



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I write to inform you that in the course of its 104th session, the Committee considered additional information received under its early warning and urgent action procedure, related to the situation of indigenous peoples and Afro-Brazilians, in the context of COVID-19 in Brazil. In this regard, the Committee refers to its previous letter of 7 August 2020 relating to the same matter.

According to the information received, the situation of the COVID-19 in Brazil has had a dramatic impact on indigenous peoples, particularly in the State of Amazonas. The information claims that Government authorities have diffused messages against public health measures to contain the pandemic, resulting in weakening the popular adherence to health recommendations based on scientific evidence.

The information further claims that the indigenous health policy benefits only indigenous peoples living in official indigenous lands (“Terra Indígena”), leaving those residing in urban and rural areas unprotected. The information also alleges that the inefficient management of public health and the neglect of hospitals in regions inhabited by indigenous peoples, including with regard to the lack of stock of oxygen and of adequate emergency flow of oxygen supply, has exacerbated the deaths from COVID-19 among indigenous peoples.

According to the information received, the Government of Brazil has not issued a recommendation at the national level that specifically addresses respect for funeral rites and burials of indigenous persons, leading to disrespect of the cultural traditions of indigenous peoples and to burials without the authorization of indigenous families. Reportedly, some civil registry offices have refused to recognize the indigenous identity of the deceased, which has allegedly deepened the underreporting of indigenous deaths.

The Committee has also received information alleging that the police carried out two violent operations in the favelas of Rio de Janeiro in violation of a Supreme Court ruling of June 2020, which temporarily bans police operations in the communities of Rio de Janeiro for the duration of the COVID-19 pandemic. Allegedly, the police has ignored the prohibition, as the number of police operations has increased in October 2020 and the first semester of 2021.

The first reported situation refers to an operation carried out by the Civil Police of Rio de Janeiro on 6 May 2021 in Jacarezinho, which resulted in the death of 28 Afro-Brazilians and leaving many wounded. The second situation concerns a young Afro-Brazilian pregnant woman, who was allegedly shot to death on 8 June 2021 during a Military Police action in Complexo de Lins Vasconcelos.

Her Excellency Mrs. Maria Luisa Escorel de Moraes
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The information received questions the independence of the investigations of these violent incidents as it is allegedly under the responsibility of the Civil Police of Rio de Janeiro. Furthermore, according to the information received, in May 2021 the Civil Police Secretariat of Rio de Janeiro imposed a five-year secrecy measure on all documents related to police operations since June 2020, which cover the operations that took place in Jacarezinho and in Complexo de Lins Vasconcelos.

According to the information received, the above-mentioned incidents only represent two recent examples of the systemic violence and racial discrimination against Afro-Brazilians by State agents, especially by members of police institutions. It is also alleged that the failure by the Government of Brazil to hold accountable police forces for violent and racist acts against Afro-Brazilians, has resulted in the repetition of similar acts and perpetuates the structural racism prevalent in Brazilian law enforcement.

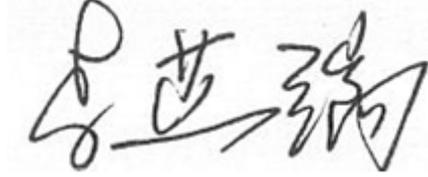
In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee would like to request the State party to provide a response to the allegations outlined above, by 15 October 2021. In particular, the Committee requests the State Party to provide information on:

- (a) The measures adopted to ensure that indigenous peoples have access without discrimination to quality and culturally appropriate health services, treatment and vaccines against COVID-19, including for those indigenous individuals living outside the official indigenous lands (“Terra Indígena”);
- (b) The actions taken to include and consult with indigenous peoples in the decision making process on the measures to prevent and combat the COVID-19 pandemic and its effects in their communities;
- (c) The measures adopted to accurately register COVID-19 deceases, including those of indigenous peoples, and to ensure that indigenous peoples burials could take place according to their culture and traditions, and in consultation with them;
- (d) The investigations initiated on the above-mentioned incidents of police violence against Afro-Brazilians, the measures adopted to ensure that they are conducted independently, thoroughly and impartially, and the results of those investigations;
- (e) The measures adopted to prevent police violence against Afro-Brazilian as well as to enquire on the structural dimension of police violence and racial discrimination against Afro-Brazilians, and report to the Committee on the results;
- (f) The actions taken to guarantee the full compliance with the ruling of the Supreme Court to ban police operations in communities of Rio de Janeiro during the COVID-19 pandemic.

The Committee requests the State Party to include in its reply the information requested in its previous letter of 7 August 2020, as it relates to the same matter.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Brazil, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination