



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2931st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 November 2022, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3.10 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined eighteenth to twentieth periodic reports of Brazil (CERD/C/BRA/18-20; CERD/C/BRA/Q/18-20)

1. *At the invitation of the Chair, the delegation of Brazil joined the meeting.*
2. **Ms. Britto** (Brazil) said that significant efforts had been made since 2019 to clear the backlog of overdue reports to the human rights treaty bodies. The report to the Committee, which had been due in 2008, had thus been submitted in 2020. The backlog had now been cleared and Brazil was up to date with its reporting obligations.
3. The Racial Equality Statute provided the legal framework for racial equality policies in Brazil. It was intended to ensure effective equality of opportunities for the black population, protect individual and collective ethnic rights, and fight against discrimination and other forms of ethnic intolerance. The National System for the Promotion of Racial Equality had been established pursuant to the Statute and aimed to organize and coordinate the implementation of policies and services with a view to overcoming ethnic disparities in the country.
4. In the 10 years since the adoption of the quota law for higher education institutions, the number of black students attending federal public universities had increased by almost 400 per cent. For the first time, black students now made up the majority in public universities, accounting for 50.3 per cent of all enrolled students. In the field of health care, the National Policy for the Comprehensive Health Care of the Afro-Brazilian Population sought to reduce ethnic inequalities and combat racial discrimination in the institutions and services of the Unified Health System.
5. The National Indigenous Foundation, which had branch offices throughout the country, was responsible for protecting the rights of Indigenous Peoples and providing services to approximately one million Indigenous people. Brazil was home to 305 ethnic groups and 274 Indigenous languages, which constituted an immensurable cultural wealth. The many advances made in the past four years included the strengthening of protection for Indigenous Peoples, including isolated and recently contacted Indigenous groups, enhanced inspection of Indigenous lands, and the promotion of self-sufficiency and income generation in Indigenous villages.
6. In the field of education, legislation had been in place for almost 20 years establishing the obligation to include the study of Indigenous and Afro-Brazilian cultures in the basic education curricula. The federal Government promoted ongoing teacher training in that area.
7. In 2022, the National Policy for the Health Care of Indigenous Peoples had been added to the Unified Health System. The Policy acknowledged the effectiveness of traditional Indigenous health practices and systems and adopted a complementary model, through which health care was provided to Indigenous people without sacrificing their customs and traditions. The federal Government had also introduced the National Programme of Access to Drinking Water in Indigenous Lands in 2022, whose goals included universal access to drinking water and implementation of educational actions on basic sanitation and rational use of water.
8. In the context of the coronavirus disease (COVID-19) pandemic, 88 per cent of the adult Indigenous population had been vaccinated. With a view to mitigating the effects of the pandemic, the Government had invested billions of dollars to grant emergency aid to some 68 million people, approximately 77 per cent of whom were Afro-Brazilians. More than 2 million food baskets had been distributed to Indigenous, quilombola and other traditional communities.
9. When it came to migration and asylum policy, priority was given to migration regulation, the protection of migrants' and refugees' rights and their socioeconomic integration, without discrimination of any kind. The new law on migration had provided for the introduction of a humanitarian visa for foreign nationals in countries experiencing major

or impending institutional instability or armed conflict. The Government currently granted humanitarian visas to citizens and stateless persons affected by the conflicts in Ukraine and Syria and the situation in Afghanistan as well as those living in Haiti. Brazil had taken in over 345,000 Venezuelans, more than 51,500 of whom had been granted formal refugee status. Operation Welcome, the cornerstone of the Brazilian response to the influx of Venezuelans, was run by a multisectoral task force made up of government agencies, civil society organizations and international bodies.

10. **The Permanent Representative of Brazil to the United Nations and other international organizations in Geneva** said that the Government of Brazil supported international efforts to combat racism, racial discrimination, xenophobia and related intolerance. It was committed to the process of following up on the Durban Declaration and Programme of Action and had constructively participated in the negotiations on the creation of the Permanent Forum on People of African Descent. At the regional level, Brazil had ratified the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance in 2022, which had been incorporated into the domestic legal order through a constitutional amendment.

11. Brazil also actively engaged in seeking consensus and supporting the various resolutions of the General Assembly and the Human Rights Council on combating racism and discrimination and on the rights of Indigenous Peoples. It reiterated its support for the resolution entitled “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, which would be considered by the Third Committee of the General Assembly that week.

12. As the end of the International Decade for People of African Descent was approaching, the Brazilian Government considered it essential to develop collective responses to overcome racism and promote justice, recognition and development, based on the principles of solidarity and cooperation. The Brazilian delegation had participated actively in the discussions on the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent.

13. Brazil had extended a standing invitation to the special procedures mandate holders of the Human Rights Council. The Working Group of Experts on People of African Descent had visited Brazil in 2013, while the Special Rapporteur on the rights of Indigenous Peoples had visited in 2016. It was hoped that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, and the Working Group of Experts on People of African Descent would organize country missions in 2023. Brazil had received invitations in 2021 and 2022 to participate in meetings of the Expert Mechanism on the Rights of Indigenous Peoples concerning country engagement.

14. **A representative of Brazil** said that, in order to support the most vulnerable segments of the population, the Government implemented programmes that combined income transfer, social protection and productive inclusion in urban and rural areas. The mapping of specific population groups had been made possible through the introduction of differentiated registration in the Central Register of Social Programmes of the Federal Government. Among the groups currently included in the Register were Indigenous Peoples, quilombolas, Roma, traditional fishermen, and family members of persons deprived of their liberty. Some 91 million people were registered in the Central Register, of whom almost 11 million identified as belonging to traditional and specific population groups and more than 63 million as black.

15. As a result of the emergency aid programme introduced in response to the COVID-19 pandemic, extreme poverty had fallen from 5.4 per cent to 1.9 per cent and, according to World Bank data, a total of 7.23 million people had been lifted out of poverty between 2019 and 2020. Building on that success, the country’s main income transfer programme had been redesigned to create the Brazil Aid (Auxílio Brasil) Programme, which provided complementary benefits in the areas of social assistance, health, sports, early childhood, employment, income and rural and urban productive inclusion. The Programme currently catered to 21 million vulnerable families. Food baskets had been distributed to some 2.5

million traditional and specific population groups in partnership with the Palmares Cultural Foundation and the National Indigenous Foundation.

16. **Ms. McDougall** (Country Rapporteur) said that racial inequality was fundamental to the make-up of the Brazilian State and society, which were built on the conquest of Indigenous Peoples and an estimated 5 million enslaved Africans. Although slavery had been formally abolished in 1888, the country's exclusionary institutions, racist social fabric and widespread stereotypes about race reflected the persistence of racialized domination to the present day. Racism in Brazil was structural, intersectional and multi-layered throughout all institutions of economic, social, cultural and political life.

17. Regrettably, the report included demographic data only up to 2017. As the census due to have been conducted in 2020 had been cancelled because of the COVID-19 pandemic, she would like to know when the next census would be taken, whether it would include categories for self-identification that permitted disaggregation of data in line with article 1 of the Convention and the Committee's general recommendations, and whether consideration would be given to adding LGBTQIA+ status and disability status to those categories.

18. Given that black and Indigenous women experienced disproportionately high rates of poverty, she wished to know why key government programmes that had been essential in overcoming poverty and food insecurity had recently been discontinued, or had their budgets reduced, or had been replaced with less effective programmes. She would be interested to hear what policies, other than food baskets, were currently in place to guarantee the right to food and nutritional security of black and Indigenous communities. The delegation might also describe what measures had been taken to mitigate the long-term impact of COVID-19 on Afrodescendent and Indigenous communities experiencing poverty.

19. In view of the fact that the black population had suffered disproportionately from the COVID-19 pandemic, she wished to know what measures the State party had taken to ensure that persons of African descent, Indigenous people and quilombola communities had access to the COVID-19 vaccine in a timely and equitable manner. She would welcome further information on measures to address the persistence of high maternal and infant mortality rates among Afrodescendent and quilombola women and to ensure access to health and reproductive health services without discrimination, on efforts being made to address restrictive legislation and practices in the field of sexual and reproductive health and their disproportionate impact on Afrodescendent, Indigenous and quilombola women, including with regard to voluntary termination of pregnancy, and on administrative and oversight measures in place to ensure that contraceptive and legal abortion services were provided with respect for the rights of patients regardless of race or ethnicity.

20. She would like to know whether the decisions to freeze investments in health and education had been reconsidered and whether the National Policy for the Comprehensive Health Care of the Afro-Brazilian Population had a budget that allowed for its mission to be successfully executed. She would also like to know the status of the provision of mental health services to black communities and whether there were adequate numbers of trained black medical and mental health professionals to deliver services in a culturally sensitive manner. The delegation might indicate whether health-care providers were trained to provide equal care regardless of race and ethnicity and to ensure that resources were allocated to combating racism, sexism, lesbophobia and transphobia. It might also describe the measures in place to establish and monitor guidelines to combat institutional racism, including obstetric violence, in medical services and all public institutions.

21. According to the State party report, although housing policy had achieved significant results, it was still not sufficient to definitively break the "segregationist logic" that characterized the geography of the main Brazilian cities. She would appreciate clarification of the term "segregationist logic" in that context. She would be interested to know the impact of the measures taken to address racial segregation in housing and decrease the number of persons of African descent who either lived in inadequate housing or were homeless and what measures were being taken to address the water, sanitation, electricity and other vital needs of persons of African descent living in favelas and of Indigenous and quilombola communities.

22. According to the State party, policies based on affirmative action, protection and social promotion had led to a 63 per cent decline in extreme poverty between 2004 and 2014. However, unemployment rates for persons of African descent were invariably higher than those for white people. In addition, the majority of women of African descent were paid domestic workers with low levels of education, low remuneration and low social security coverage. Many of them had lost their jobs during the COVID-19 pandemic, a situation that had also revealed the repressive working conditions faced by many Afrodescendent domestic workers. In addition, the Committee was aware of the disturbing situation of black women who were engaged in unpaid care work.

23. There had always been stark income differentials between employees belonging to different social and racial groups. Persons of African descent in general had earned about half as much as white people in 2015 and the rate for women of African descent had been about 40 per cent. Decree No. 4228 of 2002 had established the National Affirmative Action Plan and Law No. 12,990 on Quotas in the Public Service reserved 20 per cent of vacancies in the federal public service for people of African descent. However, the current austerity policies had jeopardized the implementation of such measures. The Committee would therefore welcome a detailed update on the status of the National Affirmative Action Plan and the Law on Quotas in the Public Service. It wished to know how many persons of African descent had gained employment in the public service and at what level. It would also appreciate information regarding any new programmes aimed at reducing or eliminating income inequalities. As Law No. 9,029/1995 expressly prohibited discriminatory practices regarding access to or maintenance of employment, for instance on the grounds of gender, nationality, race or skin tone, the Committee wished to know what measures had been taken to prevent and punish discrimination against and exploitation of Afrodescendent or Indigenous persons in employment. It would like to know whether there was an agency to implement Law No. 9,029/1995, to raise the awareness of black and Indigenous workers of their rights and to receive complaints. The Committee would also welcome statistics on complaints, investigations, prosecutions and remedies with respect to such discrimination.

24. Nearly 9 per cent of the 11 million illiterate people aged 15 years or older had been black in 2019 and black people had accounted for 44.4 per cent of school dropouts. The affirmative action initiatives adopted in higher education had fortunately led to a significant increase in the participation of Afrodescendent students in public and private universities.

25. She wished to know whether Law No. 10,639/2003 concerning the obligation to teach African and Afro-Brazilian history was still in force and, if so, whether its effectiveness had been assessed. She asked what measures were being taken to reduce the disparity in literacy and primary and secondary education between Afrodescendent and white students. She would also appreciate data on educational disparities between indigenous and white students. The Committee would like to know whether measures had been taken to prevent the disruptions in education caused by the COVID-19 pandemic from deepening disparities between Afrodescendent and white students. It would also welcome updated information on the availability of university scholarships for Indigenous and Afrodescendent students and support for the enrolment of students with disabilities.

26. The level of political representation of black and Indigenous persons was very low. The Committee had been informed of a policy to grant public funds to political parties based on the number of black candidates sponsored for elections, but the policy had been criticized for motivating parties to sponsor candidates who falsely identified themselves as black.

27. The social media reportedly disseminated a large amount of violent sexist, racist and misogynous comments, targeting black and Indigenous women candidates in particular. The Committee wished to know what steps had been taken to prevent the dissemination of such threats in the media and cyberspace, including the creation of effective mechanisms for monitoring and investigating cases of political violence, particularly gender-based violence. It would also be useful to know what measures could guarantee the full exercise by the black and Indigenous population of their political rights, for instance procedures for monitoring political parties and efforts to generate more black and Indigenous candidates for the National Congress.

28. **Mr. Payandeh** (Country Task Force) said he wished to know whether the State party's anti-discrimination laws covered direct and indirect discrimination and intersectional forms of discrimination, for instance with regard to race and gender, sexual orientation, disability and religion. He also asked whether discrimination was prohibited under private law, for instance in the context of housing, admission to restaurants, and access to goods and services. According to the State party's report, compensation for racial prejudice and discrimination could be obtained through civil lawsuits. He wished to know whether that possibility existed for all forms of discrimination or only for crimes.

29. Given that human rights treaties took precedence over ordinary law or enjoyed constitutional status in the State party, he asked whether there had been any cases in which the judiciary, the executive or the legislature had invoked the Convention. The Committee welcomed the ratification by the State party of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and was interested in hearing what concrete steps it would take in order to comply with its obligations under the Convention.

30. As the Committee had been informed that access to justice for racial discrimination and racist crimes remained elusive in the majority of cases, it wished to know whether disaggregated data were collected at the federal and state level in order to assess the effectiveness of measures to implement the anti-discrimination laws. It would also be useful to know whether victims' reluctance to seek justice was attributable to implicit bias or overt discrimination by State agents, including the police, public prosecutors and the courts. According to the State party's report, judges rarely took racial slurs or racist speech against persons of African descent seriously. That attitude seemed to imply a lack of sympathy for victims of racial discrimination in the judicial system. He also wished to know whether lengthy trial delays and high acquittal rates discouraged victims from filing complaints with the courts, and whether the lack of financial resources and a lack of trust in public institutions also played a role, especially among black and Indigenous peoples. The Committee had been informed of civil society complaints regarding the lack of accessibility of public defenders, and of backlashes against institutions that could be accessed by victims of racial discrimination, for example the dissolution of the Special Office for Policies for Promotion of Racial Equality.

31. He asked what measures had been taken to enhance the accessibility and attractiveness of the justice system for victims of discrimination, for instance through awareness-raising campaigns, training for members of the judiciary and specific forms of legal aid. He wished to know whether the law permitted a shift in the burden of proof in discrimination cases, whether there were mechanisms for collective enforcement, such as class action lawsuits, and, if not, whether the State party had considered any such measures.

32. He asked whether there were any procedures for consulting communities affected by racial discrimination, including Afrodescendent and Indigenous communities, about the implementation of existing anti-discrimination legislation and possible amendments.

33. The Committee had been informed that the Commission of Legal Experts that had been mandated to identify gaps and challenges in the legal framework relating to racial discrimination had issued its final report in November 2021. It wished to know what legal gaps had been identified and what action was being taken to implement the recommendations. He asked whether there were any plans to reinstate the institutions dealing with racial discrimination that had been abolished, weakened or marginalized in recent years and to provide them with the necessary resources to exercise their functions effectively.

34. **Mr. Vega Luna** (Country Task Force) said that the State party's institutions for the defence and promotion of human rights failed to comply with the Paris Principles in terms of their autonomy and independence. Accordingly, there was no human rights institution that formed part of the Global Alliance of National Human Rights Institutions (GANHRI). The Committee would therefore appreciate information on the political, legal and institutional measures that were being taken by the State party in order to establish an institution that complied with the Paris Principles. It would also appreciate an update on the application for accreditation of the Federal Public Defender's Office by the GANHRI Subcommittee on Accreditation in October 2021.

35. As the Committee had received information regarding the institutional weakening of the National Indian Foundation (FUNAI), he would like to know whether there were any plans to strengthen its institutional framework and capacity to defend the rights of Indigenous peoples. He also wondered what steps had been taken to ensure coordination and coherence between institutions working to promote and protect human rights. Given the reports it had received on the institutional weakening and reduction of the budgets of institutions that defended human rights and racial justice, the Committee would appreciate receiving updated information on the current institutional, regulatory and budgetary situation of human rights institutions and on measures to bolster their activities.

36. **Mr. Payandeh** expressed concern about the rising number of incidents of hate speech, particularly against Afrodescendent and Indigenous peoples. He added that there had been nearly no legal proceedings involving hate speech, an extremely low number of investigations and an even lower number of convictions. Judges also seemed to be reluctant to acknowledge the racist dimension of a crime, in particular racist hate speech. He wished to know whether the State party was taking any action to address the lack of implementation of hate speech and hate crime laws. He also asked what action had been taken in response to the concern expressed by the Committee in its previous concluding observations ([CERD/C/64/CO/2](#)) regarding the underreporting of hate speech and hate crimes, and the recommendations concerning the training of judges, public prosecutors, lawyers and law enforcement officials on racist crimes.

37. As the Committee had received numerous reports of racist hate speech against Afrodescendent and indigenous peoples by public authorities, it wished to know how the State party fulfilled its obligation to ensure accountability, especially when high-ranking government officials referred to racist stereotypes and engaged in hate speech. He wondered whether existing laws prohibited racist organizations and, if so, whether the laws were implemented. It would be useful to know whether the online complaints system had been evaluated. There seemed to be a rather low rate of removal of racist content, and very few criminal proceedings or sanctions such as suspension of accounts. He wished to learn about the scope of the legal provisions governing online hate speech and any reform projects to ensure legal recognition of the fact that cyberspace could be used to perpetrate racist crimes.

38. The Committee wished to know what measures the State party was taking to address the widespread dissemination of stereotypes of Afrodescendent and Indigenous persons in the media and whether there were any regulations to prevent the media from doing so. It would like to hear about any plans to increase the participation of Afrodescendent, Indigenous and other marginalized groups in the media and in mechanisms aimed at regulating the media.

39. **Mr. Kut** (Follow-up Coordinator) said that the Committee's follow-up procedure had not been in force when the previous concluding observations on the State party had been issued. However, it would be applicable to the forthcoming concluding observations. The Committee attached great importance to the identification of a limited number of recommendations on which effective action could be taken by the State party within one year. The Committee also expected to receive an interim report on such action within the same period.

40. **Mr. Diaby** said that the Committee had been informed that more than 6,000 deaths each year were attributable to law enforcement officers and that black persons accounted for about 80 per cent of the fatalities. It therefore wished to know who ordered or permitted such acts, how many investigations were conducted and how many led to convictions.

41. As human rights defenders who acted on behalf of Afrodescendent and Indigenous people were constantly threatened, he asked whether the State party planned to enact legislation to protect them. It would be useful to know whether civil society organizations, especially those who defended Afrodescendent and Indigenous people, had been consulted during the preparation of the report to the Committee. It would be interesting to hear about the rate of representation of such communities, not only in the National Assembly but also in the media and in action taken to prosecute the dissemination of hate speech.

42. **Ms. Ali Al-Misnad**, noting that the rate of illiteracy in the State party was higher in the northern region, said that she would be grateful for information about the composition of

the population in that region. She also noted that higher rates of school dropout were recorded in rural than in urban areas. The head of the delegation had stated that black people currently accounted for more than 50 per cent of students enrolled in higher education. Yet according to the information that she had received, the enrolment ratio of students in the 16–24 age group was 45 per cent for black people and 71 per cent for white people. She noted with interest that the performance of women at all levels of education was better than that of men. She wondered whether the situation was similar among white and black members of the population.

43. **Ms. Tlakula** said that, according to information received by the Committee, perpetrators of gender-based violence in the political arena, especially against black and transgender women, enjoyed a high degree of impunity. For example, the persons who had assassinated the Rio de Janeiro City Council member Marielle Franco and her driver had reportedly not been identified or prosecuted.

44. The COVID-19 pandemic had exacerbated inequalities in access to education, particularly among indigenous and Afro-Brazilian children, who had less access to the Internet and were unable to participate in remote learning. She wished to know what action had been taken to address that digital divide.

45. **Ms. Esseneme** said that she would welcome updated information on compliance with the Supreme Federal Court's call for a reduction in police interventions against persons of African descent, which had led to extrajudicial executions on the pretext of combating the drug trade. As some religious groups had reportedly been victims of police reprisals, she would be grateful for information regarding freedom of religion in the State party.

46. **Mr. Guissé** drew attention to the discrepancy between available statistics and the situation on the ground, especially with respect to groups of African descent.

47. **Mr. Amir** said that he wished to know more about the impact of deforestation on the country's Indigenous populations and it would be useful to have more details about the country's efforts to reduce carbon dioxide emissions.

48. **Mr. Rayess**, noting that the delegation had many white and very few black members, asked how the State party ensured adequate representation of its large Afrodescendent population in the Government.

The meeting was suspended at 4.30 a.m. and resumed at 4.55 p.m.

49. **A representative of Brazil** said that women of African descent in Brazil often faced twofold discrimination and the COVID-19 pandemic had exacerbated deep-rooted social inequalities. A programme had been launched to train women, especially vulnerable women in rural areas, on starting their own business and obtaining funding from banks. In Bahia specifically, courses and workshops were provided to empower vulnerable women and boost their employment prospects. In 2021, a national plan to combat femicide had been introduced, with a particular focus on women of African descent. As part of the plan, a pilot project had been launched in the State of Rio de Janeiro to identify cases of domestic violence against Afrodescendent women.

50. The Ministry of Education had developed a national policy to reduce the school dropout rate among children of African descent and improve their performance at primary and secondary school levels. The proportion of such children attending school had risen significantly as a result of Act No. 12711/2012, which had established quotas, and the teaching of African history had been introduced in basic education.

51. In 2022, there had been a 10 per cent increase in the number of elected politicians of African descent compared to the 2018 elections, and electoral quotas had led to a small increase in the number of Afrodescendent women in government positions. However, the proportion of members of the National Congress who were of African descent was far from representative of the population at large. In 2017, legislation had been passed to encourage their participation in politics.

52. The Ministry of Women, Family and Human Rights had set up a hotline for complaints regarding hate speech. The Government had adopted measures to combat hate speech in line with article 4 of the Inter-American Convention against Racism, Racial

Discrimination and Related Forms of Intolerance, and a series of bills, including one specifically targeted at hate speech on the Internet, were being drafted to address the issue further. The Ministry offered training courses to women of African descent in order to increase their representation in decision-making positions.

53. **A representative of Brazil** said that the Ministry of Health had spared no effort in minimizing the effects of the COVID-19 pandemic on the population's health since the outbreak of the disease. Only those who had refused to have the vaccine had not received the full dose. The Government had provided 100 billion reais (R\$) in funding to ensure adequate health care at the state and municipal levels and a specific line of funding of over R\$ 300 million had been allocated to support Afrodescendent, quilombola, Roma and Indigenous communities. The Government had also invested in training medical personnel to ensure access to health care for vulnerable populations who lived below the poverty line.

54. The maternal mortality rate was not disproportionately higher among women of African descent than among the population as a whole. Contraceptives were available at all publicly funded health centres. Abortion was permitted only in cases where there was a risk to the health of the mother, the fetus was anencephalic or the pregnancy was the result of rape. Physicians who performed abortions on other grounds were liable to criminal prosecution. However, terminations were available to all who were entitled to them. The Government's steps to address the major causes of maternal mortality were based on recommendations from the country's best obstetricians. A programme entitled "Cuida Mais Brasil" (More Care Brazil) aimed to provide quality primary health care for all women and children, regardless of income level or race. While he did not recognize the term "obstetric violence", his Government had allocated additional funding to the health-care budget for mothers and babies to ensure adequate treatment and address institutional violence. The Government had doubled the number of beds in intensive care units to cope with additional demand during the COVID-19 pandemic.

55. **A representative of Brazil** said that the Brazil Aid Programme and Emergency Aid (Auxílio Emergencial) Programme were both cash transfer programmes but had different objectives. Emergency Aid had been implemented between April 2020 and October 2021 as an urgent measure to mitigate the impact of restrictive measures imposed as a result of the COVID-19 pandemic on vulnerable people, including workers in the informal sector. The poverty rate had fallen from 5.4 per cent in 2019 to 1.9 per cent in 2020, the largest poverty reduction in Latin America and the lowest ever rate in Brazil, according to World Bank data. The Government was working in collaboration with civil society to lower the rate further.

56. Brazil Aid had been established in August 2021 to replace and build on the Family Allowance (Bolsa Família) Programme with the objective of lifting beneficiaries out of poverty permanently. The programme had received three times as much government funding as its predecessor, with \$20 billion having been invested up to October 2022. The average monthly allowance paid to families had risen from \$38 to \$122, while the number of beneficiary families had increased from 14 million to more than 21 million, 82 per cent of which were headed by women. Some 192,000 of the families belonged to quilombola communities and 116,000 were of foreign origin.

57. **A representative of Brazil** said that an organized crime task force within the Rio de Janeiro State Public Prosecutor's Office had charged two men with the murders of Marielle Franco and Anderson Gomes and the attempted murder of Fernanda Gonçalves Chaves. The case had been brought to court, and steps were being taken to ensure that a trial was held as soon as possible. Meanwhile, the Office and the State Civil Police continued to investigate the crimes and were employing new strategies to identify the perpetrators. The confidential nature of the investigations meant that no further information could be provided for the time being.

58. **A representative of Brazil** said that, by decision of the Supreme Court, the Convention had been granted supra-legal status and that, by extension, the definition of "racial discrimination" set out in article 1 of the Convention had been incorporated into the domestic legal system. Racist abuse had been subsumed into the crime of racism and was thus not subject to a statute of limitations. Public policies were being developed to address several racial issues, including discrimination against Afro-Brazilian religions, police

violence against black people, affirmative action to promote equal access to higher education, the empowerment of black candidates for political positions, the criteria for the identification of quilombola communities and the need to protect the individual and collective integrity of indigenous peoples and recognize their legal capacity to defend their rights.

59. The National Council of Justice, established in 2005, played an important role in promoting racial equality in the judiciary. Through Resolution No. 203 of 2015, it had introduced a 20 per cent quota for black people in judicial positions. Resolution No. 336 of 2020 had made it mandatory for all courts in the country to reserve at least 30 per cent of the internships that they offered for black people. To monitor compliance with the two resolutions, the Council had established an online platform to gather statistics on ethnicity in the judiciary. It had also engaged in discussions with national human rights organizations, particularly those focused on combating racism. In 2020, two seminars had been held on racial issues in the judiciary and the democratization of access to justice. More than 2,000 people had participated in the events, which had led to the creation of a working group tasked with institutionalizing debates on racism within the judiciary, carrying out studies and proposing specific measures. The group had produced a report containing proposals to transform the institutional culture of the judiciary with regard to racial issues and address the impact of structural racism on access to justice. The group was in the process of being converted into a permanent forum for discussions on racism in the judiciary. A public meeting would be held each year for the purpose of formally adopting a set of commitments to combat racial discrimination.

60. The impact of quotas in the judiciary was evidenced by the trend in the percentage of black judges, which had risen from 6.7 per cent in 2007 to 12 per cent in 2013 and had reached 21 per cent as at June 2020. However, according to a survey carried out to map black judges, at the current rate of progress, racial equality would not be achieved in the judiciary until 2056 at the earliest. Steps were therefore being taken to expedite the process. A proposal had been made for the judiciary to monitor, on a permanent basis, murders of black people and other racially motivated crimes, compensation for victims of racist attacks, judicial actions related to the implementation of affirmative action policies, the regularization of quilombola territories and judicial actions related to the health of the black population.

61. Through Resolution No. 423 of 2021, the Council had introduced a requirement for all applicants for judicial positions to take a course in anti-discrimination law that covered fundamental concepts such as affirmative action. Moreover, efforts were under way to include modules on racial discrimination in all initial and ongoing training for judges, ensure the participation of black judges in selection committees for judges, disseminate good practices in promoting diversity in the judiciary and insert data on skin colour in all databases and information processing systems based on the principle of self-identification. The Council had placed emphasis on protecting vulnerable groups by putting in place procedures for differentiated and non-discriminatory treatment in judicial proceedings. Resolution No. 405 of 2021 established procedures for the treatment of migrants in the criminal justice system and guidelines to ensure respect for their rights.

62. The Council had adopted three important resolutions for indigenous people: Resolution No. 287 of 2019, establishing procedures for their treatment in the criminal justice system and guidelines to ensure respect for their rights; Resolution No. 453 of 2022, creating the National Forum of the Judiciary to monitor and give effect to demands related to indigenous and tribal peoples; and Resolution No. 454 of 2022, on guidelines and procedures to guarantee their access to justice. The Council had also set up a human rights observatory to monitor the jurisprudence of the Inter-American Court of Human Rights and ensure that all domestic legal decisions were in line with it.

63. On 20 November each year, Brazil observed Black Awareness Day and marked the death of quilombola leader Zumbi dos Palmares. On 25 November 2022, the Council would announce a national pact for racial equality to create an environment conducive to racial equality and dismantle historical barriers to its achievement. All courts would be invited to participate in the initiative through programmes to correct racial distortions. The Council recognized its responsibility to combat racial discrimination and would continue to take measures to adapt the justice system to the sociocultural specificities of vulnerable populations.

64. **Ms. McDougall** said that it would be helpful to receive the oral replies in writing, given the density of some of the information provided. While it was interesting to know the sums invested in the health-care system, what really mattered was the impact of that investment. According to the figures at her disposal, the maternal mortality ratio in the State party was consistently and significantly higher among black and Indigenous women than among white women. The situation with regard to racial equality in the country remained woefully inadequate and the disparities that existed were totally unacceptable. She would appreciate an update on whether the constitutional amendment passed in December 2016 that had frozen the federal budget, including health spending, at its 2016 level for 20 years remained in force, along with a description of how public health funding was used at the municipal level.

65. Noting discrepancies in the statistics that she had seen on the number of black members of the National Congress, she said that more needed to be done to monitor the impact of measures to promote equal representation in politics and that there were many more reliable ways to boost the participation of underrepresented groups than through financial incentives for political parties. In that connection, she wished to know the number of federal departments and agencies in which affirmative action programmes had been introduced, how many Afro-Brazilians and indigenous people were employed by federal entities and at what level of seniority.

66. **Mr. Payandeh** said that he would welcome the delegation's thoughts on reports that, in recent years, many public institutions to promote human rights and combat racial discrimination had been abolished or weakened. He asked what steps were being taken to assess the degree of implementation of anti-discrimination laws in the State party, investigate the reasons for the limited acceptance and use of such laws by victims and gauge the impact of actions taken by the National Council of Justice. Details of domestic provisions concerning online hate speech and of the institutional and other mechanisms in place to enforce those provisions, including within the Public Prosecutor's Office, would also be appreciated.

67. **Mr. Diaby** said that he would be grateful to receive statistics on cases of violence and ill-treatment by members of the defence and security forces and a description of the measures envisaged to prevent further deaths during law enforcement operations, including the provision of appropriate training. He had heard no response to his questions concerning specific legislation on human rights defenders, efforts to consult with civil society organizations, especially those working with groups protected under the Convention, and measures to regulate online hate speech.

The meeting rose at 6.10 p.m.