

Submission to the UN Special Rapporteur on Freedom of Religion or Belief

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This submission aims to provide information and inputs to the United Nations Special Rapporteur on Freedom of Religion or Belief, Dr. Ahmed Shaheed, regarding the thematic report to be presented at the 75th session of the UN General Assembly (2020) on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16).



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PROTECTING RELIGIOUS MINORITIES IN BRAZIL

SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”²

“Although nationality, ethnicity, language, and religion tend to overlap, it is possible to identify religious minorities as a separate category within the minority rights regime. A religious minority can be defined as a group of persons resident within a sovereign State, numerically inferior to the rest of the population, in a non-dominant position, whose members possess a common religion or belief differing from those of the rest of the population and show a sense of solidarity, directed towards preserving their religion or belief, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and law. In other words, a religious minority is a minority whose members are united by a common religion or belief. They are distinguished from the rest of the population not in terms of ethnicity or language, but because of the possession of a different or specific religious bond.”³

There has been a notable shift in the Brazilian religious landscape over the past decades. Since the 1970's, when Catholics were more than 90% of the population, the country has witnessed a significant growth in Evangelical churches (most of them Pentecostals) and in the number of people with no religious affiliation. According to the last official census conducted by the Brazilian Institute of Geography and Statistics in 2010, 64.6% of the Brazilian population is Roman Catholic, while 22.2% are Evangelicals, 8% are not

² <https://sustainabledevelopment.un.org/sdg16>.

³ ALVES, Rodrigo Vitorino Souza. **The Protection of the Existence and Identity of Religious Minorities Under the United Nations Legal Framework: Between the Group-Centered and Person-Centered Approaches**. In: EHLERS, Dirk; GLASER, Henning. *Political and Religious Communities – Partners, Competitors, or Aliens?*. Baden-Baden: Nomos, Forthcoming 2020, p. 572.

affiliated, agnostics or atheists, 2% are Spiritists, and 3.2% are members of other religious groups.

Religious minorities have been historically subjected to discrimination and violence in Brazil (mostly indigenous religions, African-Brazilian faiths and heterodox Christianity), due to various reasons, including intersectional components, such as ethnicity, race and gender. These problems are also affected by the excessive entanglement between religion and politics, a situation which is contemporarily favored by the existence of religious political parties and parliamentary groups/fronts.

LEGAL FRAMEWORK AT THE FEDERAL LEVEL

As a response to some of these problems and tensions, the Brazilian Federal Constitution promotes the institutional separation between religious communities and the State, as well as guarantees freedom of religion or belief, freedom of conscience and equality as fundamental rights, safeguarding equality under the law and prohibiting detrimental discrimination by reasons of religion or belief. Under these principles, while law prohibits the intervention of the State in religious matters, it also places positive duties in order to assure the protection of places of worship, to guarantee religious assistance in places of confinement, and to create alternative services to be performed by conscientious objectors.

“Art. 5 - Everyone is equal before the law, with no distinction whatsoever, guaranteeing to Brazilians and foreigners residing in the Country the inviolability of the rights to life, liberty, equality, security and property, on the following terms: (...) VI. freedom of conscience and belief is inviolable, assuring free exercise of religious beliefs and guaranteeing, as set forth in law, protection of places of worship and their rites; VII. providing religious assistance at civilian and military establishments for collective confinement is assured, as provided by law; VIII. no one shall be deprived of any rights because of religious beliefs or philosophical or political convictions, unless invoked in order to be exempted from a legal obligation imposed upon all by one refusing to perform an alternative service established by law; (...)

XLI. the law shall punish any discrimination attacking fundamental rights and liberties;”⁴

Brazil has also ratified most of the core international human rights instruments since the end of the military dictatorship in the 1980’s. On July 6th, 1992, Decree 592 enacted the International Covenant on Civil and Political Rights, in which article 27 establishes that persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their religion, or to use their language.

National legislation provides for the protection of individuals against discrimination in general (Law 7716 of 1989 – which included race, color, ethnicity, religion and national origin as protected characteristics) and racial discrimination in particular (Law 12288 of 2013 – which protects people from discrimination based on race, color, ancestry and national or ethnic origin), as well as ensures affirmative actions (such as Law 12990 of 2014) to historically marginalized groups. Despite that, the country does not have a special national legislation for the protection of minorities and there is no clear legal definition of the meaning of the categories that are protected under law.

The Statute on Racial Equality (Law 12288 of 2013) gives special consideration to freedom of religion and belief in its Chapter III, where the statute highlights the inviolability of freedom of conscience and belief in article 23, also ensuring the free exercise of worship and the protection of places of worship and its liturgies. Article 24 of the same law provides a more specific protection for African-Brazilian religions:

“Art. 24 - The right to freedom of conscience and belief and to the free exercise of religious worship in the African religions includes: I - the practice of worship, the celebration of meetings related to religiosity and the foundation and maintenance, by private initiative, of places reserved for such purposes; II - the celebration of festivities and ceremonies according to the precepts of the respective religions; III - the foundation and maintenance, by private initiative, of charitable institutions related to the respective religious convictions; IV - the production, commercialization, acquisition, and use of religious articles and materials appropriate to the customs and practices based on the respective religiosity, except

⁴ Excerpts from domestic laws quoted in this submission were translated by the research team, except for the Federal Constitution, as its English version is available at https://www.constituteproject.org/constitution/Brazil_2017?lang=en.

for conducts prohibited by specific legislation; V - the production and dissemination of publications related to the exercise and dissemination of African religions; VI - the collection of financial contributions from natural and legal persons of a private nature for the maintenance of religious and social activities of the respective religions; VII - access to the bodies and media for the dissemination of the respective religions; VIII - the communication to the Federal Prosecution Service for the prosecution of religious intolerance attitudes and practices in the media and elsewhere.”

This statute also establishes affirmative government actions in articles 25 and 26:

“Art. 25 - Religious assistance is provided to members of African religions admitted to hospitals or other institutions of collective internment, including those subject to imprisonment.

Art. 26 - Public authorities shall adopt the necessary measures to combat intolerance against African religions and discrimination against their followers, especially aiming: I - to inhibit the use of the media to disseminate propositions, images or approaches that expose a person or group to hatred or contempt for reasons based on the religiosity of African religions; II - to catalogue, restore and protect documents, works and other goods of artistic and cultural value, monuments, springs, flora and archaeological sites linked to the religions of African religions; III - ensure the proportional participation of representatives of African religions, alongside the representation of other religions, in commissions, councils, bodies and other deliberative bodies linked to public authorities.”

Furthermore, the creation of the National Policy for the Sustainable Development of Traditional Peoples and Communities in 2007 by Decree 6040, which main objective is the promotion and development of traditional peoples and communities, emphasized the recognition and respect for traditional peoples’ rights as and assured, as one of its core principles, the respect, appreciation and recognition of the social and cultural diversity of traditional peoples and communities, considering amongst other things, their religiosity.

Concerning the protection of religious minorities in educational environments, article 33 of the Law of Guidelines and Bases of National Education (Law 9394 of 1996) commands respect for Brazilian cultural and religious diversity, while prohibits any kind of proselytism in public schools and establishes that the school system would consult with civil entities of varied religious denominations to define a religious educational curriculum. The mandatory teaching of African-Brazilian history and culture was also

included in that law by an amendment in 2003 (Law 10639), in both public and private schools and another addition was made in 2019 (Law 13796), allowing students not to attend classes or exams for religious reasons and ensuring that classes and exams could be replaced by other educational activities with no additional cost. This measure aims to protect several religious minorities that cannot attend the normal school calendar and would otherwise be jeopardized by activities set on Saturdays and other religious days of rest.

Violation of freedom of religion and belief is also punished by the criminal law. Articles 140.3, 149 para. 2.1, and 208 of the Criminal Code protect religious practices against discriminatory acts and violence. These clauses require respect for religious plurality, accommodate religious beliefs, and forbid discrimination against religious minorities.

RELIGIOUS MINORITIES AND THE STATES (PROVINCES)

On the level of States (provinces), several governments have passed their own legislation on religious discrimination and racial equality. The State of São Paulo has recently enacted a law that specifically punishes religious discrimination. Law 17157 of 2019 establishes administrative penalties for discriminatory actions that are religiously motivated.

The State of Rio de Janeiro also has its own law concerning administrative sanctions applicable to discriminatory actions taken on account of race, ethnicity, color, religious belief and disability (Law 1814 of 1991), created its Statute of Religious Freedom with the aim of countering any and all kinds of religious discrimination and inequalities motivated by religious belief as well as promoting religious freedom (Law 8112 of 2018), and requires proper collection of statistical data by the civil police on criminal complaints of acts against religious institutions and its members that are religiously motivated (Law 7855 of 2018 and Law 8343 of 2019).

The State of Bahia has also enacted its own protection against discrimination on the grounds of race and religious intolerance by establishing the Statute of Racial Equality and to Combat Religious Intolerance (Law 13182 of 2014).

Several municipalities have also passed their own laws and proposed bills on the protection against religious intolerance and the promotion of religious freedom, such as the Statute of Racial Equality and to Combat Religious Intolerance of Salvador, capital of Bahia (Law 1602 of 2019) and the bill aiming to sanction actions that cause damages to physical structures and religious symbols of African-Brazilian traditions in the city of São Paulo (Bill 01-00790 of 2017).

Regarding the distinction between the different kinds of minorities in both federal and state legislation referred above, the limits between different categories sometimes are blurred, as ethnicity, color and religion are addressed together. Although there are connections and intersectionality between these characteristics, especially due to the historical and grave marginalization, violence and enslavement against indigenous people and people of African descent, the categories should be treated separately, as discrimination may target one of those characteristics separately and the religious life of an individual or group should not be necessarily connected to his/her ethnicity or color.

RELIGIOUS MINORITIES IN COURTS

As for significant court decisions, the Brazilian Supreme Federal Court adjudicated in 2003 one of its leading cases on racism, involving hate speech motivated by religion and ethnicity (although it was only considered as a racism claim). In the “Ellwanger case,” the court maintained the conviction of Siegfried Ellwanger for racism after he distributed anti-Semitic and holocaust denial materials. Although the justices’ votes were not concise, one of the main arguments was that racism constitutes one of the protected characteristics recognized by Law 7716 of 1989. Even though it is a significant case, the judgment was not clear about the differences between religious discrimination and

racial discrimination, therefore not making it clear for future cases the kinds of speech that would be considered discriminatory and which groups would benefit from such consideration.

There are other court decisions concerning hate speech motivated by religious intolerance and racism. In 2016, the Federal Supreme Court upheld Ordinary Appeal on Habeas Corpus 134682, a case involving discriminatory remarks against African-Brazilian religions made by a Catholic priest. He was accused of inciting religious discrimination in his book on *Umbanda* and *Candomblé*, as he stated that the devil hides on rituals of *Umbanda*, *Candomblé* and Spiritism, comparing Spiritism to an epidemic that must be fought, calling their religious leaders victims and the Spiritism doctrine evil, amongst other harsh statements. The court recognized that, although the book's text could be considered intolerant, it did not fit the criminal offence requirements for incitement of religious discrimination (Art. 20, paras. 2 and 3 of Law 7716 of 1989). The court also concluded that the book made offensive remarks not of people, but of ideas, and was protected under freedom of expression and freedom of religion. Regarding the legal treatment of religious discrimination,

“The Court stated that his discourse was an act of proselytism, which is practised by most of the world religions and is protected by the fundamental right to freedom of religion, as one of the elements of its core. In the view of the Court, religious freedom and freedom of expression are some of the foundations of the constitutional order but should be exercised with respect to other fundamental rights. Therefore, those rights do not protect unlawful discrimination nor incitement to violence or discrimination. Freedom to manifest religious beliefs (especially in the case of religions with universal pretensions) embraces the proselytising discourse, meaning that to persuade the other, it is not unlawful to compare religions. This fundamental right even protects speech that considers a certain religion superior to other religions and those discourses that generate animosity. For the Supreme Court, this kind of expressions shall only be regarded as a criminal offence if it (i) affirms inequality (cognitive stage); (ii) affirms superiority (axiological stage); and (iii) affirms domination, exploitation, elimination, suppression, reduction of fundamental rights of individuals belonging to the other religious group (legitimacy stage). Thus, the Court does not consider it a criminal offence to utter that religions are not equal, or that they do not have the same moral value, or even that one religious belief is superior to others. The crime exists only if the speech also affirms that it is legitimate to practice discrimination or violence (e.g. domination or

exploitation) against the believers or followers of the religion or belief that is regarded as inferior.”⁵

Another relevant case is pending before the Supreme Court (Extraordinary Appeal 1212272). Jehovah’s Witnesses are categorically opposed to blood transfusions, and therefore do not use blood as it represents life. However, court judgments on this subject are controversial and the Federal Supreme Court will address the right of self-determination of Jehovah’s Witnesses to avoid blood transfusion, more specifically, the right of a patient to refuse undergoing a surgical procedure with blood transfusion.

Finally, Extraordinary Appeal 494601 analyzed the constitutionality of a State law that allowed the sacrifice of animals in African-Brazilian religious rites. The court concluded that the specific mention of African-Brazilian religions in the statute did not violate the Federal Constitution, as intolerance and stigmatization against sacrificial rituals are directly linked to intolerance against African-Brazilian religions. The Federal Supreme Court has also emphasized that the ritual is a way of exercising one’s religion, as protected by the fundamental right to freedom of religion.

PUBLIC BODIES

In 2014, the Secretariat of Human Rights created the National Committee on Respect for Religious Diversity, an entity whose objective was to combat religious intolerance at the national level by receiving complaints of religious intolerance and proposing solutions as well as public policies. The National Committee was a collegiate body of consultative nature, which purpose was to promote respect concerning religious diversity and to disseminate a culture of peace, justice, and respect to different religions and beliefs. This body was formed by 15 members, five from the government and ten from civil society, represented by religious leaders⁶.

⁵ ALVES, Rodrigo Vitorino Souza; ALVES PINTO, Thiago Felipe. **Investigations on the Use of Limitations to Freedom of Religion of Belief in Brazil**. Religion and Human Rights, v. 15, 77-95, 2020, p. 93-94.

⁶ <https://www.gov.br/mdh/pt-br/acao-a-informacao/participacao-social/orgaos-colegiados/cnrdr/comite-nacional-de-respeito-a-diversidade-religiosa>

The Committee was replaced in December of 2019 by the National Committee on Freedom of Religion or Belief⁷. The new collegiate body is of a consultative and propositional nature, linked to the National Secretariat of Global Protection of the Ministry of Women, Family and Human Rights, in order to facilitate the articulation of the Ministry with other bodies and entities, recognizing the importance of religious freedom and respect for different religions and beliefs, while preserving Brazilian's secularism. The Committee aims to subsidize, formulate and promote action guidelines and to implement plans, programs, and projects in order to protect different religions, freedom of worship and the secularity of the State.⁸ The Committee observes the guidelines placed by the National Human Rights Program (Decree 7037 of 2009).

Regional Committees were created in the past years within the States, such as:

- District Religious Diversity Committee (CDDR), established in 2016 by Decree 37056, in Brasília, Federal District;
- State Committee on Respect for Religious Diversity (CERDR), established in 2016 by Ordinance 136 in Manaus, State of Amazonas;
- State Council for the Defense and Promotion of Religious Freedom (CONEPIR), established in 2018 by Decree 46221, in Rio de Janeiro;
- Rio De Janeiro's State Plan for the Promotion of Religious Freedom and Human Rights (PEPLRDH), established in 2018 by Decree 46283;
- Minas Gerais State Committee on Respect for Religious Diversity (CDR / MG), established in 2016 by Decree 46935 in Belo Horizonte;
- Municipal Interfaith Forum for a Culture of Peace and Freedom of Belief, established in 2018 by Municipal Law 4529, in Guarujá, State of São Paulo;
- Municipal Interfaith Forum for a Culture of Peace and Freedom of Belief, established in 2016 by Municipal Law 5816 in Limeira, State of São Paulo;

⁷ See Ordinance 3075 from 2019, article 11 and <https://www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/cnrdr/o-comite>.

⁸ See <https://www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/cnrdr/o-comite>.

- State Coordination for the Promotion of Policies to Combat Intolerance and the Defense of Religious Freedom, established in 2018 by Law 16776, in the State of São Paulo.

Establishing regional Committees is a way of guaranteeing that measures are being taken to protect religious minorities nationwide, with local supervision.

Concerning parliamentary commissions, in 2015 the Federal Chamber of Deputies established the Parliamentary Front for Religious Freedom, the first of its kind, and in 2019 the Parliamentary Front for Religious Freedom, Refugees, and Humanitarian Aid was created⁹. At a regional level, in 2019, the Parliamentary Front in Defense of Religious Freedom was created in the State of São Paulo. These parliamentary groups are initiatives aiming to discuss and propose actions for the defense and protection of religious freedom and religious minorities¹⁰. Despite the complexities of the political arena, the creation of parliamentary fronts aims to ensure that there will be adequate space for debate and interaction with civil society, in order to find viable paths and solutions to promote the respect to religious freedom, which is constitutionally guaranteed. These parliamentary groups should not be confused with parliamentary groups that are religiously oriented, such as the Evangelical, the Catholic and the African Traditional Peoples' fronts.

Regarding the matter of institutions specialized in religious intolerance, in Brazil, there is the National Ombudsman for Racial Equality, a specialized entity responsible for receiving complaints of racism and religious intolerance and forwarding them to the responsible bodies at the federal, state, district, and municipal levels. The complaints received by the Ombudsman's Office give rise to administrative procedures and are classified according to its issue through an evaluation process before being forwarded to the competent authorities. The unit is under the Special Secretariat of Policies to Promote Racial Equality (Seppir), and therefore it is also responsible for receiving observations, criticisms, or suggestions to ensure that the work of the Secretariat is in

⁹ See <https://www.camara.leg.br/internet/deputado/frentes.asp>.

¹⁰ See <https://www.al.sp.gov.br/noticia/?id=402125>.

harmony with public interest¹¹. At the regional level, the State of São Paulo established its online ombudsman, under the Secretariat of Justice and Citizenship, a tool to forward complaints to the Secretariat and to facilitate the communication between individuals, the units of the Secretariat and the Government of São Paulo.¹² On the Secretariat of Justice and Citizenship's website, the ombudsman's office has a space reserved for online complaints with the option to report discrimination motivated by religious intolerance.¹³

There are initiatives also at the municipal level, such as the Center for Assistance to Victims of Religious Intolerance. It was inaugurated in the city of Nova Iguaçu in 2020, in the State of Rio de Janeiro, as the result of a partnership between the local and State governments and aims to assist victims of religious prejudice by providing psychological care, assistance, and legal orientation. This Center seeks to protect religious minorities, such as afro-religious people, and to ensure that when claiming their rights they will receive the proper attention from the State. For this purpose, the Center will create a database for the reporting of the claims made to the police and following the ongoing cases so that they can be effectively monitored.¹⁴

Concerning the institutions responsible for providing legal assistance to religious minorities, article 127 of Brazil's Federal Constitution establishes that the Federal Prosecution Service duties are to defend the juridical order, the democratic regime, and the inalienable social and individual interests. Moreover, article 129.3 defines one of the Federal Prosecution Service's institutional functions is “to institute civil investigations and public civil actions to protect the public and social patrimony, the environment and other diffuse and collective interests”, which also can also address issues regarding the protection of the honor and dignity of racial, ethnic or religious groups (Law 12966 of 2014).

¹¹ See https://www.gov.br/mdh/pt-br/noticias_seppir/noticias/2017/06-junho/seppir-recebe-denuncias-de-racismo-e-ou-intolerancia-religiosa-2.

¹² See <http://justica.sp.gov.br/index.php/contato/ouvidoria/>.

¹³ See <http://justica.sp.gov.br/index.php/contato/denuncia-online/>.

¹⁴ See <https://www.novaiguacu.rj.gov.br/2020/02/17/nucleo-de-atendimento-as-vitimas-de-intolerancia-religiosa-navir-e-inaugurado-em-nova-iguacu-3/>.

TRADITIONAL AND NEW RELIGIOUS MINORITIES

In Brazil, ethnic, religious and linguistic minorities have the right to freely exercise and express their culture, their religion, their customs and language. However, there is no legal distinction between traditional and new minorities – they are both protected under the same legal framework.

As previously affirmed, Brazil is a predominantly Catholic country. However, there are numerous religious groups within its territory, including syncretic religions, such as *Umbanda*, which combines elements of Spiritism with *Candomblé*. Among the middle classes, neo-esoteric (e.g., The Gnostic Church of Brazil, Valley of the Dawn) and ayahuasca religions have found fertile ground to grow since the 1970's. Neo-Pentecostalism also emerged in the 70's and is now one of the fastest growing religions in Brazil, this growth is congregated in the poor and working classes of the population. Many Christians see the *orixás* and spirits venerated by *Candomblé* and *Umbanda* as demons, which causes recurring conflicts in Brazil, especially between Neo-Pentecostals and members of Afro-Brazilian religions.

INDIGENOUS PEOPLES

As previously mentioned, Brazil does not have a specific national legislation addressing issues concerning minorities, however it does have legal documents that addresses its indigenous peoples, and some do recognize their cultural and religious liberty, emphasizing the need to respect indigenous tradition and autonomy.

Law 6001 of 1973, known as the “Indian Statute,” contains the rules that regulate the relationship between Brazilian society and its indigenous population. The law stated its intended purpose of integrating indigenous people to Brazilian society (in a retrograde and shameful assimilationist fashion) and considered the indigenous population to be legally incompetent. Despite that, the Federal Constitution (1988) and the New Civil

Code (2002), adopted a more respectful approach towards the indigenous self-determination. The Constitution, for example, recognizes an array of specific safeguards to ensure the protection of religious freedom and, specifically, in Chapter VIII, article 231, acknowledges the rights to their own culture, belief and traditions, as stated:

“Article 231. The social organization, customs, languages, creeds and traditions of Indians are recognized, as well as their original rights to the lands they traditionally occupy. The Union has the responsibility to delineate these lands and to protect and ensure respect for all their property.”

Although violence, discrimination, exploitation and invasion against indigenous peoples and their lands are not only historical facts, but a contemporary reality, Brazil has ratified the Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples Convention of 1989 and is one of the original signatories of the UN Declaration on the Rights of Indigenous Peoples of 2007 and supported the adoption of the OAS Declaration on the Rights of Indigenous Peoples of 2016.

CONSULTATIONS

At the regional level, a good example of consultations made by public bodies with religious minorities is the Interreligious Forum. For instance, in 2006, the Secretariat of Justice and Defense of Citizenship of the state of São Paulo promoted the 2nd Interreligious Forum for a Culture of Peace and Freedom of Belief. The event brought together more than 200 representatives of various religious groups to discuss with authorities, public bodies and civil entities, a structure on how to strengthen interfaith cooperation for the promotion of freedom of belief and a culture of peace. Furthermore, all the religious segments had the opportunity to nominate their representatives to compose the Forum.¹⁵

As previously mentioned, Brazil has several committees on the protection of religious minorities, such as the National Committee on Freedom of Religion or Belief, the District

¹⁵ See <https://www.saopaulo.sp.gov.br/ultimas-noticias/justica-2-forum-inter-religioso-institui-forum-permanente/>.

Religious Diversity Committee, the State Committee on Respect for Religious Diversity, and others. All of them represent respectively national, district and state initiatives to bring awareness to the State about the issues and needs of religious minorities, therefore, those committees are also composed by religious leaders, who should be consulted to ensure that the minorities' interests will be taken into consideration while laws are being created.

GOOD PRACTICES

Although there is no definition of minorities in the Brazilian legal system, there are several examples of legal and non-legal measures to protect the rights of people belonging to those groups. For instance, regarding religious minorities, the National Secondary Education Examination (Exame Nacional do Ensino Médio - ENEM) is a nationwide evaluation and a necessary step for students who would like to enter University (in 2019, more than 5 million people registered for the exam¹⁶), which used to take place on a Saturday and Sunday of November. However, Brazil is home to an increasing population of Seventh Day Adventists as well as to Jewish people, and every year students belonging to these religious minorities had to attend ENEM on Saturday afternoons, which went against their faith. To protect and ensure their rights, in 2011, the Ministry of Education established that candidates who were Sabbath keepers should be allowed to start their exam later, after sunset, however, they had to enter the exam room at the same time as other students.¹⁷ In 2017, understanding that the aforementioned measure was insufficient to respect their religious beliefs, the Ministry of Education decided that the exam would only happen on Sundays in consecutive weekends.¹⁸

¹⁶ See <https://educacao.uol.com.br/noticias/2019/11/03/enem-2019-24-dos-inscritos-faltaram-e-376-foram-eliminados-neste-1-dia.htm>.

¹⁷ See http://portal.inep.gov.br/artigo/-/asset_publisher/B4AQV9zFY7Bv/content/sabatistas-terao-horario-diferenciado-no-enem-2011/21206.

¹⁸ See <https://enem2019.pro.br/prova-enem-2020/>.

At the regional level, several non-governmental entities and educational/academic institutions work to protect religious minorities. The Brazilian Center of Study in Law and Religion (CEDIRE) is a unique initiative in Brazil, which strives to study the relationship between law, state, and religion from national and international perspectives, as well as to examine and promote the right to religious freedom. It is a research group established at the Faculty of Law of the Federal University of Uberlandia, located in the state of Minas Gerais, in the southeastern region of Brazil¹⁹. The Center adopted the United Nations “Faith for Rights” framework as a part of its foundation for promoting freedom of religion or belief²⁰.

Among its projects, the group produced a Good Practices Handbook, with instructions to lead public servants on how to behave when faced with conflicting circumstances regarding religious minorities. The material aims to prepare public servants from different sectors to protect and promote respect for religious groups, comprising six segments: public servants in general, public security, education, health, the prison system, and collegiate bodies. Each part of the handbook delineates what every public servant needs to know about freedom of religion and belief, as well as the importance of governmental entities responsibility for protecting religious minorities. It also specifies why it is fundamental for the State to protect those groups, and what can be done to avoid rights violations. The Center has also established a Permanent Forum for Freedom of Religion or Belief at the Federal University of Uberlandia, which fundamental objective is the establishment of spaces for dialogue on issues associated with the exercise of freedom of religion or belief in the context of a plural society. With the support of other public institutions and civil society, the Forum organizes meetings and events of different natures aimed at achieving its objectives. In 2019, the Center has created its Translation Group, in order to provide translation to several internationally relevant documents into the Portuguese language, as a way of facilitating the study of religious plurality and promoting respect for religious minorities.

¹⁹ See <https://www.direitoereligiao.org/sobre-nos/english>.

²⁰ See <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>.

Also at the regional level, the Secretariat of Justice of the State of São Paulo has organized the Interreligious Forum for a Culture of Peace and Freedom of Belief, an Interreligious Forum to emphasize the importance of establishing a democratic space for the interreligious dialog and to promote the respect to religious and non-religious belief freedom, which became a permanent forum subordinated to the Secretariat of Justice through Law 14947, in 2013. The members of the Interreligious Forum were nominated by approximately 30 religious segments, Public Prosecutor's Office, Public Defender's Office, State Public Authorities, Universities, non-profit and non-governmental organizations, and their goal is to implement policies to combat religious intolerance and to diffuse a culture of peace.²¹

The Government of the State of Paraíba has produced an orientation guide for handling complaints of racism and religious intolerance. The document's main objective is to guide vulnerable groups on how to proceed if they are victims of racism or religious intolerance. The guide provides important information to properly report racism and religious intolerance, such as concepts, legislation, and how to contact bodies and sectors where the victims of those crimes may reach to report them.²²

Even though the Brazilian Roma are considered the second biggest Roma population in the world, the Roma people are also a vulnerable minority in Brazil and still suffer discrimination. The Secretariat of Policies for the Promotion of Racial Equality, taking into consideration the position of the Roma people in Brazilian society, structured, in 2013, a Guide of Public Policies for Roma Peoples.²³ This group is disenfranchised for ethnic, racial, linguistic, and religious reasons, therefore the guide lists all the existing public policies that could apply to their protection. It is a measure to guarantee the effectiveness of the Government policies and to ensure better conditions to Roma people in Brazil.²⁴

²¹ See <http://justica.sp.gov.br/index.php/coordenacoes-e-programas/342-2/forum-inter-religioso/>.

²² See <http://ouvidoria.pb.gov.br/legislacao/guia-de-orientacao-para-denuncias-de-racismo-e-intolerancia-religiosa>.

²³ See https://bibliotecadigital.mdh.gov.br/jspui/bitstream/192/309/1/SEPPIR_Brasil_2013.pdf.

²⁴ See https://bibliotecadigital.mdh.gov.br/jspui/bitstream/192/309/1/SEPPIR_Brasil_2013.pdf.

In addition, in 2009, Decree 7037 instituted the National Human Rights Program (NHRP-3), a document created by the Special Secretariat of Human Rights, which aims to expand the promotion of Human Rights in Brazil.²⁵ Its strategic goal III establishes the goal of “Universalizing rights in a context of inequality,” which became a national reference and guided the establishment of several regional Committees in respect of religious freedom.²⁶ As far as the Brazilian Roma population is concerned, the NHRP-3 established that the States “ensure the conditions for Roma camps throughout the national territory in order to preserve their traditions, practices and cultural heritage.” (guideline 7, strategic goal III, para. (k)).²⁷

The S-System also contributes to the support of minorities by financing social services and programs as well as supporting the development of communities for marginalized groups.²⁸

Another positive measure to protect religious minorities was established by the Order of Attorneys of Brazil, by the creation of Commissions of Religious Freedom in several States in order to develop educational and preventive measures to fight religious intolerance, to train lawyers on how to handle situations of religious discrimination, to assist individuals or groups that experience religious intolerance, and to develop academic research teams on this matter – the first commission was established at the Bar Association of São Paulo.²⁹

The protection of religious minorities and minorities in general is a responsibility shared by communities, non-governmental organizations, and public bodies. It is a collaborative work that requires interaction, coordination and cooperation within and across all levels of government, in order to ensure that measures are taken to protect human rights nationwide.

²⁵ See http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d7037.htm.

²⁶ See http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d7037.htm.

²⁷ See http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d7037.htm.

²⁸ See Report of the Special Rapporteur on minority issues on her mission to Brazil, 2016, available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/56/Add.1.

²⁹ See <http://www.oabsp.org.br/comissoes2010/direito-liberdade-religiosa>.

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