

**Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Working Group of Experts on People of African Descent; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
AL BRA 12/2020

18 January 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Working Group of Experts on People of African Descent; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 43/36, 45/24 and 43/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding racist statements made by Mr. Sérgio Camargo, who was recently appointed President of the Palmares Cultural Foundation. Racist statements have also been posted in the Foundation's website. In addition, under Mr. Camargo's leadership some structural changes have been made to the Foundation which may undermine the transparent and participatory decision making within the institution.

According to the information received:

The Palmares Cultural Foundation (*Fundação Cultural Palmares*) was created in 1988, as the first public institution responsible for the promotion and preservation of the cultural, social and economic legacies of people of African descent. In November 2019, Mr. Sérgio Camargo was appointed president of the Palmares Cultural Foundation. Reportedly, Mr. Camargo had made several racist statements, including denying the existence of racism in Brazil and justifying that slavery had benefited people of African descent.

In light of these allegations, Mr. Camargo's appointment was initially suspended by 18<sup>th</sup> Federal Court, since such statements were contrary to the main purpose of the Foundation. This decision stressed that the Palmares Cultural Foundation's main mandate focuses on the promotion and preservation of Afro-Brazilian culture, in addition to combating racism and identifying and recognizing the remnants of Quilombola communities. After a careful analysis of publications posted by Mr. Sérgio Camargo on his social media networks, the Court concluded that those publications were against racial minorities who are at the centre of the mandate of the institution for which Mr. Camargo had been appointed. The Court decided that the appointment of Mr. Camargo to the position of President of the Palmares Cultural Foundation was against the essence of its mandate and contradicted the constitutional principle of equality, as well as the valorisation and protection of the Afro-Brazilian culture.

However, in February 2020, the President of the Federal Court of Justice overturned the decision of the 18<sup>th</sup> Federal Court and confirmed the appointment of Mr. Camargo.

Brazil commemorates the “Black Consciousness Day”, on 20 November, date of the death of Zumbi dos Palmares who represents a symbol of the struggle and resistance of people of African descent enslaved in Brazil. Mr. Camargo has made public statements promoting the elimination of this commemoration day.

On 13 May 2020, the commemoration date of the anniversary of the abolition of slavery in Brazil, the official website of the Palmares Cultural Foundation published messages criticizing Zumbi dos Palmares, and questioning the relevance of “Black Awareness Day” and Afro-Brazilian legacies and traditions. These messages were deleted following an order from the 9<sup>th</sup> Federal Court of the Federal District. Mr. Camargo reportedly stated in his social media accounts that Zumbi dos Palmares is a “hero of the racist left, not of the Brazilian people. We repudiate Zumbi”. On 26 May, he announced the use of a seal by the Palmares Cultural Foundation to certify “that a person is not racist”.

In addition, Mr. Camargo has promoted changes in the Foundation’s structure through Ordinance N° 45 of 2 March 2020 by eliminating seven collegial bodies that composed the foundation, including the Management Committee of the Quilombo dos Palmares Memorial Park. This change aims at centralising the decision making and limiting the participation of various actors relevant to the work of the Foundation. The concentration of the decision-making may infringe article 216- A of the Brazilian Constitution, which stipulates: “The National Culture System, organized within a framework of cooperation, in a decentralized and participatory manner, institutes a process of joint management and promotion of cultural policies, which shall be democratic and permanent, and agreed upon by the units of the Federation and society, aiming at fostering human, social, and economic development, with full exercise of cultural rights.” As a result of these changes, some Afro-Brazilian communities have reportedly lost access to spaces for dialogue on decision and policy making within the Foundation. Furthermore, Mr. Camargo has advocated for the elimination of an affirmative action measure legally established in 2012, which promotes the access to higher education by Afro-Brazilians aiming at reducing the gap of their access to the labour market.

According to the information received, Mr. Camargo has often made derogatory comments against Afro-Brazilian and Quilombolas’ culture and religion, going against the main purpose of the Palmares Cultural Foundation which is the promotion and preservation of the cultural legacy of people of African descent in Brazilian society.

Furthermore, on 19 November 2020 the day before the celebration of “Black Consciousness”, following the violent death at the hands of private security guards of an Afro-Brazilian individual in front of a supermarket in Porto Alegre, Mr. Camargo reportedly posted some statements in his social media referring to this victim “*not representing the honourable blacks*”. Mr. Camargo also wrote that “*There is no structural racism in Brazil; our racism is circumstantial*”. He has also shared a video in which he insists, “*Black Consciousness Day in Brazil must end. It is a date that the left has*

*appropriated to propagate victimization and racial resentment.”*

Although we do not wish to prejudge the accuracy of the above information, we would like to express our serious concern regarding the racist statements made by the President of the Palmares Cultural Foundation, Mr. Sérgio Camargo. As mentioned above, this foundation was created for the promotion and conservation of the cultural, social and economic legacies of people of African descent in Brazil, it is therefore unacceptable that messages denigrating Afro-Brazilian culture and disregarding the consequences of slavery could be made public in the website of such institution. We are also seriously concerned about the latest statements made by Mr. Camargo on the killing of an Afro-Brazilian individual which disregard the act of violence committed against him and incite racist political discourse against people of African descent.

We also wish to express serious concern with regard to Mr. Camargo's suitability for the post of President in light of the judgment issued by at least one chamber of the Federal Court. Although this judgment was subsequently overturned, it provides strong support for the concerns expressed by Afro-Brazilians regarding Mr. Camargo's alleged ill-suitedness for the position of President of the Foundation.

In this regard, we remind Your Excellency's government of the obligation to prohibit by law any advocacy of hatred constituting incitement to discrimination, and the duty to take measures to prevent discrimination. We note that these obligations apply also with regard to statements made by public officials, and that they may apply with particular force to public officials holding prominent positions. Such statements may, depending on the circumstances, be attributed to the State.

We are also seriously concerned about the allegations regarding the attempts of centralizing the decision making of the Palmares Cultural Foundation, which may undermine its transparency and participatory decision-making. These structural changes might undermine the participation of Afro-Brazilian and Quilombolas communities in public affairs and silence their voice in matters that directly affect them.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigation that has been carried out with regard to the allegations mentioned above, as well as the outcomes of such investigations.
3. Please provide detailed information on any steps taken to monitor and combat racist speech, in particular by public officials, as well as to

address the root causes of racist hate speech.

4. Please provide information on measures take to enable and ensure that the Palmares Cultural Foundation carry out its mandate in an effectively manner, as well as to ensure the participation of representatives of Afro-Brazilian and Quilombolas communities in the decision-making processes within the Foundation.
5. Please provide information on the measures taken, and their impact, to promote education, culture and information, with a view to combating prejudices that lead to racial discrimination.
6. Please indicate whether public awareness campaigns have been carried out to combat racial discrimination and xenophobia and promote the respect for diversity.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

E. Tendayi Achiume

Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

Dominique Day

Chair-Rapporteur of the Working Group of Experts on People of African Descent

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights norms and standards:

Firstly, we would like to remind your Excellency's Government of its obligation under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Brazil on 27 March 1968. Article 1 (1) defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Article 4 of ICERD provides the obligation of States parties to condemn all propaganda and all organizations which attempt to justify or promote immediate racial hatred and discrimination. In addition, article 4 (c) stipulates that States parties shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination. The Committee on the Elimination of Racial Discrimination, in its General recommendation N° 35 on combatting racist hate speech states that under the terms of article 4 (c) regarding public authorities or public institutions, racist expressions emanating from such authorities or institutions are of particular concern, especially statements attributed to high-ranking officials. In this regard, racist statements made by the President of the institution in charge of promoting the culture of Afro-Brazilians are of serious concern.

We also recall that article 2 (1) of ICERD obliges States Parties to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups. To this end, States must ensure that public authorities and institutions on the national and local level act in compliance with this obligation. In accordance with article 7, States Parties must adopt immediate and effective measures to combat prejudices which led to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups. In its General Recommendation N°34 on people of African descent, the Committee states that people of African descent have the right to keep, maintain and foster their mode of life, and forms of organization, culture, language and religious expressions. In this regard, State parties have the obligation to develop educational and media campaigns to educate the public about people of African descent, their history and their culture and the importance of building an inclusive society. In addition, with regard to participation, States should also ensure that authorities at all levels in the State respect the right of members of communities of people of African descent to participate in decision making.

In the General Recommendation mentioned above, the Committee has also clearly stated that it is an obligation of States to strengthen existing institutions to promote respect for the equal human rights of people of African descent, and to take all necessary steps, including special measures, to secure equal opportunities for participation of people of African descent in all central and local government bodies.

Furthermore, we would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular the International Covenant on Civil and Political Rights, acceded by Brazil on 24 January 1992. Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, "to enjoy their own culture, to profess and practice their own religion, or to use their own language".

In this connection, we remind that article 20 of the ICCPR places a duty on the part of the State to prohibit any "advocacy of ... racial ... hatred that constitutes incitement to discrimination, hostility or violence". The provision is an expression of the general obligation of the State to prevent discrimination, expressed in the ICCPR Arts. 2 (1) and 26. The right to freedom of expression enshrined in article 19 (2) of the ICCPR applies to everyone, and protects even expressions that shock, offend or disturb. It does not, however, protect speech that falls within the scope of article 20, although such speech must be restricted in accordance with article 19 (3), that is, in accordance with the law and in a manner which is proportionate.

Finally, we refer to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism (A/74/321), which recommends to pursue educational measures to ensure national and international consciousness of the scale, scope and contemporary legacies of racial discrimination, rooted slavery and colonialism.