



*Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva
Ch. Camille-VIDART, 15 1202 – Geneva / Switzerland
Phone: (+41) (0)22 332 50 00 / Fax: (+41) (0)22 910 07 51
E-mail: delbrasgen@itamaraty.gov.br*

No. **348**/2021

The Permanent Mission of Brazil to the United Nations and other International Organizations in Geneva presents its compliments to Office of the United Nations High Commissioner for Human Rights and, with reference to the note verbale 333/2021, sent to the OHCHR last April 30, has the honour to transmit herewith additional information from the Ministry of Women, Family and Human Rights of the Federative Republic of Brazil in response to the Office note ROLENDB/MR/SH, dated 8 April 2021.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 10 May 2021

To the
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations CH-1211 Geneva 10, Switzerland
E-mail: registry@ohchr.org / copy to: antiracism1@ohchr.org

The National Secretariat for Policies to Promote racial Equality (SNPIR) of the Ministry of Women, Family and Human Rights (MMFDH) has the responsibility to, among other duties, formulate, coordinate and evaluate affirmative public policies for the promotion of ethnic and racial equality and the protection of the rights of vulnerable individuals and populations, with emphasis on the Quilombola, gypsy, black and foreign populations particularly affected by actions of ethno-racial discrimination and other forms of intolerance.

The SNPIR regrets that cases such as the incidents that resulted in the death of João Pedro Mattos Pinto (São Gonçalo, RJ, May 18, 2020) and Luana Barbosa dos Reis Santos (Ribeirão Preto, SP, 8/4/2016) still happen in the Brazilian society and understands that the entities responsible for the investigation of the cases and the punishment the perpetrators are working diligently.

As a body linked to the MMFHR, the SNPIR works in order to prevent that racism becomes the reason behind the woes of the Brazilian black population.

In this sense, historical progress can be reported in the legal milestones achieved by the Brazilian State, such as the criminalization of racism established in the Federal Constitution of 1988, the broad legal framework that prohibits racial discrimination and promotes ethnic-racial equality, as well as actions in the various spheres of social life, designed with the intention of reducing the vulnerability of of People of African descent to situations of violence.

The Federal Constitution of 1988 establishes in Article 3, item XLI, that "The following are fundamental objectives of the Federative Republic of Brazil: promote the welfare of all, without prejudice of origin, race, sex, color, age or any other forms of discrimination"; in Article 5, item XLI, that "the law shall punish any discrimination against fundamental rights and liberties"; and in Article 5, item XLII that "the practice of racism constitutes a imprescriptible, non-bailable crime, subject to imprisonment, under the terms of the law".

The law that regulates the aforementioned provision is Law no. 7,716 of January 5, 1989, altered by Law no. 9,459 of May 15, 1997. This law determines the punishment for crimes resulting from prejudice of race or color, ethnicity, religion and national origin, as well as adds a new element to article 140 of the Penal Code, third paragraph, creating the legal figure of qualified injury.

The main landmark in the promotion of Racial Equality is Law 12.288/2010, known as the Statute of Racial Equality, which defines the main areas to be recognized by public institutions to overcome racial inequalities. It also established institutional mechanisms such as the National System for the Promotion of Racial Equality (SINAPIR), the Intergovernmental Forum for the Promotion of Racial Equality (FIPIR), and the Permanent Ombudsman Offices to the Defense of Racial Equality.

In the field of "actions", we highlight the very creation of this National Secretary of Policies for the Promotion of Racial Equality within the Federal Executive Branch, in 2003 - at the time called Special Secretariat for Policies to Promote Racial Policies - as well as the creation of the National Council for the Promotion of Racial Equality (CNPIR) through Law no. 10,678 of May 23, 2003, the establishment of the National Policy for Promotion of Racial Equality (PNPIR), by Decree no. 4,886 of November 20, 2003.

A methodology to mainstream the promotion of racial equality was adopted with the creation of the National Plan for the Promotion of Racial Equality (PLANAPIR). It consists of a set of actions that are articulated and agreed upon with other relevant entities of the Executive branch and serve as a basis for the design of State and Municipal Plans for the Promotion of Racial Equality. The actions of PLANAPIR are linked to the following axes: labor and economic development, education, health, cultural diversity, human rights and public security, traditional peoples and communities, international policy, social development and food security, infrastructure, and youth.

Thus, in order to produce a positive impact on the field of "human rights and public security", the SNPIR has been developing the following actions:

- (i) Re-enactment of the Cooperation Agreement of the MMFDH with the National Penitentiary Department of the Ministry of Justice and Public Security (DEPEN/MJSP): it builds a partnership with DEPEN for the production of contents for an online course to be provided on an educational platform for security officers, as well as to encourage and qualify the actions and activities for the promotion of ethnic-racial equality with the participation of workers and users of the National Penitentiary System, in order to finalize the course modules and launch them during the biennium 2020/2021;
- (ii) "Projeto Integra Brasil": Elaborated in 2020, the project aims to raise awareness, promote rights, fight against human rights violations, educate in anti-doping and sportsmanship values, and present the use of alcohol and other drugs in the various environments, through the practice of soccer. SNPIR's action will be in the Kalunga Quilombola Community. Due to the pandemic COVID19, the execution of the project in question is provisionally suspended; and
- (iii) Through an International Cooperation Project, consultants were hired to formulate a plan for a course (in EAD format) on the theme Ethnic-racial policies: concepts and methods in overcoming racism and inequalities.
