



Call for inputs for the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”

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Conectas Direitos Humanos is a non-governmental organization based in São Paulo, Brazil. Conectas has special consultative status with the Economic and Social Council since 2006.

Measures taken to identify, address, reform and remedy systems, institutions, structures, mechanisms, legislation, policies and/or practices that give rise to, perpetuate, entrench and/or reinforce systemic racism, racial discrimination and associated human rights violations against Africans and people of African descent, including those resulting from historical legacies, as relevant.

In this topic, we indicate consultation of the initial petition and other procedural documents of the Non-Compliance with Fundamental Precept (ADPF) 635, filed before the Brazilian Federal Supreme Court (STF, in its acronym in Portuguese). We highlight the preliminary injunction granted by the STF, which prohibited police operations in the favelas of Rio de Janeiro during the period of the COVID-19 pandemic, as well as the most recent decision, which reiterated the mandatory suspension of police actions in peripheral territories during the sanitary crisis. The two hyperlinks below provide materials produced by Conectas Human Rights on the trial:

<https://www.conectas.org/en/news/understand-what-led-the-supreme-court-to-suspend-police-operations-in-rio-de-janeiros-favelas;>
<https://www.conectas.org/en/news/supreme-court-orders-rio-de-janeiro-government-to-explain-increase-in-killings-by-police>

The impact of such measures on the enjoyment of civil, political, economic, social and cultural rights, including, but not limited to, measures, mechanisms and procedures taken to identify, address and provide effective remedy and redress for systemic racism and racial discrimination experienced by Africans and people of African descent within law enforcement and the criminal justice system. Please also identify or include related public reports in this regard.

In continuity with that presented in the previous item, we highlight the need to assess the impact of the decisions made in the aforementioned ADPF 635, as can be seen in the following article: [Suspension of police operations in favelas in Rio reduces deaths by more than 70%](#).

We also highlight the importance of controlling and monitoring police action to enjoy civil, political, economic, social and cultural rights in a democratic state. The following article shows informative material with data and information of great relevance: ["Strong democracies control their police forces"](#)

Information regarding specific incidents of alleged violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent.

1. Massacre of Paraisópolis, in the city of São Paulo/SP

In the early hours of December 1, 2019, nine young people were killed as a result of the intervention of the Military Police of the State of São Paulo, in the southern region of the city of São Paulo, at a street party popularly known as baile funk. At least three of these nine youths were under 18 years of age at the time of the incident. Since January 1, 2019, in the state of São Paulo, the Military Police has been acting within the peripheral communities through the so-called "Operations Pancadão", which, according to the state governor himself, has the objective of restraining funk dances, by the presence of police forces in the places where they traditionally occur. The governor of the State of São Paulo, João Dória, justified the action by saying that it is a way of "guaranteeing the citizen's right to come and go and prevent disturbance of peace", and said publicly that these demonstrations are illegal, according to municipal legislation. However, this legislation does not only make no direct mention of these "bailes", but allows different types of religious events, sports meetings, among others. It means to say that the funk dances have undergone strong state repression and attempted criminalization, just as it happened with samba and capoeira, right after more than 350 years of enslavement in the country, for being black cultural manifestations and associated with crime, use of drugs, promiscuity, among others, with the objective of marginalizing and excluding black people who practice these cultural and historical expressions. Funk dances, therefore, are the recent manifestations that suffer from this criminalization strategy by the Brazilian State.

Journalistic articles with relevant data and information:

<https://ponte.org/o-que-se-sabe-do-massacre-de-paraisopolis/>;

<https://www.conectas.org/en/news/conectas-calls-for-strict-inquiry-into-deaths-caused-by-military-police-action>

2. The case of Rafael Braga:

Young, black, poor, can picker and resident of Vila Cruzeiro, in the city of Rio de Janeiro/RJ, Rafael Braga was the only one convicted in the context of the 2013 demonstrations - even without having participated in them - for carrying a bottle of disinfectant and another of bleach. His case has become emblematic of how justice (not) works for poor, black people. In January 2016, after he had already served part of his first conviction sentence, Rafael was again arrested for a flagrante delicto, according to witnesses, and accused of being associated with drug trafficking, even though he was under surveillance. After this regrettable episode, Rafael was sentenced to 11 years in prison.

Information available at: <https://www.liberdadepararafael.meurio.org.br/#block-2778>

3. Approval by the National Council of Justice (CNJ) of custody hearings by videoconference:

The use of videoconferencing to hold custody hearings will deepen racism embedded in the justice system. Studies such as the Public Defender's Office in Rio de Janeiro (available at: <https://ponte.org/negros-audiencia-de-custodia/>; <https://www.conjur.com.br/2020-nov-24/opiniaocustodia-videoconferencia-racismo-estrutural>) show that 77.4% of the people presented to custody hearings in the state, between 2017 and 2019, were black. In addition, about 80% of cases of torture or ill-treatment were carried out against black people. Police violence, identified mainly in face-to-face custody hearings, affects black people most strongly, so that custody hearings, due to the scope of preventing and fighting torture, also function as a policy to promote racial equity;

The use of videoconferencing precludes adequate conditions for the person in custody to report possible ill-treatment and torture suffered from the moment of arrest until the hearing. It is the right of every prisoner to be in the presence of a judge within the first 24 hours of detention, as provided for in the Inter-American Convention on Human Rights and the International Covenant on Civil and Political Rights;

One of the main expressions of racial inequalities in Brazil is the strong concentration of lethal violence rates in the black population. While young blacks figure as the main homicide victims in the country and the death rates of blacks have grown strongly over the years, mortality rates among whites are much lower when compared to the first ones and, in many cases, have reduced. In 2018 alone, to cite the most recent example, blacks (sum of blacks and browns, according to IBGE classification) represented 75.7% of homicide victims, with a homicide rate per 100 thousand inhabitants of 37.8. Comparatively, among non-blacks (sum of whites, yellows and indigenous people) the rate was 13.9, which means that for every non-black individual killed in 2018, 2.7 blacks were killed. Likewise, black women represented 68% of the total number of women murdered in Brazil, with a mortality rate per 100 thousand inhabitants of 5.2, almost double when compared to that of non-black women. (Available at:

https://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=36488&Itemid=432)

Mobilizations of civil society and institutions of the justice system:

<https://www.conectas.org/en/news/justice-council-mulls-holding-custody-hearings-by-video-conference>

<https://www.conectas.org/en/news/organizations-condemn-decision-to-permit-custody-hearings-by-video-conference>

4. Measures regarding police lethality:

The institutional ties that hinder the accountability of military police officers were further deepened in 2019, with the approval of new legislation, which obliges the State to guarantee Military Police officers



legal assistance since the criminal investigation. As a result, numerous homicide investigations have been suspended.

Available at: <https://noticias.uol.com.br/reportagens-especiais/as-travas-da-lei/>

Measures taken to ensure accountability, remedy and redress and address any impunity for human rights violations against Africans and people of African descent, particularly by law enforcement agencies; and the outcomes and effectiveness of such measures. Please also share information about the functioning of accountability mechanisms and associated decision-making processes addressing human rights violations, and identify any patterns or trends in the outcomes of these mechanisms and processes that show or suggest differential experience of Africans and people of African descent with respect to accountability for violations suffered by them. Please also identify or include related public reports in this regard.

1. Massacre of Paraisópolis, in the city of São Paulo/SP:

Position of the Inter-American Commission on Human Rights (IACHR) on the case, after being urged by civil society organizations and institutions in the justice system:

https://www.oas.org/en/iachr/media_center/PReleases/2019/318.asp

Preliminary results of the investigations of the Internal Affairs of the Military Police of the State of São Paulo:

<https://www.conectas.org/en/news/military-police-internal-affairs-office-concludes-that-deaths-in-paraisopolis-resulted-from-police-action>

2. Military Justice:

Sequential legislative changes in recent years have broadened the competence of Military Justice, removing from ordinary Justice the investigation and prosecution of crimes committed by the Military - Armed Forces or Military Police - against civilians, contrary to international recommendations. From 2017, the crime of torture, for example, practiced by Military Police, began to be investigated by the Internal Affairs of the Military Justice - in practice, by the Internal Affairs of the Military Police, which, in turn, delegates to the battalions to which the police officers accused are part. There are several lawsuits declaring unconstitutionality pending before the Federal Supreme Court.

Information concerning laws, regulations, policies and other measures taken to prevent and address alleged human rights violations by law enforcement officials against Africans and people of African descent, as well as contribute to accountability, remedy and redress, and the outcomes and effectiveness of such measures.

As previously indicated, we reiterate the preliminary injunction granted by the Federal Supreme Court, in ADPF 635, which prohibited police operations in the favelas of Rio de Janeiro during the COVID-19 pandemic period, as well as the most recent decision in the case, which reiterated the obligation



suspension of police actions in peripheral territories during the health crisis. Below are materials produced by Conectas about the case:

<https://www.conectas.org/en/news/supreme-court-orders-rio-de-janeiro-government-to-explain-increase-in-killings-by-police>

<https://www.conectas.org/en/news/understand-what-led-the-supreme-court-to-suspend-police-operations-in-rio-de-janeiros-favelas>

Information concerning Government responses to anti-racism peaceful protests, within the meaning of resolution 43/1, including the alleged use of excessive force against protesters, bystanders and journalists, as well as applicable laws, regulations, policies, practices and other measures, and their impact and effectiveness.

In São Paulo, the city's mayor, Bruno Covas, together with Governor João Dória, repudiated the murders of João Pedro, a 14 year old child, in Rio de Janeiro, and George Floyd, in the United States. They claim that the population of blacks and browns have the worst socioeconomic indicators, which reveals racial inequality in Brazil, and that life expectancy is up to eight years less in the poorest neighborhoods, where a large part of the black population lives, in which blacks and browns are 57% of the victims of homicide violence.

According to the Brazilian Yearbook of Public Security 2020, released in September this year, 3,181 people were killed by the police in the first half of 2020. The number represents a 6% increase over the same period last year. Among the victims, the vast majority were men (99.2%), young (74.3%) and black (79.1%).

Published annually, the report, produced by the Brazilian Public Security Forum, collects official data from secretariats in all states, making it one of the main mappings regarding violence in the country. Year by year, the survey has revealed a growing trend in the number of deaths due to police intervention, especially among black people.

Between 2013 and 2019, there was a 188% increase in fatalities in police operations. The first half of 2020, on the other hand, shows a significant increase: 25,712 people were killed violently and intentionally, representing an increase of 7.1% when compared to the same period of the previous year. One person was killed every 10 minutes.

Available at:

<https://forumseguranca.org.br/wp-content/uploads/2020/10/anuario-14-2020-v1-interativo.pdf>

Information regarding systems of collection by State authorities of disaggregated data based on race, colour, descent, or national or ethnic origin, and processes for the analysis of such data. In relation to the above-mentioned areas, please provide data disaggregated by race, colour, descent, or national or ethnic origin; as well as additionally by sex, age, economic and social situation, disability, sexual orientation and gender identity, incarceration and other status, where available. Where such information is not available, please indicate reasons why.



We highlight the data contained in the report resulting from research developed by the Study Group on Violence and Conflict Management (GEVAC) at the Federal University of São Carlos (UFSCar), with the theme “Policing and race relations: a comparative study on contemporary ways of controlling crime”.

Available at:

<http://www.gevac.ufscar.br/wp-content/uploads/2020/09/policiamento-ostensivo-rel-raciais-2020.pdf>

Mechanisms in place to ensure that Africans and people of African descent and their representatives are appropriately, adequately and sufficiently represented in processes to identify, remove and reform any structures, policies and practices of racial discrimination in institutions of law enforcement and the related administration of criminal justice.

We believe it is necessary to consult the discussions on the processes of establishing racial quotas in the Brazilian justice system, which can be better understood in the following materials:

<https://www.cnj.jus.br/cotas-raciais-no-poder-judiciario-sao-realidade-em-todo-o-brasil/>

<https://www.conjur.com.br/2020-ago-19/debatedores-contribuem-efetivacao-cotas-raciais-justica>

https://jurinews.com.br/xxslider_principal/sistema-de-cotas-na-justica-precisa-de-uma-urgente-revisao-dizem-especialistas/