

Information request related to the Resolution 47/21: “Promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality”

Brazilian Government comments

1. In relation to the request for information forwarded by letter ARDS/YB/SH/kk, of February 24, 2022, the Brazilian government presents the following elements.
2. In the area of combating systemic racism and human rights violations committed against Africans and Afro-descendants by public security agents, the National Secretariat of Public Policies (Senasp) of the Ministry of Justice and Public Security (MJSP) has sought to promote, in coordination with the Ministry of Women, Family and Human Rights (MMFDH), the creation of police stations specialized in the investigation of racial crimes in the states of the Federation. According to the most recent survey of the National Council of Civil Police Chiefs (CONCPC), the following states and federal district have specialized police stations, centers or sections for investigating racial crimes: Amapá, Bahia, Distrito Federal, Espírito Santo, Maranhão, Minas Gerais, Paraná, Rio de Janeiro, Rio Grande do Norte and São Paulo.
3. Senasp, in partnership with the National Secretariat of Management and Teaching (Segen) of the MJSP, capacitates professionals of the Public Security System (SUSP), through distance learning courses. Among the courses offered, we would like to highlight the ones on "Policing Oriented to Problem Solving", "Activities of the Councils for the Promotion of Racial Equality/EVG", "Human Rights Education/EVG", "Ethnic-Racial Policies: concepts and methods in overcoming Racism and Inequalities/EVG".
4. Senasp has also promoted public policies and actions aimed at preventing crimes against women and vulnerable groups, as well as prevention policies in public security, which include topics related to combating racism and racial discrimination in all its forms.
5. With respect to cases of violations of human rights practiced against people of African descent by public security agents, the National Secretariat of Policies for the Promotion of Racial Equality (SNPIR) of the MMFDH highlights that one of the main legal apparatus to combat racism in Brazil is the Law No. 9.459, of May 13, 1997, which defines as a crime the practice, inducement or incitement to discrimination or prejudice based on race, color, ethnicity, religion or national origin, establishing punishments for those who practice it.
6. Despite the fact that every police station is able to handle any case that violates this law, there is a Government effort to create police stations specializing in crimes of racism. Currently there are five such police stations in the country.
7. Cases of racial discrimination can also be reported to the National Human Rights Ombudsman – ONDH. The ONDH, which attends the population through several channels, receives complaints of human rights violations, in order to contribute to the fulfillment of the

State's duty to give individual guarantees to the citizen, so that they can fully exercise their citizenship.

8. Public Ministries have been creating prosecution offices dedicated to address the racial issue. These bodies are important for guaranteeing the rights of Afro-descendants, in particular with regard to the performance of public security agents.

9. Acts of the judiciary, such as the recognition of the constitutionality of affirmative actions by the Supreme Federal Court, also contribute to the non-violation of the human rights of Africans and people of African descent and to reparation.

10. With regard to the federal executive power, we highlight that the SNPIR of the MMFDH celebrated recently Technical Cooperation Agreements in the areas of public security and promotion of racial equality and respect and access to rights in the prison system.

11. These State-led initiatives were adopted in order to protect Afro-descendants and ethnic-racial profile populations against all forms of discrimination, deprivation of rights and against racial violence, and aim to capacitate and specialize professionals working in the areas of public security, such as police personnel and prison agents.

12. The following Technical Cooperation Agreements were signed:

- Project "Public Security in the Promotion of Racial Equality" (Technical Cooperation Agreement no. 7/2021, signed between SNPIR/MMFDH and SEGEN/MJSP): teaching and research actions aimed at the promotion of racial equality and the fight against racism, through activities such as symposia, seminars, webinar, publications and research on public security and the promotion of ethnic-racial equality; the project capacitates and specializes professionals of the Public Security System - Susp;

- Project "Race/Color in the Prison System: respect and access to rights" (Technical Cooperation Agreement no. 10/2021, signed between the Ministry of Women, Family and Human Rights, through the National Secretariat of Policies for the Promotion of Racial Equality - SNPIR, and the Ministry of Justice and Public Security- MJSP, through the Department National Penitentiary - DEPEN): joint actions for training employees working in the penitentiary system, through the educational platform of the DEPEN, whose objective is to encourage and qualify equality promotion actions and ethnic-racial activities within the national penitentiary system; and

- Technical Cooperation Agreement No. 8/2021, signed with the Public Ministry of Mato Grosso do Sul state, for the implementation of joint actions to combat racism and ethnic-racial discrimination, to protect young victims of violence and to exert outside control of police activity.

13. SNPIR also carried out actions to promote access to justice and protection of human rights of the most vulnerable. Agreements were signed with the Public Defender's Office of the state of Tocantins, focusing on expanding access to justice for the most vulnerable, including traditional peoples and communities. The instruments promote actions for the

defense of human rights for all and for the promotion of good practices for preventing and coping with rights violations. The agreements signed include the transfer of more than BRL 1,200,000.

14. The Brazilian authorities are committed to carry out transformative actions for the benefit of justice and racial equality, with the aim of promoting equal opportunities and mitigating the effects of discriminatory actions. There are several initiatives worth mentioning.

15. In addition to the Technical Cooperation Agreements in the area of Public Security previously mentioned, SNPIR signed the following agreements in the areas of health and education:

i. Project "Promotion of Equity in Health" (Technical Cooperation Agreement No. 6/2021, signed between SNPIR/MMFDH and SAPS/MS): elaboration of strategies and actions aimed at promoting equity in health, in order to address the social determinants and improve the health conditions of the black population, albino population, traditional communities and other populations in a situation of social vulnerability; as an offshoot of the TCA, the Ministry of Health published Ordinance No. 4.036, of December 29, 2021, which allocated more than BRL 27 million as a federal financial incentive for funding equity actions in Primary Health Care, considering the registration of quilombola populations; and

ii. Project "Racial Equality in Schools" (Technical Cooperation Agreement No. 5/2021, signed between SNPIR/MMFDH and the Basic Education Secretary of the Ministry of Education - SEB/MEC): education of primary years teachers and implementation of racial equality awareness actions at school in order to contribute to the application of Law No. 10.639, of 9 January 2003.

16. SNPIR also promotes educational actions, in order to prevent disrespect and prejudice resulting from ignorance and misinformation.

17. A consulting firm was hired, through an international cooperation project, in order to formulate the distance learning course entitled "Ethnic-racial politics: concepts and methods in overcoming racism and inequalities", composed of the following content modules:

i. Module I "Black People in Brazil: challenges and struggles";

ii. Module II "Public Policies for the Promotion of Ethnic-Racial Equality"; and

iii. Module III "International mechanisms for combating racism and ethnic-racial discrimination" (partnership with the SNPG/MMFDH).

18. The course is available at: <https://www.escolavirtual.gov.br/curso/417>.

19. SNPIR also acts through voluntary transfers of financial resources, in order to support initiatives that have the black population as their beneficiary public and/or public servants working in the areas of public security and education.

20. In 2021, SNPIR supported several projects and actions using educational and awareness-raising tools to change behavior standards and root out racist and discriminatory practices.

These projects promote social development, economic emancipation and equal opportunities for people of African descent.

21. Another initiative worth mentioning is Project BRA 15/010 ("Strengthening and Expansion of the National System for the Promotion of Racial Equality - SINAPIR"), implemented with the support of United Nations Development Program (UNDP). The project enhanced the SINAPIR through the consolidation of its institutional arrangements and the expansion of federative participation.

22. As a result of Project BRA 15/010, two public notices were issued, one for Afro-Brazilians research centers (NEABs) and another for civil society organizations (OSCs), offering BRL 1,500,000 for selected projects.

23. Public Notice No. 01/2021 established a selection process to support projects of Afro-Brazilian research centers (NEABs), through grant agreements signed between the United Nations Development Program (UNDP) and support foundations.

24. Public Notice No. 02/2021 established a selection process to support projects of civil society organizations (OSCs) in states, Federal District and municipalities participating in SINAPIR.

25. Another priority for SNPIR is the expansion of the National System for the Promotion of Racial Equality - SINAPIR. The System was created by the Racial Equality Statute (Law No. 12.288/2010) and regulated by Decree No. 8.136/2013. SINAPIR implements policies and offers services aimed at overcoming ethnic-racial inequalities. The system has become an essential instrument of the National Policy for the Promotion of Racial Equality.

26. Currently, SINAPIR has the membership of 24 states, the Federal District, and 163 municipalities, according to information available at: <https://www.gov.br/mdh/pt-br/navegue-por-temas/igualdade-etnico-racial/acoes-e-programas/sinapir/listagem-dos-entes-federados-participantes-do-sinapir>. For encouraging new members, SNPIR has sought articulation with states and municipalities and the support of parliamentarians.

27. Legislative measures, public policies, practices and initiatives are implemented based on four main drivers: (a) Recognition: stop denying and start dismantling; (b) Pursuing Justice: end impunity and build confidence; (c) Listening: people of African descent must be heard; and (d) Repair: face past legacies, take action and deliver restorative justice.

28. Regarding recognition, we would like to highlight that Brazil does not deny the issue of racism and its presence in our country's history; on the contrary, Brazil assumes its existence and works to root out racism and its consequences.

29. Brazilian authorities adopt prevention policies through education and teaching about the history of Afro-descendants, their culture and its importance for the country's national identity. An example of this is Law No. 10.639, of 9 January 2003, which amended Law No. 9.394, of 20 December 1996, in order to include in the official curriculum the mandatory subject "Afro-Brazilian History and Culture".

30. The Project "Racial Equality in Schools" was established by the Technical Cooperation Agreement No. 5/2021, signed between SNPIR/MMFDH and SEB/MEC. The project promotes the continuing education of elementary school teachers, raising awareness of racial equality in schools and contributing to the application of Law No. 10.639, of 9 January 2003.

31. Regarding the measures adopted by the Brazilian government to end impunity and increase trust, SNPIR, through its General Coordination of Ethnic-Racial Policies, has issued technical notes supporting bills relevant to the protection against racism and ethnic-racial discrimination, to the appreciation of Afro-descendant people culture and history and to the implementation of benefits and affirmative actions that benefit them.

32. With regard to the prevention of violence and racial discrimination against Afro-Brazilians, the Department of Ethnic-Racial Policies issued Technical Note No. 14/2021 (1875724), supporting Draft Bill No. 713/2019, which "Amends article 61 of the Penal Code to consider as an aggravating factor the crimes motivated by race, color, ethnicity, religion, origin, sexual orientation, gender and/or disability".

33. The General Coordination of Ethnic-Racial Policies issued Technical Note No. 07/2021, supporting Draft Bill No. 4.218/2020, which augments the punishment for racial injury and creates recovery and re-education programs for the aggressors.

34. The General Coordination also issued Technical Note No. 22/2021, supporting Draft Bill No. 1.749/2015, which makes collective racial slur a criminal offense and establishes compulsory public criminal persecution for such cases.

35. These manifestations demonstrate SNPIR's commitment to increase the level of protection for the rights of people who suffer ethnic-racial discrimination in their various ways. The issuance of favorable opinions to these draft bills aim to tighten the rules to ensure punishment of offenders, reduce the unlawful conduct of discriminatory nature, and, ultimately, change the sociocultural behavior standards.

36. The third topic of the "Agenda Towards Transformative Change for Justice and Racial Equality" highlights the importance of listening to what Afro-descendants have to say and to protect them. The Agenda ensures Afro-descendants participation and representation, the recognition of their past and current contributions. It guarantees the right of Afro-descendants to freedom of expression and pacific protest.

37. The Presidential Decree No. 10.774/2021 convened the V National Conference for the Promotion of Racial Equality - V CONAPIR, to be held on 2-6 May, 2022, with the theme "Facing racism and other related forms of ethnic-racial discrimination and religious intolerance: State policy and responsibility of all". The National Conference for the Promotion of Racial Equality is one of the main fora for the dialogue between Government and civil society on public policies and the respect for human rights.

38. SNPIR's General Coordination issued Technical Note No. 08/2021, supporting Draft Bill No. 8.350/2017, which amends Law No. 9.096, of September 19, 1995. The Draft Bill provides for the allocation of resources from the Political Parties Fund ("Fundo Partidário")

to the promotion of political participation of people of African descent. SNPIR stated that the draft bill could increase the participation of black people in the political life of the country, contributing to the diversity of Brazilian society and fostering inclusive social dialogue among all ethnic groups that compose the Brazilian society.

39. MMFDH also issued Technical Note No. 02/2022 (2757058), supporting Draft Bill No. 5.434/2016, which "amends Law No. 4.595, of December 31, 1964, which provides for Monetary Policy and Institutions, Banking and Credit Companies, creates the Monetary Council and makes other provisions, to include in it the tribute to female and black personalities in the banknotes and in metallic coins". The Technical Note states that the draft bill contributes to the strengthening of identity and the increase in the representation of black women, including the valorization of their history and culture. The draft bill, according to the Technical Note, aims at eradicating the discrimination against women of African descent and promotes their importance in the fight for rights and in the construction of our national identity.

40. Regarding freedom of expression and peaceful assembly, it is worth noting that these are rights guaranteed not only to Afro-descendants, but to all Brazilians, as enshrined in the Constitution of 1988, which provides, in its Article 5: "All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms: (...) IV - the expression of thought is free, and anonymity is forbidden; (...) XVI - all persons may hold peaceful meetings, without weapons, in places open to the public, regardless of authorization provided that they do not frustrate another meeting previously called for the same place, subject only to prior notice to the competent authority".

41. On January 11, 2022, it was published the Decree No. 10.932, which enacted the Inter-American Convention against Racism, the Racial Discrimination and Related Forms of Intolerance, signed by the Federative Republic of Brazil, in Guatemala, on June 5, 2013.

42. The Inter-American Convention is now part of the Brazilian legal system with status equivalent to that of a constitutional amendment. This highlights the importance attributed to the theme by the Brazilian authorities. The legal-normative framework was strengthened with a view to prevent, eliminate, prohibit and punish all acts and manifestations of racism, racial discrimination and intolerance.

43. SNPIR reports that, according to recent data, Afro-descendant women and people of African descent still make up one of the most vulnerable groups in the country, despite all the efforts being carried out by Brazilian authorities.

44. According to the table below, the average monthly income of Afro-descendant women is 57% less than that of white men:

	Total	White	Black
Male	2,555	3,388	1,710
Female	1,985	2,526	1,471

Source: PNAD 2019 (IBGE). Values in reais.

45. Afro-descendant women have an unemployment rate during the pandemic of 14.9%. The black population has an unemployment rate of 17.8%. The mixed race population has an unemployment rate of 15.4%. These populations make up the largest share of the unemployed (source: PNAD/IBGE - 2nd quarter 2021).

46. These groups are also vulnerable to violence. In 2019, 66% of the women murdered in Brazil were Afro-descendants, according to the Atlas of Violence published in 2021 by the Institute for Applied Economic Research - IPEA.

47. Afro-descendant children, together with women of African descent, are among the most vulnerable groups. The prevalence of households with Brazilian children under 5 years old with some degree of food insecurity was 40% among whites, 51.2% among mixed race and 58.3% among black women, according to the National Survey on Child Nutrition (ENANI-2019).

48. Afro-descendants do not stand out in the numbers of crimes committed against children and adolescents, including rape, ill-treatment and bodily injury. However, in cases of intentional violent death, Afro-descendant boys aged 15 to 17 correspond to 86% of the cases, according to the Executive Summary on Violence against Children and Adolescents published by the Brazilian Forum on Public Security.

49. Finally, we would like to highlight the Brazilian government's efforts, through the Ministry of Women, Family and Human Rights, to gather data and indicators relevant to the Afro-descendant population in a single system that is friendly and easy to consult. The Ethnic-racial Policy Monitoring System (SIMOPE) may be accessed at: <https://simope.mdh.gov.br/>.

