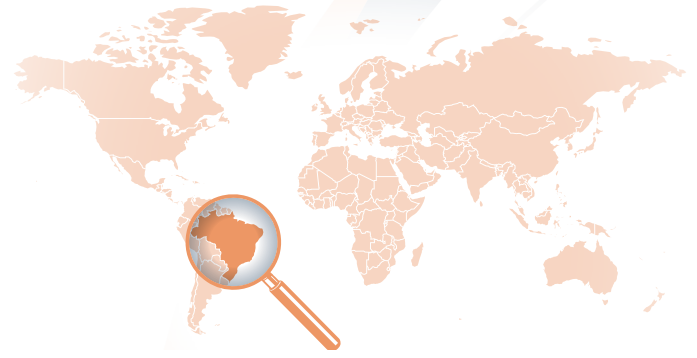


RACISM AS A RISK FACTOR FOR ATROCITY CRIMES:

A Case Study on Brazil¹

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The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.

1 Historical Context: Colonialism and the Slave Trade in Brazil

Beginning in the 15th century, European nations, specifically the Iberian monarchies, had ambitious plans to profit from resources throughout the world: the spice trade in Asia, gold from Africa, and agricultural commodities like sugarcane and coffee in the Americas. The latter required colonization of lands across the Atlantic which led to the trafficking in and enslavement of men and women from Africa, in order to meet the labor demands of large-scale production managed by local elites.

Though Europeans arrived in the Americas in the late 15th century, the Portuguese colonial efforts in Brazilian territory would not begin until three decades later, in the early 16th century. Exploration of the region and the influx of enslaved Africans happened simultaneously. Sugarcane plantations emerged as the first significant agricultural activity during the exploitation of this new land in the Portuguese colony. The proliferation of mills occurred in parallel with the growth of the slave trade. Abdias do Nascimento, an activist for the civil and human rights of Black populations in Brazil, claimed that “workforce” Africans were brought in chains and started performing their roles around 1530. By 1535, the slave trade to Brazil was firmly established and organized and would rapidly increase by enormous proportions (Nascimento 1978, 48).

The Atlantic slave trade abducted millions of Africans to be enslaved in the Americas, and Brazil played a significant role. Slavery supported multiple Brazilian economic cycles including sugarcane, gold, and coffee. The latter brought a new level to the trade of enslaved Africans, intensifying in the late 18th century and throughout the 19th century. This was in stark contrast to other slaveholding countries during this period where discussions about abolition were already taking place. Sociologist Maria Jorge dos Santos Leite stated that “around 40% of Africans victimized by modern slavery were presumably forcibly brought to our country” highlighting the pervasive nature of this phenomenon in Brazilian territory and its profound impact on society.² Even into the 19th century, slavery remained essential to the Brazilian Empire.

But despite slavery becoming common practice in Brazilian territory from the early days of Portuguese colonization, resistance movements existed alongside the institution of slavery. These movements sometimes occurred on the African continent itself, where individuals were captured and awaiting Atlantic crossing. In Brazil, enslaved individuals practiced resistance mainly through two strategies: escaping and forming “quilombos.”³

The road to Brazil’s independence, which occurred in 1822, was not enough to end slavery in the country, despite external pressures to do so, most notably from England.

However, the social abolitionist movement, the critical voices of Brazilian anti-slavery advocates, and the legislation that promoted the gradual emancipation of enslaved people paved the way for the abolition of slavery in 1888. Abolition signified the end of the institutionalization of slavery but placed formerly enslaved individuals at the forefront of a new struggle against racial prejudice.

2 Current Status of Racial Relations

Brazil’s Myth of Racial Democracy

The official abolition of slavery in 1888, did not resolve the tense ethnic and racial relations of the country. Black slavery in Brazil for more than three hundred years not only relied upon, but also spread through, various forms of legal, medical, philosophical, and religious discourse. After abolition, Brazil’s social construct still retained these discourses. Formerly enslaved individuals were still seen as servants or manual laborers, and their role in Brazilian society remained unchanged.

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It is worth highlighting that, similar to enslaved Africans, the Indigenous population, native to the land, also underwent a process of stigmatization from the outset of colonization. Before the arrival of Europeans, the Indigenous population, which was comprised at the time of 2000 tribes and nations, was estimated to have been as many as ten million people. Over centuries of colonization, an estimated 90% of the population was lost, many to disease, slavery, and European-instigated violence. Indigenous Brazilians were perceived as “savages” in relation to Europeans and face challenges that persist to this day, including threats to their traditions and culture, as well as territorial loss.

Over the course of centuries as a slaveholding society, Brazil endured a violent process of miscegenation. The society eventually emerged as the blend of three ethnic groups: Europeans, African Blacks, and Indigenous people. By the end of the 19th century, the population of Brazil was characterized as mixed race, and a myth developed in the 20th century to combat the prevalence of racism and the relics of slavery. The belief was that the Brazilian population, despite its slaveholding systems, exhibited relatively non-aggressive expressions of racial and social animosity and strife, owing to its Mestizo makeup. The development of a mixed-race society and the construct of the “benevolent master”⁴ image fostered an outwardly tolerant society in terms of ethnic-racial coexistence. As a representation of miscegenation, the Mulatto figure was embraced positively by this “inclusive” society. The sociologist Gilberto Freyre popularized this concept which became known as the “myth of racial democracy.” This concept was based on the erroneous theory that discriminatory conflicts and ethnic-racial violence would not strain social relations in Brazil. This theory, however, failed to consider the historical, cultural, and economic aspects of the country, and how those aspects uphold a racist system within a society that often does not overtly acknowledge racist attitudes.

To grasp the state of racism in Brazil, it’s critical to understand how the idea of racial democracy has persisted in the national consciousness throughout the 20th and 21st centuries. There are causes for concern regarding immigrant marginalization from neighboring Andean countries, such as Bolivia and Peru, as well as Central America and the African continent. But marginalization in Brazil primarily stems from color and ethnicity, leading to a disproportionate effect on Black and Indigenous populations. There are behavioral biases that support structural and institutional racism, which lead to perpetually marginalizing specific groups. A journalist noted that:

We live in a country where over half of the population is of African descent, and ethnic problems affect all interactions and events in Brazil. It’s impossible to go a day without having an interaction or noticing a situation where ethnic and racial problems are significant. From smaller interactions like your relationship with the doorman or the waitress at the restaurant where you have lunch, to macroeconomic debates—everything is affected by these racial and ethnic issues. So, a journalism team appropriately trained in these matters enables individuals to see things through the racial perspective and lens.

Ethnicity in Brazil: The Ongoing Issue of Underrepresentation

According to the Brazilian Institute of Geography and Statistics (IBGE), Brazil’s population is classified into three major racial categories—White, Black, or Brown (Pardos)—and people are free to self-declare their affiliation with a particular group. The 2022 Continuous National Household Sample Survey,

released by the IBGE,⁵ revealed that a plurality of Brazil's population identified as Brown, comprising 45.3%, followed by White individuals at 42.5% and Black individuals⁶ at 10.6%. The self-declared Black and Brown individuals form a combined group known as the "Black population" in Brazil, which accounts for 55.9% of the population.

Although Black and Brown people are a majority of the population, they are underrepresented as decision makers in the labor force, and underpaid relative to their White peers. According to the study titled "Social Inequalities Due to Color or Race in Brazil,"⁷ the average monthly income for Black or Brown individuals was R\$1,608 (US\$303),⁸ which is R\$1,188 (US\$224) less than the average monthly income of White individuals which was R\$2,796 (US\$527). Additionally, despite being the majority of the resident population and the labor force, Black or Brown individuals held less than 30% of managerial positions.⁹

Black and Brown Brazilians are also underrepresented in the political system. To improve representation, Constitutional Amendment 111 encouraged candidacies of Black individuals and women, leading to a total of 134 Black individuals occupying seats in the Federal Chamber in 2022.¹⁰ This represents an 8.94% increase in the proportion of seats compared to the previous election in 2018. Despite this increase, they still only represent 26% of the 513 seats in Congress. In the Senate, which has 81 seats, Black individuals occupy a quarter of those seats.¹¹

In other words, despite a slow but steady increase in political representation of Black individuals in Brazil, there persists an inequality in job market and gross income when compared to their White counterparts.

The debate on ethnic-racial quotas for admission to higher education in Brazil intensified in the late 1990s. In an interview, a civil society leader who was one of the pioneers advocating for ethnic-racial affirmative action in universities, shared the process of discussing quotas in the late 1990s and early 2000s. He commented on resistance, including from Black individuals:

I presented a proposal for quotas to support Black people. However, over 90% of the leaders from MNU [Unified Black Movement] and other Black groups strongly opposed the proposal. When I asked why, some openly said "We don't want handouts; we are already humiliated in society." They feared that depending on such support would lead to more humiliation by White people.¹²

Michael França, an economics theory doctor and researcher at Insper, also commented on ethnic-racial conflicts, once again highlighting the importance of quotas and the change in attitude by the early 21st century:

In the 1980s and 1990s, Black Brazilians aimed to adopt more Caucasian characteristics. Whiteness was prized in Brazil to the extent that numerous individuals would self-identify as White. To possess traits that were more typical Caucasians, many individuals would straighten or cut their hair. This was widespread in Brazil until the 1990s.

In the mid-2000s, when quotas were implemented, the first major discussion on racial issues arose in Brazil. Even a country that touted itself as a racial democracy began discussing race in all places due to the provision of quotas for Black individuals. Therefore, the first significant national debate on the issue of race took place. Since then, Black individuals have been reading more literature about racial issues, leading to a better comprehension of this discourse, and igniting a strong admiration for their Black identity. This resulted in a change in how the racial question was perceived in Brazil.

The strong political polarization that occurred in Brazil throughout the 2010s, which motivated ultraconservative citizens to engage politically against progressive movements, is a result of a broader historical context. Jair Bolsonaro's 2018 election and four-year presidency (2019–22) are manifestations of this political shift.

Brazilian Legislation and Racism

Brazilian law does not permit any form of discrimination based on color or race. The 1988 Federal Constitution's 5th article, section XLII, criminalizes racism as follows: "Racism is an unremovable and non-bailable crime punishable by law with imprisonment." Section XLI establishes that the law must punish any form of discrimination that violates fundamental rights and freedoms. This article upholds the principle of equality, wherein "everyone is equal before the law, without any distinction of any kind." It is vital to acknowledge the context of the century from the abolition of slavery until the constitution's promulgation in 1988, a period when the myth of racial democracy solidified in the nation, masking certain forms of discrimination that predominantly affected the Black population. Although the mythological discourse dominated the national imagination, the Black movement also was active throughout the century spanning the abolition of slavery to the 1988 Federal Constitution.

Not all racism was direct, but instead a result of laws with a disproportionate impact on the Black population. For example, illiterate persons had been deprived of their political rights since the country's debut republican constitution in 1891, a continuation of law passed before independence, which allowed only the literate population to vote. During the imperial period, more than 80% of the Brazilian population was illiterate. Thus, the right to vote was accorded to only a minority of the population, who were mostly White and members of the aristocracy. And the disproportionate impact of this law on the Black and Brown population was never cured. In recent years, data collected by the IBGE show that the illiteracy rates among Black and Brown individuals continue to be higher: the national average among those individuals is 7.4%, more than twice the rate found among White individuals, at 3.4%. Thus the majority of the illiterate population, both historically and presently, is Black.¹³ As a result, Black Brazilians were disproportionately impacted. The recent Federal Constitution, which criminalized the practice of racism, also extended voting rights to illiterate individuals.

Other veiled efforts similarly impacted the Black population. After slavery was abolished, the Black population faced increasing institutionalized persecution. The Brazilian Penal Code of 1890 classified the crime of vagrancy as a misdemeanor in Article 399. Vagrancy was defined as not exercising a profession, trade, or any means of livelihood, lacking proper means of subsistence and a fixed place of residence, or providing subsistence through an occupation prohibited by law or considered offensive

to morality and good customs. Unfortunately, this legal instrument was frequently used by the police to target the newly freed Black population because Blacks at that time were more likely to lack a fixed abode, occupation, or even proper means of subsistence, and as a result, were considered vagrants.

The Black population continued to face various forms of marginalization during the post-abolition era, but more progressive sectors of society and the Black movement fought against them, gaining momentum in the second half of the 20th century. In 1951, Brazil enacted the Afonso Arinos Law, its first anti-racist legislation, which aimed to penalize and curb racist behaviors. The law was passed after Katherine Dunham, an American dancer who was touring the country in 1950, publicly denounced the manager of the Hotel Esplanada, a luxury accommodation in São Paulo. Dunham stated that the manager had refused to host her upon discovering that she was a woman of color. Her high-profile denunciation captured the attention of the Brazilian press, leading to the introduction of a bill in the Chamber of Deputies by federal deputy Afonso Arinos. The bill aimed to prohibit racial discrimination in the country. Although the bill generated controversies and tensions,¹⁴ it progressed among legislators and was unanimously approved. The law thus classified racism as a criminal offense and became the country's first anti-racism law.

The Federal Constitution of 1988 initiated intense debate around ethnic-racial inequalities in Brazilian society, coinciding with the centenary of abolition. In Article 3, Clause IV, the constitution establishes as fundamental objectives of Brazil to: "promote the common good, without prejudice to origin, race, sex, color, age, and any other form of discrimination." While the law defines racism as a crime and prioritizes the common good over racial prejudice, it does not guarantee the elimination of racism. Subsequent presidents who governed under this constitution, such as President Fernando Henrique Cardoso (1995-2002), would need to address the issue of ongoing racial discrimination. One of our interviewees, who currently serves as the executive director of a racial equity organization, suggests that Fernando Henrique Cardoso received Black Movement leaders during The March against Racism, for Equality, and Life, the well-known 1995 march in Brasília.^{15 16} (The march was led by Edson Cardoso, a current member of our council.) During the same event, Edson Cardoso and other leaders appealed to Fernando Henrique Cardoso to recognize the existence of racism in Brazil. The Brazilian Penal Code introduced the crime of racial insult in 1997; the goal of this change was to elevate racial insults to racial defamation, a more severe crime than general defamation. The classification of racial insults as a criminal offense is another important legislative measure in the fight against racism because it penalizes acts of discrimination based on color, race, or origin. In 2021, the courts redefined racial slurs once again, elevating it from racial defamation to racial crime, an even more serious offense.¹⁷ Clearly, racism inherited from the myth of racial democracy and current ethnic-racial tensions present in Brazilian society continue to be fundamental issues for Brazilian presidencies.

3 How Does Racism Contribute to Atrocity Risks?

Police Racial Violence: The Targeting of Black Youth

The interviews conducted for this case study reveal that current racism in Brazil is directly linked to the risk of atrocity crimes. It is crucial to reflect on the relationship between the actions of the state's armed forces and the criminal justice system in relation to racism. The 2023 Brazilian Public Security Yearbook reports that the percentage of incarcerated Black individuals has been increasing over the past few years.¹⁸ In 2011, 60.3% of the incarcerated population was Black and 36.6% was White. By 2022, the proportion had increased to 68% for Black inmates and decreased to 30.4% for White inmates. During an interview, a human rights activist delved into the structure of the police in Brazil and highlighted the following:

We currently have two police forces operating in cities: the military police and the civil police. The civil police hold the authority to carry out investigations. Therefore, all investigations must be conducted by them. In contrast, the military police is responsible for visible policing. When people are being arrested, it's noteworthy that the police force that lacks authority to carry out investigations is almost always the one that makes arrests while the crime is still in progress. In simpler terms, the state does not imprison people after an investigation that determines who requires state intervention to correct their behavior. On the contrary, what happens in Brazil is a statewide security policy that is implemented through police operations carried out in specific and marginalized regions, mainly predominating in Black areas such as the favelas. As a result, when an individual is caught in the act of a crime, they are immediately arrested and taken to a police station, then sent to the Public Prosecutor's Office and, afterward, to the judiciary system. Brazil has a justice system that severely legitimizes the police's racial behavior, from the beginning to the end of the judicial process.¹⁹

A professor based in Rio de Janeiro observes that the state's security forces and police constantly repress the Black population today in ways similar to days of slavery. He emphasizes that:

Black people went from being hunted by slave catchers and Portuguese military forces during the colonial era when they left the plantations, to becoming the targets of paramilitary groups, police forces, and the army in modern times. In simpler terms, the role of Black individuals in society has changed from being wealth producers under enslavement until 1888, to being subjected to a different form of enslavement known as "modern enslavement," which involves earning meager wages that do not allow financial freedom. This has forced the Black community to live in impoverished areas and marginalized neighborhoods.²⁰

It is critical to investigate Black genocide,²¹ particularly among Brazilian youths, to better understand how profoundly racism by state security forces represses Black individuals. Reports indicate that each month young Black individuals are killed during police operations, especially in slums. Highly violent police activity tends to be concentrated in areas like slums and economically disenfranchised zones of the cities. In Rio de Janeiro, for example, there is a large number of cases that demonstrate police violence against the Black population. And in São Paulo, in 2021, a 24-year-old pregnant woman named Kathlen Romeu was killed during a police operation in the Lins community. As per the “Atlas da Violência” (Atlas of Violence),²² in 2019, of all homicide victims, 77% were Black, a rate of 29.2 cases per 100,000 residents. Meanwhile, individuals who are not Black, including Asian, White, and Indigenous people, had a lower rate of 11.2 cases per 100,000 residents. In other words, the lethal violence rate against Black people was 162% higher than against non-Black people.²³

Racism and the Limits of Justice and Reparations

Police-based violence is not the only lethal racist risk that Black Brazilians face. Private actors also contribute to the tragedy of racist violent deaths. The French supermarket chain Carrefour has had multiple instances of racism in their Brazilian stores. In 2020, João Alberto Silveira Freitas, a 40-year-old Black man, was killed in the parking lot of a store in Porto Alegre, Rio Grande do Sul. Following the incident, the largest settlement to date for a hate crime was issued, with the company being compelled to pay R\$115 million, or roughly USD\$23 million, to the Public Prosecutor’s Office in June 2021 as part of a Conduct Adjustment Term. A portion of the sum was awarded to João Alberto’s relatives.

A Brazilian lawyer claims that this penalty imposed on Carrefour provides a crucial signal to companies and society generally that racism will not be overlooked.²⁴ Nevertheless, compensation and reparation for the relatives of young people who are slain due to racism in Brazil remain incredibly limited. According to a researcher on the families of victims of police killings within the justice system, the opportunity to receive reimbursement and restitution in Brazil is influenced by the case’s degree of publicity and the victim’s personal history, with the media playing an essential role in this process:

*Instances where individuals begin distributing videos of police actions and families begin sharing the victim’s moral history hold great importance. Regrettably, the victim’s past plays a crucial role in how the case is perceived within the justice system. It has an effect on how stakeholders within the justice system react and how reparations are administered. Hence, there exists a link between the victim’s background and the dispensation of reparations. The media platform provides the space for the debate on the narrative around the tragedy.*²⁵

The researcher provided additional commentary, stating that Brazil needs to increase their sensitivity to the process—and the timelines—to compensate victims’ families. As of the date of this case study, cases from 2006 where the state recognized a right to compensation, had not paid out those sums. According to the researcher, compensation hold meanings beyond financial context for the families of the victims:

The compensation amount may be useful for practical purposes, as losing a loved one often renders the family more vulnerable. However, some families view

compensation as a means for the State to take responsibility for its mistake since a third party—the judiciary—is acknowledging the State’s action.

Thus, receiving compensation is often a way of asserting that their loved one was not at fault, particularly for families with victims of police violence who are frequently blamed. In other instances, families choose not to accept compensation for ethical reasons, such as feeling as if they are receiving money in exchange for their child’s life, particularly because the compensation amounts are usually inadequate and thus perceived as another form of violence.²⁶

The Media’s Role in Brazilian Ethnic-racial Issues

The media in Brazil has made progress addressing ethnic and racial issues in recent years, as was highlighted by many interviewees. This includes newspapers, television, social media, and other forms of media. Over the last 15 years, media outlets have undergone a transformation. The hiring of Black individuals has increased and there is now a more comprehensive journalistic approach to topics related to ethnicity and race, as well as religion and gender. A consultant on evaluation and ethnic-racial equity argues that even though the media has progressed, it still tends to depict Black people through the “absence stereotype,” which highlights the social vulnerability of the Afro-Brazilian population. Yet she acknowledges there have been improvements, especially in television media, where more programs now have Black hosts, and more Black individuals are on editorial teams.²⁷ These steps have led to the production of more diverse content.

The increased Black representation in media is more than just moral—it makes good business sense as well. A journalist notes that changes in the approach to racial issues are the result of changing “market demand,” which necessitates new consumption methods and figures. He contends that anti-racist and diversity agendas can help companies generate visibility and increase their market share.

Black people are gaining purchasing power, and there is a large consumer base pushing for this change. You can see that some people within the business world are adopting this viewpoint strategically. This is not a passing trend but a mainstay. Therefore, integrating anti-racism and justice into your image serves as a marketing strategy. To understand whether this shift is authentic, we need to track Black individuals within institutions and determine if there are salary disparities between them and their White colleagues in the same occupation. Does the company enforce internal programs to endorse racial and gender diversity and inclusion?²⁸

Lessons Learned: Ethnic and Racial Issues in the Educational Curriculum

Given the long and impactful history of slavery and racism, Brazil has introduced legally mandated education about Blacks and Indigenous populations as an important step in recognizing the tragedy these groups have faced, and the challenges that continue to besiege them. During President Luís

Inácio Lula da Silva's first term in 2003, Law No. 10.639 was enacted. This law changed Law No. 9.394, commonly referred to as the Law of Guidelines and Bases of National Education, which was passed in 1996. Per Law No. 10.639, it became compulsory to educate about Afro-Brazilian history and culture in both government-funded and privately funded elementary and secondary schools in Brazil.

In 2008, Law No. 11.645 was passed introducing an update. Surprisingly, this new law made it obligatory to study the history and culture of Indigenous and Afro-Brazilian peoples in elementary and secondary educational institutions, but higher education institutions that offer teacher training programs were exempt from this requirement.

Based on statements from interviewees, practical implementation of these mandatory laws presents several challenges, primarily due to budget constraints. A professor at the Federal University of Rio de Janeiro emphasizes that serious policy change cannot occur without budget allocation. In addition, he points out that the enactment of these laws generated controversial reactions from the “*bancada evangélica*” (evangelical caucus²⁹) in the National Congress and civil society. The professor notes that neo-Pentecostals and Pentecostals treated the law as religious, although it addresses history and culture, not religion.³⁰ This reaction sparked a clash of narratives around the law, and the controversy escalated with the amendment of Law No. 11.645 in 2008.

A civil society leader and activist contributed to the discussion in his interview on the intricacies of implementing Law No. 10.639. He comments that currently, even 20 years after the law's passage, fewer than 10% of the public and private institutions that were required to implement the law, currently comply. He highlights that there was a need to fight and demand penalties to enforce compliance with the law.³¹ This emphasizes that there are still hindrances to incorporating Indigenous and Afro-Brazilian history and culture into the curricula of elementary and high school education. Moreover, it is essential to include these themes in higher education.³²

4 How Communities Have Resisted and Confronted Racism

Black Social Movements in Brazil

Brazil has several active Black movements.³³ Noteworthy Black organizations in Brazil include Unified Black Movement (Movimento Negro Unificado—MNU), the Black Coalition for Rights (Coalizão Negra por Direitos), Educafro, Crioula, the Permanent Forum for Racial Equality (Fórum Permanente para Igualdade Racial), the Agbara Fund, the Baobá Fund for Racial Equity (Fundo Baobá para Equidade Racial), and Think Olga. These organizations advocate for public policies that promote racial equality, representation, and an appreciation of Black culture. Although not specifically aimed at Black movements, the Justa Platform has played a role in advocating for the Black population, particularly regarding their treatment within the justice system. Additionally, several independent media outlets and communication collectives, such as Geledés—Black Women's Institute, *AzMin*a magazine, and the Alma Preta website, focus on promoting visibility and representation for the Black population.

Quilombos are a part of various movements against racism and serve as a form of resistance within the Afro-Brazilian population. These communities emerged as spaces of empowerment and cultural preservation, inspired by historical roots of struggle and freedom. Quilombos reaffirm Black identity,

promoting the value of ancestral traditions such as the concept of collective land, and resisting racist structures through the occupation of territories, which sometimes face threats from the social elite. The 2022 Census states that Brazil's quilombola population totals 1.3 million people, of which 204,000 live in demarcated quilombola territories. However, only about one-third of these territories have undergone proper legalization.³⁴

In Brazil, significant anti-racist demonstrations have taken place, especially from the 2000s onward. One example of such a movement is the Black Lives Matter movement, which gained traction after the media highlighted specific cases of racial violence, around the world. However, as discussed below, local racial violence in Brazil has failed to unify and mobilize the population on a national scale in the same way.

5 Successes and Challenges in Confronting Racism

Recognizing and Combating Racism in Brazil

The majority of interviewees indicated that there hasn't been a singular moment or event that has mobilized the country uniformly at the national level to recognize and combat existing racism. The lingering effects of the "myth of racial democracy" and the recent political polarization that began in the 2010s, has kept the country divided over concepts of human rights and debates about ethnic-racial issues and diversity in terms of gender, religion, and politics. A consultant in racial assessment and equity, responded to the question of whether there has been any event that could be considered crucial for the recognition of racist structures in Brazil:

I'm not optimistic, I'm quite pessimistic. I think that despite many initiatives—even those related to fatal and lethal incidents involving the police—police violence remains pervasive. This issue is particularly absurd given that Black children are being killed every day. We've seen many incidents, including one during the pandemic where a pregnant Black woman was involved. One might think that a pregnant woman being involved would provoke a nationwide reaction. However, it seems that even such an event is not enough to generate such a response. Therefore, I find it difficult to believe that such an event has occurred.

This consultant mentions specific cases of violence that are considered more isolated and have undergone trivialization due to their frequent occurrence in daily life and the news. However, he highlights how an international event, the George Floyd death in the United States, that did resonate in Brazil, led to street protests, and sparked public debate:

... That's why I believe there's a problem. Although I haven't thoroughly examined it, some people are trying to understand why George Floyd has become such a symbol worldwide, especially in Brazil. However, I attribute it mainly to the

concept of the “outsider.” For instance, there’s the following survey, “Do you consider yourself racist?” The answer is “no.” But do you know someone who is racist? Yes. That is the other. George Floyd is someone else from another country, but this incident happened in the United States. This incident caused a commotion due to the video footage and events that followed. Brazil also has many images of dreadful things happening, but it’s like dealing with otherness.

Other interviewees also cited the impact of the Floyd case, despite several similar incidents already taking place in Brazil. A journalist echoed the above critical view on how the external inclusion of a tragic event uncovered the racism and marginalization Black communities face in Brazil yet failed to address the harsh reality of ethnic-racial conflicts present in the country.

An incident similar to that of George Floyd occurs at least once a month in Brazil. There are at least one, but often more, occurrences similar to that of George Floyd per month, and unfortunately, it does not surprise anyone. Social media is filled with these kinds of images. Someone shared something on my feed yesterday, and it made me sad, so I do not usually look for news on racism.

Yesterday, two police officers were seen in a video taking a young Black man. From the video description, and without confirmation from me, the man seemed to be homeless. One officer held his leg, while the other held his shirt, similarly to the person who died after being struck with tear gas cans and gas balloons by federal police officers. We have at least one situation like George Floyd’s in Brazil, which hasn’t sparked outrage. Children going through what George Floyd experienced in Brazil does not provoke outrage. However, the case of George Floyd sparked outrage and made many people in Brazil realize that racism exists here too. When it comes to this, or any similar issue, it is intriguing to read the book “Brazilian Racism” by Ynaê Lopes dos Santos. In her book, Professor Ynaê Lopes dos Santos talks about what inspired her to write it—the extensive uproar among people who only recently, in 2020, due to a case in the United States, became aware of the existence of racism. Up to this day, people appear to be more concerned with cases of racism that occur outside of Brazil, due to the convenience of ignoring the existence of racism within the country. This preserves the status quo, ensuring power structures remain unchanged, and individuals hold onto their privileges, unwilling to relinquish them. However, this may be a moment of partial realization. Nonetheless, we are still far from an authentic moment of awakening.³⁵

It is evident here how the interviewees' analyses converge. It seems easier for Brazilian society to observe and object to the discriminatory processes of foreign nations rather than deal with cases of discrimination that are prevalent in their own country.

Despite this, there have been cases in Brazil where Black individuals encountered police brutality and racism and gained significant media coverage as well as some public sympathy. One of these cases is the aforementioned matter of João Alfredo Silveira Freitas', a 42-year-old Black man who was murdered by private security guards in the parking lot of a Carrefour supermarket branch in Porto Alegre on November 20, 2020. His murder was captured on the cellphones of several onlookers. This tragic incident took place several months after the George Floyd case, which had contributed to movements for ethnic-racial justice.

On May 21, 2023, Brazilian football player Vinícius Jr. was the subject of criminal chants from opposing Valencia Club de Fútbol fans during a match against Real Madrid Club de Fútbol in Spain. Vinícius is a standout player for the Brazilian national men's football team and is currently considered one of the leading Brazilians players abroad. The fans directed insults, animalistic comparisons, and death threats toward the athlete during the chants. There have been other racist instances prior to this event targeting Vinícius.³⁶

Recognizing Racism: Practices for Identifying and Combating Racism in Brazil

The Durban Conference (III World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance of the United Nations) held in 2001 was one of the initiatives aimed at acknowledging and combating racism in Brazil. Diplomats Tadeu Valadares and Gilberto Saboia stated that the conference brought together several factors that produced significant advancements in human rights in Brazil, with a special emphasis on vulnerable groups such as women, the LGBTQIAP+ community, and Black and Indigenous populations. The Quota Law, (officially, Law No. 12,711/2012), reserved 50% of the total spots in federal universities and institutes for public school students, with 50% of those spots exclusively reserved for Indigenous, Black, and Brown students. According to almost all scholars and leaders interviewed, this new law played a fundamental role in the inclusion process, as it improved representation, expanded opportunities, and enabled students from economically disadvantaged families to attain social mobility through education.

6 Recommendations for Public and Private Institutions

Recommendations for the State

In an interview, the founder of a consulting group that focuses on diversity and sustainability recommended temporary legislation to the government.³⁷ These laws would enforce quotas for underrepresented groups (including Blacks, women, Indigenous people, low-income individuals, and people with disabilities) in universities, state-owned companies, and other spaces of political and social engagement. To implement this recommendation, the collection of census data must be expedited regarding the race and color of public employees, primarily those in leadership positions. The goal of this data collection is to monitor compliance with inclusion and diversity goals that were established by Decree 11,443 in March 2023.

To supervise and ensure compliance with these ethnic-racial, gender, and class quotas, new legislation is recommended. This would help prevent future amnesties for political parties that fail to abide by electoral rules for ethnic-racial and gender representation equity. For example, in 2023, PEC 9/2023, known as the Amnesty PEC, proposed a constitutional amendment forgiving debts of parties that violated the mandatory fulfillment of ethnic-racial and gender quotas, as well as irregularities in the use of the party fund. There is also a recommendation to establish budgetary mechanisms that incentivize different levels of government (and all branches of power) to set inclusion and representation goals. These goals should include bonuses for those that achieve Black representation among their employees, especially in leadership roles, ahead of schedule.

To address the issue of police violence against Black individuals, it is recommended to revise training programs for both military and civilian police officers to sensitize them to human rights and structural racism in Brazilian society. In addition, it is suggested to standardize the interpretation of the quantity of drugs carried by an individual that determines whether they should be classified as a user or a trafficker. The current interpretive freedom tends to criminalize Black people and marginalized communities as traffickers while White and non-marginalized individuals with equal or larger quantities are categorized as mere users and therefore not subject to criminalization. In addition, advancing the decriminalization of certain recreational drugs such as marijuana can reduce incarceration that disproportionately affects Black and poor populations.

Recommendations for Civil Society Organizations and Agencies

Civil society organizations should prioritize maintaining a focus on racial equality and combating racism, regardless of political affiliations. Regularly accessing and disseminating new indicator data such as the Racial Balance Index (IER),³⁸ and the Racial Balance Sheet Index (IFER),³⁹ is vital. The IER is designed to monitor regional, long-term racial equality within the job market, while the IFER measures the disparity in opportunity between Black and White individuals. Supporting campaigns to motivate companies to voluntarily provide data for these research efforts is also recommended. This will help promote accountability and transparency in racial disparities.

Recommendations regarding international agencies apply to the United Nations system and the World Bank Group. The United Nations needs a strong counterbalance given the threat posed by regressive governments. To achieve this, councils composed of retired experts and diplomats actively engaged in international negotiations against racism, accompanied by leaders from social organizations, must be created, with local observers. Such action would ensure monitoring of objectives and regular reporting independent of the existing government. Moreover, inclusion criteria must be used by UN organizations when hiring consultants and service providers. Inclusion statistics should be a determining factor in the evaluation process, even when appointing individuals for leadership positions.

The World Bank Group, specifically in the context of financing public investments and private sector projects, should prioritize programs that value social inclusion and promote mobility for Black and Indigenous groups. The Bank can recommend inclusion criteria when tendering for private suppliers by considering ratios and other indicators of Black representation in leadership roles. It may also be beneficial to establish selection criteria for projects funded by the International Finance Corporation that prioritize partnership with firms committed to inclusion and career development of the historically underrepresented Black population.

Incorporating these measures can allow multilateral agencies to solidify their commitment to social justice and the inclusion of the Black population in Brazil, irrespective of political or government changes.

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Endnotes

- 1 The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.
- 2 Leite 2017, 65.
- 3 The quilombos emerged as refuges for Black people who escaped repression during the entire period of slavery in Brazil, from the 16th to the 19th century. As the function was a hiding place, quilombos with the most difficult access were successful. For the same reason, it was necessary to create community ties and promote autonomy. Residents of these communities are called Quilombolas. After the abolition, most Quilombolas preferred to remain in the villages they formed. With the 1988 Brazilian Constitution, the quilombos gained the right to own and use the land they were located on.
- 4 Abdias do Nascimento argued that the "Myth of the Benevolent Master" was a concept that suggested slave owners were seen as compassionate proprietors who treated their slaves well and provided them with minimally acceptable living conditions. Nascimento contested this myth by pointing out that this message sometimes hides the various types of violence, exploitation, and dehumanization that Black enslaved people faced.
- 5 The Brazilian census, which is conducted by the Brazilian Institute of Geography and Statistics (IBGE), was scheduled to take place in 2020, but was postponed due to the COVID-19 pandemic, and then again in 2021 due to lack of funding from the federal government, then led by President Jair Bolsonaro. The census was taken in 2022 and provided interesting data on the ethnic changes in the Brazilian population since the last census in 2010.
- 6 Saboia, João, João Hallak Neto e Victor Nobre Villacorta. "Índice de miséria ampliado e desagregado por cor ou raça e sexo." Instituto de Economia UFRJ, fevereiro de 2023. <https://www.ie.ufrj.br/publicacoes-j/textos-para-discussao.html>.
- 7 IBGE. "Social Inequalities Due to Color or Race in Brazil," 2022b. <https://biblioteca.ibge.gov.br/index.php/biblioteca-catalogo?view=detalhes&id=2101972>
- 8 Approximate average exchange rate: R\$5.3/US\$1, in the second half of 2022.
- 9 IBGE. "Desigualdades Sociais por Cor ou Raça no Brasil." 41 (2019): 1-12. https://biblioteca.ibge.gov.br/visualizacao/livros/liv101681_informativo.pdf.
- 10 Souza, Murilo. "Número de deputados pretos e pardos aumenta 8,94%, mas é menor que o esperado." Câmara dos Deputados, 3 de outubro de 2022. <https://www.camara.leg.br/noticias/911743-numero-de-deputados-pretos-e-pardos-aumenta-894-mas-e-menor-que-o-esperado/>.
- 11 Queiroz, Vitória. "22% dos senadores eleitos são negros." Poder360, 3 de outubro de 2022. <https://www.poder360.com.br/congresso/22-dos-senadores-eleitos-sao-negros/>.
- 12 Interview with education and racial equity activist, 2023.

- 13 Before the 1891 Federal Constitution and its subsequent versions which deprived the illiterate of voting rights, the Saraiva Law, prohibited the same group from voting. That law was passed during the monarchy era in 1881. Refer to: <https://oglobo.globo.com/brasil/educacao/noticia/2023/06/ibge-analfabetismo-cai-em-2022-mas-taxa-continua-mais-alta-entre-negros-idosos-e-nordestinos.ghtml#>.
- 14 Despite being recognized as Brazil's first anti-racist law, some deputies suggested prohibiting "Black fronts" or any political association based on color during the Afonso Arinos Law drafting debates. However, despite some deputies' advocacy for this idea, it did not proceed, as the project aimed to tackle the punishment of racist actions. To discover more about the discussions surrounding the endorsement of the law, refer to: <https://www12.senado.leg.br/noticias/especiais/arquivo-s/brasil-criou-la-lei-antirracismo-apos-hotel-em-sp-negar-hospedagem-a-dancarina-negra-americana>.
- 15 Interview with racial equity activist, 2023.
- 16 The March against Racism, for Equality, and Life was held in the federal capital in the tricentennial year of the death of Zumbi dos Palmares, a former enslaved person who is now honored on National Black Consciousness Day (November 20), bringing together various leaders of the Black Movement. Fernando Henrique Cardoso signed a decree to establish an interministerial working group, responsible for discussing public policies aimed at valuing the Black population, on the same day that marked the tricentennial of Zumbi's death. According to the former president, Brazil "carries the heavy legacy of slavery and a culture that disguises discrimination through certain forms of apparent cordiality." Please see: <https://www1.folha.uol.com.br/fsp/1995/11/21/cotidiano/29.html>.
- 17 Thiago de Souza Amparo and Amanda Pimentel, "Equating racial slurs with racism: advances and recognition in antiracism legislation," <https://portal.fgv.br/en/artigos/equating-racial-slurs-racism-advances-and-recognition-anti-racism-legislation>
- 18 Anuário Brasileiro de Segurança Pública 2023. São Paulo: FBSP, 2023. <https://forumseguranca.org.br/wp-content/uploads/2023/07/anuario-2023.pdf>.
- 19 Interview with human rights activist, 2023.
- 20 Interview with political science professor, 2023.
- 21 Abdias do Nascimento, a former politician, writer, and activist for the rights of the Black population in Brazil, coined and popularized the phrase "Black Genocide." For further details, please refer to the following source: Nascimento, Abdias. O Genocídio do Negro no Brasil: Processo de um Racismo Mascarado. Rio de Janeiro: Paz e Terra, 1978.
- 22 Cerqueira, Daniel. Atlas da Violência 2021. São Paulo: Fórum Brasileiro de Segurança Pública, 2021.
- 23 Cerqueira 2021, 49.
- 24 Interview with lawyer, 2023.
- 25 Interview with legal research specialist, 2023.
- 26 Ibid.
- 27 Interview with race and gender equity consultant, 2023.
- 28 Interview with journalist, 2023.
- 29 The media and political scientists use the term "bancada evangélica" to refer to lawmakers who identify as evangelical and support the issues advocated by evangelical leaders. This includes members of the National Congress of Brazil, as well as state and municipal legislatures.
- 30 Interview with history professor, 2023.
- 31 Interview with education and racial equity activist, 2023.
- 32 In her interview, a psychoanalyst identified another obstacle, which is the embedment of Western, White, and imperialistic values in the standard academic syllabus, making it challenging to integrate other perspectives and wider-ranging forms of knowledge.
- 33 To check out the social movements fighting for the rights of the Black population in Brazil, see: <https://observatorio3setor.org.br/noticias/lista-conheca-6-ongs-que-lutam-pela-equidade-racial-no-brasil/>.
- 34 The 2022 Brazilian Demographic Census provided unpublished data on the quilombola population in the country, see: <https://www.gov.br/pt-br/noticias/assistencia-social/2023/07/populacao-quilombola-e-de-1-3-milhao-indica-recorte-inedito-do-censo#:~:text=De%20acordo%20com%20dados%20do.espalhado%20por%201.696%20munic%C3%ADpios%20brasileiros>.
- 35 Interview with journalist, 2023.
- 36 After this incident, the athlete, who has publicly criticized the racist attacks he encountered abroad, was appointed as a representative for Brazil's international anti-racism campaign. Moreover, Vinicius Jr. was selected to head FIFA's anti-racism committee, which oversees a larger number of countries than the United Nations (UN). It aims to combat the instances of racial discrimination that occur in the sports world, reflecting the prevalent discrimination in society.
- 37 Interview with diversity and sustainability consultant, 2023.
- 38 https://www.insper.edu.br/wp-content/uploads/2020/12/IER_Firpo_Franca_Cavalcanti_.pdf
- 39 <https://arte.folha.uol.com.br/cotidiano/ifer-indice-folha-de-equilibrio-racial/>

