



**MISSION PERMANENTE DU BRESIL AUPRES DE L'OFFICE DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS INTERNATIONALES A GENEVE**  
*Chemin Camille-Vidart 15, 1202 Genève*

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to refer to the joint communication OL BRA 11/21, dated 29 October 2021, from the Special Rapporteur on contemporary forms of racism, and other mandate holders.

The Permanent Mission of Brazil in Geneva would like to forward the attached observations of the Government of Brazil regarding the aforementioned letter.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 31<sup>st</sup> January, 2022.

*To the Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Special Procedures Branch  
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## ANNEX

### **OBSERVATIONS FROM THE GOVERNMENT OF BRAZIL REGARDING LETTER OL BRA 11/2021 (10/29/2021)**

The Human Rights Defenders, Communicators and Environmentalists Protection Program (PPDDH) under the Ministry of Women, Family and Human Rights (MMFDH) deals with and follows up cases of human rights defenders in situation of threat and risk throughout the national territory, within the scope of Decree n. 9.937/2019 and amendments arising from Decree n. 10.815/2021.

The PPDDH is based on the National Human Rights Defenders Protection Policy (PNPDDH), approved by Decree n. 6.044/2007, which aims at strengthening the federative pact to implement actions, through joint and articulated government measures to the protection of human rights defenders and those cases that cause risk or vulnerability status.

The PPDDH methodology requires the demand to be submitted to the aforementioned program. In this context, it is necessary to fulfill some requirements so to be granted the protection, such as: personal decision to be included; represent a collective group; being recognized as a legitimate representative of that collective group; the threat suffered must be linked to the applicant's activities as a human rights defender.

Protective measures are articulated to ensure that the defender remains in his work place and include: "in loco" visits for preliminary analysis of the case and the threat; holding public hearings to resolve conflicts; dissemination of the defender's activity and the Program; contact with state institutions that can provide solution to the threats; follow-up of investigations and complaints; periodical visits to the human rights defender's work place to verify the still-existing risk and threat; provisional removal of the defender from his place of action, in exceptional and emergency cases; contact with state security forces for police protection in cases of serious risk.

After explaining the PPDDH, the Brazilian government clarifies about specific points of the letter AL BRA 11/2021:

a) The letter of allegation states that "According to the missive, during 2020, there were reports of death threats and against physical integrity and the free exercise of women's political rights Afro-descendants in Brazil, including transphobic threats and hate speech against transgender and Afro-descendants women." Indeed, the political violence against black women and trans/transvestite has as main goal to prevent the representativeness of these groups, which are underrepresented in spaces of power and decision-making processes, especially black women and LGBTQI+ people.

The National Secretary of Global Protection (SNPG) at the Ministry of Women, Family and Human Rights (MMFDH) received a request to include the parliamentarians in the PPDDH as a result of threats they experience.

b) The letter alludes to three specific cases of women of African descent - Benny Briolly; Ana Lucia Martins; and Talfria Petrone - who would have suffered threats and attacks while performing their duties as public representatives, but that according to the Inter-American Commission on Human Rights (IACHR) would not have the proper protection from the Brazilian government. In this regard, SNPG informs that the parliamentarians have already been assisted by PPDDH teams and enrolled in protective services by their respective legislative houses.

c) The letter alleges that, according to information received by the special procedures mandate holders, the "Human Rights Defenders Protection Program is currently uncertain concerning its continuity". It highlights that eventual decision to include individuals in the referred program supposedly "depends on political will and of local government projects", which would sometimes contribute to reproduce racist stereotypes and transphobic. The Brazilian government considers this as a wrong statement, since the process of inclusion of defenders follows methodology, as provided for in Decree No. 9,937/2019 and Ordinance No. 300/2018. It should also be noted that currently the PPDDH is executed through agreements between the federal government and the states for the transfer of resources. Some agreements were signed in the states of Minas Gerais, Bahia, Pará, Pernambuco, Rio de Janeiro, Ceará, Maranhão and Mato Grosso. The state-level program is in the implementation phase in Amazonas and Rio Grande do Sul. In states where there is no local program, cases are followed up by a federal technical team, which reports directly to the General Coordination of the PPDDH and the SNPG, acting throughout the national territory, enabling the meeting the demands received regarding human rights defenders are addressed throughout Brazil.

d) The mandate holders express concern about alleged lack of legal framework and operating rules to the Human Rights Defenders Protection Program in Brazil, as well as regret the alleged insufficiency of financial resources for its implementation. They believe that this situation reflects "the widespread and entrenched racism in Brazilian civil society, as well as persistent forms of discrimination against women and discrimination based on sexual orientation and gender identity that continue to prevent their participation and political representation equality in decision-making processes". Despite the absence of a law that specifically regulates the PPDDH, there is a consolidated normative framework that guides its actions, namely: DECREE No. 9,937, DE JULY 24, 2019, establishing the Program and its deliberative Council; DECREE No. 10,815, OF 27<sup>TH</sup> SEPTEMBER 2021, which includes the participation of civil society in the Council Deliberative; and ORDINANCE No. 300, OF SEPTEMBER 3, 2018, which regulates the PPDDH. Furthermore, about the alleged insufficiency of financial resources destined to the PPDDH, BRL 9,502,461.06 were invested in the Program in 2020, and, BRL 8,571,143.58 in 2021. In other words, almost 20

million reais between 2020 and 2021 were invested only by the federal government to the maintenance of the Protection Policy, which demonstrates the commitment of the Brazilian state to the protection of human rights defenders. It is worth mentioning that the PPDDH budget is destined to rigorously train highly qualified technical teams to the execution of the Program (Federal Team /State Teams), as well as to the execution of the actions foreseen in the Work Plan, which entails detailed execution of the protection policy.

As mentioned above, PPDDH depends on an agreement between the states of the federation. In this case, councilor Benny Briolly is included in the PPDDH of the state of Rio de Janeiro. The PPDDH/RJ team has made efforts to provide the necessary protective measures through the contact with the public security bodies, RJ Public Attorney and the Legislative Assembly.

As for the cases referring to Ana Lúcia Martins and Talíria Petrone, both councilors in the Municipality of Joinville/SC, they are in phase of analysis by the Federal Program team. Anyway, the team has adopted protective actions and measures applicable, which cannot be detailed here for safeguard security strategies and procedures adopted by the PPDDH, as well as preserving their physical integrity.

Finally, it should be noted that the goal of the Program is not only the protection of life, the physical integrity of human rights defenders or the promotion of their activities, but also the articulation of actions that affect the origin and structural causes of threats. In this way, the PPDDH has acted in the sense of combating racism, racial discrimination and sexism, as well as other types of discrimination. From this perspective, the PPDDH evokes the understanding of imperative importance of networking, enabling communication between agencies and entities of the government, as well as the third sector, enabling the construction of a protective network to the threatened people, especially so that they can work with dignity in the fight for the defense of rights humans of persons and collectivities.

It is noteworthy that according to Law 13.709/18 (General Law for the Protection of Personal Data - LGPD), which establishes standards for the protection of personal data, it is important the protection of information and confidentiality with regard to the referrals made, in order to preserve the security strategies and procedures adopted by the PPDDH, as well as to preserve the integrity of the individuals identified in this document.

In addition to the clarifications about the PPDDH, it is worth highlighting the various instruments aimed at promoting ethnic-racial equality and equity of opportunities for quilombola, gypsy, black people and foreigners with an ethnic-racial profile, as well as actions to combat racism and other forms correlates of ethnic-racial discrimination that are In progress. In 2021, the The following actions by the federal government:

a) Project "Racial Equality in Schools". It is about Technical Cooperation Agreement No. 5/2021, signed between the SNPIR/MMFDH and SEB/MEC, whose purpose is to formalization of joint action by the participants for the implementation of the Racial Equality Project in Schools, with the objective of promoting the continuous formation of elementary school teachers, aiming at the implementation of equality awareness actions school, contributing to the application of the Law n. 10.639, of January 9, 2003, which establishes the Guidelines and Bases of National Education, to include in the official curriculum of the Education Network to mandatory theme "History and Culture Afro-Brazilian". The Course will be implemented in AVAMEC platform, in a national Elementary School teachers network from the States and counties.

b) Project "Public Security in the Promotion of Racial Equality". This is the Technical Cooperation Agreement signed between SNPIR/MMFDH and SEGEN/MJSP, for the implementation of the Project whose objects are (i) teaching and research on racial equality and racism combat, through activities such as symposia, seminars, webinars, publications and research on public security and the promotion of ethnic-racial equality, with the aim of enabling and specialize the professionals who make up the System Public Security (Susp).

c) Project "Race/Color in the Prison System: respect and access to rights". This is the Technical Cooperation Agreement signed between SNPIR/MMFDH and DEPEN/MJSP, for the implementation of the project aimed at training servants working in custody systems, through the DEPEN educational platform, to encourage and qualify actions and activities of promotion of ethnic-racial equality within the scope of the National Penitentiary System.

d) Formalization of "TED" with the Federal University of Semiárido - UFERSA, in the amount of R\$ 99,000.00 for the production of training content - Project "Raça e Cor in the Prison System - Access to Rights.

e) Partnership with the Public Attorney of Mato Grosso do Sul: This is the Technical Cooperation Agreement signed between SNPIR/MMFDH and MPMS, which aims at implementing joint actions to combat racism and ethnic-racial discrimination; to protect young victims of violence; and to control the police activity.

f) Project "Promotion of Equity in Health": This is the Technical Cooperation Agreement signed between SNPIR/MMFDH and SAPS/MS for the elaboration of strategies and intersectoral actions aimed at promoting equity in health, in order to address the social determinants and improve the health conditions of the black population, of the albino population, peoples and communities traditional and other populations in a situation of social vulnerability.

g) Partnership with the Federal University of Pampa: MoU signed between SNPIR/MMFDH and UNIPAMPA, with the objective to provide conditions for the establishment of joint actions for the

promotion of ethnic-racial equality and actions to confront racism, to develop research, teaching and extension for human resources training at the undergraduate level and postgraduate studies.

h) Launch of the Course "Ethnic-Racial Policies: concepts and methods related to overcoming racism and inequalities", with the following modules: Module I "Black Population in Brazil: challenges and struggles", Module II "Public Policies for the Promotion of Ethnic-Racial Equality" and Module III "International mechanisms to fight racism and ethnic-racial discrimination. (Partnership with SNPG).

i) Project BRA 15/010 - "Strengthening and Expansion of the National System for the Promotion of Racial Equality (SINAPIR)", concluded with the United Nations for Development (UNDP), whose objective is to enhance the implementation of this system from the consolidation of its institutional arrangements and the expansion of federative participation. In the second half of 2021, two public notices were launched to Afro-Brazilian Studies Centers (NEABs) and civil society organizations, with a R\$ 1,500,000.00 total investment.

j) Webinar "Illness Awareness sickle cell", in partnership with the Federal University of Maranhao (UFMA).

k) International Black, Latin American and Caribbean Women's Day Webinar - "Challenges, Advances and Achievements in the Struggle for Equality of Opportunities".

In addition, SNPIR informs the actions that are planned for the current year:

a) The V National Conference for the Promotion of Racial Equality (CONAPIR), convened by the Decree 10,774, of August 23, 2021, in the period from 2 to 6 May 2022, with the theme "Confronting racism and other related forms of ethnic-racial discrimination and religious intolerance: State policy and responsibility of all of us". The conference is expected to receive 1,244 delegates, in addition to guests and other participants, making part of an action alluding to the international decade of afrodescendants.

b) Publication of the Decree that will establish the "National Program on the Promotion of Equal Opportunities and Combating Ethnic-Racial Discrimination", which has as main goal the articulation and the improvement of public policies that promote equal opportunities, the strengthening actions aimed at promoting and defending human rights human, and fighting ethnic-racial discrimination - April/2022.

c) Launch of the National Campaign Promoting the Equal Opportunity: Black Women, Labour Market and Access to Rights. attendance of recommendation of case 12,571 (Neusa dos Santos

Nascimento and Gisele Ana Ferreira), before the Inter-American Court of Human Rights. The campaign, in construction, is scheduled to be launched on March 3<sup>rd</sup>, 2022.

d) Continuous Training for 1000 Elementary School teachers - "Racial Equality Project In Schools", on the AVAMEC - ACT - SNPIR/MMFDH platform X SEB/MEC - March/2022.

e) Remote Learning Training for 500 Custody Agents - ACT SNPIR X DEPEN - Project Race and Color in the Prison System: Access to Rights – March/2022.

f) Training for civil servants who are part in the Public Security System (SUSP) ACT SNPIR X SEGEN/MJSP - Public Security for the Promotion of Racial Equality Project - March/2022.

The National Secretariat of Policies for Women (SNPM), in turn, adds information about the actions undertaken to combat political violence against women, who have been developed in recent two years by the Secretariat, in partnership with several public and private institutions in Brazil.

In this sense, initially, the SNPM provoked the debate on political violence against women in the context of MERCOSUR. A seminar was held on the theme at the opening of the Meeting of MERCOSUR Ministers and High Authorities of Women, which took place in Brasília, in 2019, an occasion that brought together the Minister of Women, Family and Human Rights, Damara Alves, representatives of the Brazilian parliament and the UN Women. The event promoted strategic alliances and, since then, there has been an unprecedented movement of mobilization.

In 2020, the National Council for Women's Rights, body that has mostly representatives of the civil society and which is chaired by the Secretary National Policy for Women, published specific resolution on political violence, with the government support. It was the first resolution on the theme in 35 years of existence of the Council.

To illustrate the effort undertaken by the state Brazilian government to prevent political violence against women, other actions have also been put in place:

a) Launch of the “Mais Mulheres no Poder” Project, which encompasses a series of initiatives with the aim to remove barriers that keep women away from politics and thus encourage their participation. We offer courses, live workshops, online service channel to resolve doubts.

b) Adequacy of the reporting channel of the MMFDH, “Ligue 180”, which receives more than 1 million calls per year, to receive and forward the records of political violence against women. “Ligue 180” is a long-range channel, as it reaches all 5,570 Brazilian cities and 16 more countries.

- c) Launch of the advertising seal in partnership with UN Women, to encourage the dissemination of the complaint.
- d) Launch of the awareness campaign and participation in a campaign promoted by our UN Women partner.
- e) Holding of approximately 30 public events on the topic of political violence, with the aim to raise awareness in society.
- f) Invitation to 18 political parties to celebrate a commitment to the expansion of political space for women and to the fight against political violence.
- g) Partnership with the most varied active organizations in Brazil such as: UN Women, the Union of Councilors of Brazil, the National Union of Legislators and State Legislatures, the Chamber of Deputies, National Council of the Public Attorney, political parties, among others; and
- h) Promotion of the institution of Women's Attorneys in all Legislative Houses, with the aim at ensuring for the more effective participation of women in the exercise of the mandate, receive, examine and forward competent bodies reports of violence and discrimination against women; oversee and monitor the implementation of government programs aimed at promoting equality of gender, as well as the implementation of educational and anti-discrimination campaigns; cooperate with national and international bodies, public and private companies, aimed at the implementation of policies for women; promote research, seminars, lectures and studies on violence and discrimination against woman, as well as about her representation deficit in politics, including for the purposes of public disclosure and provision of subsidy to the Congress Committees.

SNPM highlights that actions to combat violence reach out to women, considering a variety of backgrounds.

Furthermore, it should be noted that the Superior Electoral Court implemented the Gender Policy Committee and established, a resolution that determines mandatory allocation of at least 30% of the free radio and TV electoral propaganda time to women's campaigns.

The Brazilian Justice also launched the sitcom " Gender-based Political Violence Exists": the production and diffusion of videos about political violence, in partnership with private institutions.

Furthermore, acknowledging the occurrence of political violence against women, the SNPM carries out *ex officio* provocation to the justice and the National Human Rights Ombudsman so they are able to take action.



It is also noteworthy that the Brazilian government, attentive to this theme, published, on August 5, 2021, the Law No. 14.192, which establishes rules to prevent, repress and combat political violence against women in places and activities related to the exercise of their political rights and their public functions, to ensure the participation of women in electoral debates, and to criminalize the diffusion of fake fact or video during the electoral campaign period.

The law is based on constitutional principles aimed at achieving the Brazilian Republic's values and guarantees women the right to participate in political affairs on equal terms, without discrimination.

The law establishes in Article 3, "caput", the definition of political violence: it is considered political violence against woman any action, conduct or omission with the purpose of preventing, impeding or restricting women's political rights. Also its paragraph determines that constitute also acts of political violence against women any distinction, exclusion or restriction on the recognition, enjoyment or exercise of their rights and freedoms fundamental policies, due to gender.

The legislation promoted changes in Law No. 4,737, of July 15, 1965, the Electoral Code, and added the item X to article 243, which now prohibits attitudes that belittle the condition of woman, according to the quotation below:

"Art. 243. Advertising will not be tolerated:

X - that belittles the condition of a woman or stimulates her discrimination on grounds of the female sex, or in relation to your color, race or ethnicity. (Included by Law no. 14,192, of 2021)"

The law main goal is to prevent and combat behaviors that prevent women from exercising their political rights and public functions, and aims at ensuring the participation of women in politics in equal conditions.

The Brazilian state is committed to fighting the political violence and carries out actions to reduce this type of rights violation that destabilizes democracy, violates constitutional principles and fundamental rights.