks and whites in the past years, the 2010 Summary of Social Indicators (SIS), elaborated after the 2009 National Survey of Home Sample(PNAD) revealed, for instance, that in average the salaries of black people are still inferior to the white people, although the difference between them decreased last decade.

Based on the survey, the performance per hour of blacks was 57,4% of the whites. At the same time, the proportion of blacks employed informally was higher (from 17,4% to 18,9%) against 13,8% of whites), indicating that the blacks are in disadvantage compared to the whites.

Concerning the rule evolution, making a brief historical overview, in the second half of 20th Century, Brazilian government approved the Law 1.390/51, known as Afonso Arinos Law, that typified the practice of color or race prejudice as a penal contravention, that is, a crime of minor offensive potential, punished with arresting. Although it has been the first juridical statute that turned into crime racism, such law produced only merely symbolic effects because it treated the issue as a penal contravention and with reduced sentences.

Later on, the 1988 Constitution distinguished this crime among the individual and collective rights and duties, establishing that racism was an unbailing and unexpiring crime subjected to the penalty of arrest.

Due to this constitutional status, it was edited the Law 7.716/89, that regulated and defined the crimes resulting from the racial and color discrimination in Brazil. However, it is rare cases that apply that law. Therefore, an analyses of the racism through the Judiciary System could give the false impression that discriminating practices do not take place in Brazil.

To illustrate some data of the pattern of the inequality related to the access to the Justice for the victims of racial crime, the report elaborated by the Inter American Commission of Human Rights, revealed that from 300 analyzed accident report from 1951 to 197, in the cities of Rio de Janeiro, São Paulo, Salvador and Porto Alegre, only 150 were considered as crime by the chiefs of police reaching the stage of police investigation. From those ones, just 40 were sent to prosecutors attorney for a penal action against the discriminated, from which only 9 were trialed.

Moreover, research about the Access to the Brazilian Judiciary System highlights the unequal access between whites and blacks to the Criminal Justice. For example, In São Paulo city

where it had 72,1% of white people and 24,6% of blacks, for the same crime, there was a higher proportion of black convicted criminals (68,8%) than the white ones (59,4%).

One should point out that the Report about the Human Rights Situation of the African Brazilians revealed that the racial profile determines a high number of illegal detentions and that the black population is more watched and checked by the police system.

After evaluating more than 1000 (one thousand) murders committed by the Rio de Janeiro's Police between 1993 and 1996, the report concluded that the race constitutes a major factor in the police, with or without awareness, when they shoot to kill.

Therefore, despite there has been an improvement, the analyses of the statistical data highlights that, practically in all socio-economic indicators, there are disparities between whites and blacks in the national income distribution and in the enjoyment of social rights. That makes us conclude that there is a long way in order to build a democratic society in terms of race.

That conclusion, however, makes the opportunity for theoretical renewal and the formulation of racial and ethnical inclusion possible.

It is in this context that in 2010 two laws were promulgated, one in the State of São Paulo – Law 14.187/2010 and one Federal – law 12.288/2010, that established the Statute of Racial Equality which aims at guaranteeing to the black population the settlement of the equality of opportunities, the defense of ethnical, individual, collective and diffuse rights and the combat to discrimination and the unacceptable forms of prejudice.

Such legal initiatives, however, need to be associated with public policies directed to Brazilian blacks, preferably: social and economic inclusion policies with racial preference, the so called affirmative policies, that contribute to break our excessive inequality.

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