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Committee on the Elimination of Racial Discrimination**108th session**

14 November – 02 December 2022

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention****List of themes in relation to the combined eighteenth to
twentieth reports of Brazil*****Note by the Country Rapporteur**

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

**The Convention in domestic law and the institutional and policy framework for its
implementation (arts. 1, 2, 5 & 6)**

2. Measures to adopt anti-discrimination legislation which defines and prohibits racial discrimination in all its forms at the federal and state levels, including indirect discrimination, covering all fields of law and public life and grounds for discrimination, in accordance with article 1 of the Convention, taking into account intersectional discrimination based on grounds, such as religion, sex, gender, age, disability and sexual orientation.

3. Information on the effective application of measures taken to ensure that legislation against racial discrimination is effective in combatting racial discrimination and structural discrimination in practice, including any research and analysis on their impact.

4. Activities of the National Human Rights Council and steps taken to ensure the Council's full independence from the government. Activities of the Permanent Ombudsman Offices to Defend Racial Equality and the National Ombudsman for Human Rights under the Ministry of Women, Family and Human Rights. Measures taken to prevent any institutional weakening of the National Indigenous Foundation (FUNAI) to ensure that it can effectively uphold the rights and culture of indigenous peoples.

5. Effective implementation of current special measures, including Law No. 12,990 (referred to as the Law on Quotas in the Public Service) and quota laws to improve access to higher education amongst Afro-Brazilians, "Pardos" and indigenous peoples. Adoption of

* The present document was submitted after the deadline so as to include the most recent information.

any additional special measures within the private sector, judiciary and/or the legislature levels to eliminate persistent disparities based on race or ethnic origin.

6. Measures to address institutional racial discrimination in the criminal justice system and impunity for private and public perpetrators of racist crimes and to ensure that all victims of racial discrimination, in particular Afro-Brazilians, indigenous peoples and others who lack financial resources, receive support to access justice, across different States in Brazil. Measures to ensure the National Public Defenders Office are allocated adequate resources to provide legal aid.

7. Details on awareness-raising activities on the Convention and the judicial and non-judicial complaint mechanisms available to victims of all forms of racial discrimination, including amongst lawyers, magistrates, employers, advocates, prosecutors, law enforcement officials and the general public.

Racist hate crime and hate speech (arts 2 and 4)

8. Further measures taken to prevent and combat hate speech in all forms, including in the media, online and by high-profile politicians and public figures, in line with article 4 of the Convention. Further measures taken to prevent and combat hate crimes. Steps to ensure that all reported cases of racist hate crimes and hate speech are duly investigated that those found responsible are prosecuted and punished with sanctions commensurate with the gravity of such crimes, and that victims are provided with effective remedies. Detailed statistics about complaints of racist hate crime and hate speech, including the number of investigations, prosecutions and convictions and any remedies provided to victims.

9. Measures taken to ensure that the legislation in the State party fully complies with all provisions of article 4 of the Convention. Information on whether all forms of racist hate speech are criminalised within the national legal framework. Information on whether the penal code includes a racist motive as an aggravating circumstance.

Situation of the Afro-Brazilian population and Quilombo communities (arts. 2-5)

10. Measures taken to ensure the adequate political representation of Afro-Brazilians, and Quilombos, including those who are illiterate. Measures taken to prevent politically motivated violence, intimidation and threats in the context of electoral processes and their long-term chilling effect on the representation of Afro-Brazilians and Quilombolas within decision-making fora.

11. Measures taken to effectively protect civic space, and uphold the rights to freedom of association, assembly and expression, amongst members of civil society organizations, human rights defenders and journalists, including those representing and/or working on the rights of Afro-descendants and Quilombos. Measures to ensure adequate resources are provided to the Program for the Protection of Human Rights Defenders (PPDDH), to ensure effective protection of Afro-Brazilian and Quilombo human rights defenders. Information on the measures taken to investigate, punish and remediate acts of violence, threats and intimidation against Afro-Brazilian and Quilombo human rights defenders.

12. Additional measures to reduce the high homicide rates of Afro-Brazilians. Data on the number of homicides of Afro-Brazilians within the reporting period and the number of convictions for such crimes, as well as remedies provided to victims and their families.

13. Further measures taken to reduce the violence against and killings of Afro-Brazilians by law enforcement officials. Legal provisions on the use of force and measures to comply with national legal decisions, such as the Supreme Court injunction against police raids in favelas during the COVID-19 pandemic. Status and outcomes of investigations into the police raids in Favela Jacarezinho in May 2021 and in Favela Cruzeiro, in May 2022, including statistics, disaggregated by race, on the number of individuals killed or injured. Steps taken to address impunity amongst perpetrators of excessive and lethal use of force, and efforts have been made to provide remedies to victims and their families.

14. Effective measures taken to effectively prevent and protect racial profiling by law enforcement officials amongst Afro-Brazilians, including the adoption and implementation of human rights education and training, recruitment measures, community policing activities

and disaggregated data collection. Information about the status of the killing of a neuro-divergent, black man in the context of a traffic stop by the Brazilian Federal Highway Police, in May 2022, including any findings on role that racial profiling played in this incident. Measures taken to ensure accountability for racial profiling and provide access remedies to victims of racial profiling and their families.

15. Measures taken to address the discrimination and overrepresentation of Afro-Brazilians in the prison system. Up to date and fully disaggregated statistics about the ethnic composition of the prison population. Measures to improve the treatment of Afro-Brazilians and members of other ethnic groups within the prison system, including allegations they are disproportionately impacted by torture and ill-treatment perpetrated by prison officials.

16. Updated and detailed information on the situation of Afro-Brazilians and Quilombos in the context of COVID-19, as per the letter sent by the Committee to the State party on 29 April 2022 under its Early Warning and Urgent Action Procedure. Updated information on measures taken to address the disproportionate impact and socioeconomic consequences of the COVID-19 pandemic on Afro-Brazilians and Quilombo communities.

17. Measures to prevent increasing harassment, discrimination and acts of violence against practitioners of Afro-religions, as well as vandalism of places of worship, including *terreiros*, and desecration of Afro-religious symbols. Statistics on the number of reports of such crimes and the outcomes of all such complaints. Information about the status of the Rio de Janeiro State Legislative Assembly's commission of inquiry to investigate increasing religious intolerance and any available findings from the inquiry, as well as information about whether similar measures have been taken in other states and/or at the Federal level.

18. Impact of the measures taken to address racial segregation in housing and decrease the number of Afro-Brazilians who either live in inadequate housing, including favelas, or are homeless.

19. Additional measures to reduce income inequalities between White Brazilians and Afro-Brazilians. Measures to combat and reduce high levels of poverty amongst Afro-Brazilians.

20. Measures taken to prevent and punish discrimination against and exploitation of Afro-Brazilians in employment. Statistics on claims, investigations, prosecutions and remedies for such discrimination.

21. Measures to further decrease the disparity in literacy and education in primary and secondary school between Afro-Brazilian and White students. Information about whether targeted measures were taken to prevent the disruptions in education, caused by the COVID-19 pandemic, from deepening disparities between Afro-Brazilians and White students. Updated information on steps to fight racial discrimination and institutional racism in the health care system and their impact.

22. Measures to combat multiple and intersectional forms of discrimination against Afro-Brazilian women and women belonging to ethnic minorities, including with respect to being subjected to violence, labour market discrimination and prejudice within the criminal justice system. Further information on measures to address the persistence of high maternal and infant mortality rates among Afro-Brazilian and Quilombo women and to ensure access to health and reproductive health services without discrimination. Efforts to address restrictive legislation and practices in the field of sexual and reproductive health and their disproportionate impact on Afro-Brazilian and Quilombo women, including with regard to voluntary termination of pregnancy.

23. Measures taken to expedite the legal recognition of Quilombo communities and of granting land titles to these communities and safeguard their traditional ways of life. Measures to ensure that prior, free, and informed consent is guaranteed during the planning and implementation of all large-scale development projects that will affect traditional Quilombo territories and their land. Steps to protect the inhabitants of Quilombo territories from violence. Socio-economic situation and development of Quilombo communities, in particular their access to education, health, sanitation, housing, infrastructure, transport and communication services.

Situation of indigenous peoples (arts. 5 and 6)

24. Measures taken to effectively protect civic space, and uphold the rights to freedom of association, assembly and expression, amongst members of civil society organizations, human rights defenders and journalists, including those representing and/or working on the rights of indigenous peoples. Measures to ensure adequate resources are provided to the Program for the Protection of Human Rights Defenders (PPDDH), to ensure effective protection of indigenous human rights defenders. Information on the measures taken to investigate, punish and remediate acts of violence, threats and intimidation against indigenous human rights defenders.

25. Measures to guarantee, in law and in practice, the free, prior and informed consent of indigenous peoples in all policymaking and decisions that affect them, including with regard to their land. Measures taken to expedite the demarcation process of indigenous land and uphold the existing applicable legal framework. Measures taken to constrain the use by the judiciary of the “security suspension” mechanism and on the institutionalization of the Temporal Landmark thesis. Measures to prevent the forced evictions of indigenous peoples, in cases of conflicting interests over indigenous lands and resources.

26. Measures to address increasing violence against indigenous peoples, including homicides, perpetrated by State and private actors, particularly against women, and to tackle the pervasive impunity for such acts of violence.

27. Measures to combat the high mortality rate among indigenous children. Measures to ensure the birth registration of all indigenous children. Socio-economic situation and development of indigenous communities, in particular their access to education, health, sanitation, housing, infrastructure, transport and communication services.

28. Updated and detailed information on the situation of indigenous peoples in the context of COVID-19, as per the letter sent by the Committee to the State party on 29 April 2022 under its Early Warning and Urgent Action Procedure. Updated information on measures taken to address the disproportionate impact and socioeconomic consequences of the COVID-19 pandemic on indigenous peoples.

29. Steps taken to ensure the cultural survival of indigenous peoples, including to protect the right of indigenous to receive education in their own languages and on measures to protect indigenous languages that are threatened with extinction. Measures taken to ensure the physical and cultural survival of isolated indigenous peoples and those in initial contact situations.

30. Impact of climate change, deforestation, agro-business, infrastructure and development projects and extractivism in the Amazon region on marginalized communities, particularly indigenous peoples, as well as measures to reduce such phenomena and mitigate their impact. Measures to effectively enforce environmental law enforcement and prevent illegal deforestation activities. Measures to assess the impact of any proposed changes to environmental regulations on indigenous peoples and Quilombola communities.

31. Impact of infrastructure and development projects on Xavante indigenous peoples, as per the letter sent by the Committee to the State party on 29 August 2022 under its Early Warning and Urgent Action Procedure.

Situation of Roma and other ethnic minorities (arts. 5 and 6)

32. Measures to ensure that Roma can enjoy their basic rights with respect to education and public health, medical care, social security and social services. Measures to ensure that all cities with Roma camps develop public policies for their Roma communities. Update on measures to ensure access to civil documents, including birth registration, for all Roma. Measures to collect disaggregated statistics about the economic and social situation of Roma.

Situation of non-citizens, including migrants, refugees and asylum seekers (arts. 5 and 6)

33. Measures taken to ensure that non-citizens, including migrants, refugees and asylum seekers, have access to essential educational and health services and employment, including

any targeted measures to mitigate the impact of the COVID-19 pandemic on non-citizens. Measures to combat exploitation and discrimination of non-citizens in accessing employment and working conditions, including exploitation. Measures taken to combat discrimination and xenophobia against non-citizens, particularly those from Venezuela.

34. Measures taken to protect refugees, particularly those from Venezuela and/or women and girls, from becoming victims of trafficking in persons. Measures to investigate, punish etc, cooperate with origin countries.

35. Measures to ensure access to fair and efficient asylum procedures without discrimination based on race, colour, descent, or national or ethnic origin, and to uphold the principle of non-refoulement, including since the outset of the COVID-19 pandemic. Resources allocated to the National Committee for Refugee's Status Determination Unit to ensure the processing of asylum claims and the safety and wellbeing of individuals seeking international protection whilst their claims are being processed. Measures to address the indefinite non-admittance of asylum seekers at airports in Rio de Janeiro and Sao Paulo.

Education to combat prejudices and promote understanding (arts. 1, 2 and 6)

36. Adoption of a national plan of action or strategy to combat structural racial discrimination based upon consultations with relevant stakeholders, including civil society organizations, representing the groups most exposed to racial discrimination.

37. Measures to incorporate the history, cultures and religions of people of African descent, indigenous peoples, Quilombola and other ethnic groups, as well as human rights, racism and racial discrimination, into the education system. Detailed information about the implementation and impact of the national curriculum guidelines to the education of ethnic-racial relations and teaching of African and Afro-Brazilian history and culture; and the national curriculum guidelines for Quilombola school education.
