



## THE GENOCIDE OF BLACK YOUTH IN BRAZIL

### FOPIR's Document based on the CPI Brazilian Senate Report about the Assassination of Youth

**The Permanent Forum on Racial Equality (FOPIR)**<sup>1</sup>, in fulfillment of its mission to influence and impact on the field of racial equality in Brazil, hereby presents and disseminates the conclusions and recommendations of the Congress' Parliamentary Investigation Committee (CPI) on the Assassination of Youth, carried out by the Federal Senate, based on 29 meetings and public hearings. Along with the CPI guidelines, FOPIR sets out its own recommendations to overcome the phenomenon of youth mortality in Brazil.

The 155-page Final Report<sup>2</sup>, resulting from the CPI deliberations, brought extremely serious considerations about the country's violent records, presenting alarming numbers. Brazil "lives under an undeclared civil war" (SENADO, 2016, 145). The Brazilian police, which constitute the armed extension of the state, have killed in five years more than the US police has in 30 years of work. On average, five people are murdered by the police every day.

However, the risk of being a victim of homicide does not happen randomly and indiscriminately, there is an explicit profile for the main targets: youth (53%), blacks (77%), and males (93%). This is evident in the assertion that "every 23 minutes a young black man dies in Brazil" (SENADO, 2016, 32). Thus, after extensive and comprehensive work the CPI reached the following conclusion: "The Brazilian state, directly or indirectly, promotes the genocide of young black populations" (SENADO, 2016, 145).

FOPIR would like to highlight the relevance of the findings of the CPI Final Report on the Assassination of Youth. Since it differs from several publications produced by research centers or the speech of social movement militants and activists, especially the black social movement, which has long denounced the extermination of the black population in the country, this Report has another character. It is now a document produced by the Federal Senate and, therefore, by the Brazilian State itself, which categorically admits that the numbers of homicides "reveal a reality that we can only describe by the word genocide" (SENADO, 2016, 117). Therefore, this Report stands out due to its unprecedented significance.

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<sup>1</sup> FOPIR is a coalition formed by fourteen civil society organizations that are engaged in confronting racism in Brazil. It is composed by the following: Brazilian International Amnesty; Articulation of Black Brazilian Women Organizations (AMNB); Association of Black Brazilian Researchers (ABPN); Baobá – Racial Equity Fund (Baobá Fund); Center for the Study of Race Relations and Inequalities (CEERT); Commission of Journalists for Racial Equality from Rio de Janeiro (COJIRA-RJ); Geledés – Black Women's Institute; Multidisciplinary Study Group for Affirmative Action (GEMAA); Socio-Economic Studies Institute (INESC); Institute for Afro-Brazilian Research and Studies (IPEAFRO); Research Laboratory for Ethnicity, Culture and Development (Laeser/UFRJ); Favela Observatory; Odara – Black Women's Institute; Maré Development Network (Maré Network).

<sup>2</sup> SENADO. Final CPI Report on the Assassination of Youth. Rapporteur Senator Lindberg Farias, 2016. Available at: <http://www12.senado.leg.br/noticias/arquivos/2016/06/08/veja-a-integra-do-relatorio-da-cpi-do-assassinato-de-jovens> Access: Oct. 2016.



When the Brazilian State itself admits that black youth is the main targets of an extermination policy that annually kills almost sixty thousand people, and that “this genocide process is fundamentally marked by institutional racism” (SENATE, 2016, p. 146), no one will be able to challenge what had already been denounced for decades.

However, besides the categorical tone in pointing out the undeniable existence of the genocide against young blacks in Brazil, the Report presents other significant positions on the condition of Public Security in the country, in addition to propositional recommendations. The following points stand out:

1- The CPI found that young offenders in compliance with socio-educational measures under the custody of the State are victims of serious violations, such as denying the basic right of access to education<sup>3</sup>; confinement in unhealthy and overcrowded environments, as well as being victims of torture. In 2013 alone, 29 adolescents died inside socio-educational units in the country, which represents an average of more than two deaths per month. That is, the hospitalization units do not fulfill their pedagogical and socio-educational purpose, since the dignity of the human person and the safety of these adolescents are not safeguarded.

2 - The alarming number of cases classified as resisting authority (*autos de resistência*), which are the cases of intentional homicide resulting from a police intervention against alleged crime suspects in which the police alleged to have used the principle of self-defense were also debated. However, when resisting authority is utilized as a classification, institutional negligence operates in order to prevent the effective investigation of an incident, since in the vast majority of cases there is no crime scene investigation and a police investigation is not established which results in the archiving of such cases<sup>4</sup>. This categorization often hides acts of police violence in summary executions against unarmed victims. And although the categorization - resisting authority - is a recurring practice<sup>5</sup>, there is no legal support to authorize such procedure. Hence, Joint Resolution No. 2, drawn up by the Higher Police Department and the National Council of Civil Police Chiefs was approved in 2015, in order to inhibit this type of classification. However, according to the CPI Report itself, this Resolution has clear limitations, proving insufficient to combat resisting authority cases. More solid interventions are required in order to monitor police station record taking practices.

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<sup>3</sup> According to the information obtained by the CPI, access to education has been denied in an abusive manner to about half of the adolescents admitted to the socio-educational system. By 2013, of the 23,000 inmates, only 12,000 were enrolled in basic education. In addition, there is no information on the type of education offered to the young people enrolled, such as specifying the minimum hours in each state (SENADO, 2016).

<sup>4</sup> Between 2001 and 2011, only 3.7% of the more than 10 thousand cases of deaths resulting from a police confrontation in the State of Rio de Janeiro were opened for investigation (SENADO, 2016, 61).

<sup>5</sup> According to the experts, there are three remarkable characteristics of the autos of resistance: the recurrence of cases in all the country; the selectivity of victims (especially young blacks), and impunity.



3 - Within the scope of the organizational structure of Public Security, several aspects have been emphasized, such as the need to recognize the real bankruptcy<sup>6</sup> of this system, since almost all crimes clarified in Brazil are the result of arrest in flagrante delicto or their repercussion in the media. Of the almost 60,000 homicides that occur each year, the rate of investigation and elucidation of cases does not reach 8%. It indicates that public security reform is urgent. Some of the proposals defended by the CPI are: the demilitarization of the Military Police; operating the so-called "full police cycle"<sup>7</sup>; improvement of police officers working conditions; reviewing the type of training offered to police officers; the deconstruction of a model of police action based on "fighting the internal enemy", and the implementation of a "citizen police".

4- Another important finding was the lack of access to data and information on violence in Brazil. The CPI asked for references on juvenile homicide to the Courts of Justice and State Governments Secretariats, but the large majority does not have disaggregated data on gender, race / color and age markers of the victims. The systematization of this information to be collected in order to better understand the profile of the most vulnerable groups is an essential step in the development of policies that seek to combat homicide among young people.

From these topics, therefore, the severity of the current scenario is explicit. In this sense, in order to prevent CPI resolutions from becoming obsolete and turned into dead letters, FOPIR decided not only to make known its recommendations in order to combat genocide, but also to add our own recommendations in order to join forces and overcome this serious problem.

### **CPI Recommendations for Confronting Genocide**

The recommendations elaborated by the CPI were divided into two blocks, with technical and legislative proposals.

#### **Technical Recommendations**

**1- Define a Protocol for the Standardization of Data and Information on Public Security:** This proposal aims to standardize the procedures and instruments for collecting data related to Public Security, as well as to adequately deal with information. Data on the gender, race, and age of victims need to be standardized in registries in order to produce more accurate national analysis and elaborate more effective public policies in this area.

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<sup>6</sup> The CPI states that "the current model is bankrupt, it does not prosecute crimes, and it does not know how to prevent acts of violence and promotes the decimation of black, young, and poor population" (SENADO, 2016, pp. 153-154).

<sup>7</sup> The CPI argues that the structure of bipartite policing, where the Military Police carries out the preventive and ostensive work and the Civil Police investigates is inefficient, due to duplicity of structures and lack of interaction. Therefore, it proposes the "complete cycle of the police", without the division of functions that currently exists.



**2 - Establish a National Data Bank on Violence:** This recommendation foresees that from the development of the previous proposal, a consolidated and systematized database of information on the phenomenon of violence will be created, based on the improvement of the National Public Security Information System, Prisons and Drugs (SINESP) – which was considered ineffective.

**3- Create the National Observatory on Violence within the scope of the National Congress:** This observatory will be able to monitor the management and performance of the Public Security of states and government agencies, such as the Military Police and the Civil Police. This body can subsidize important information for the construction of legislative proposals in the area of security.

**4 - Ban the so-called resisting authority in an effective way, and constitute the possibility of immediate communication of the occurrence of crime to forensic institutions:** In acknowledging the inefficiency of Joint Resolution No. 2 (elaborated by the Higher Police Department and the National Council of Chiefs of Civilian Police) approved in 2015, this CPI recommendation proposes the complete elimination of so-called "resisting authority", with the definition of mandatory opening of a police investigation in order to investigate homicides provoked by police officers. In addition to seeking to combat the suppression of the work of criminal expertise which is very common in cases of resisting authority cases, through the amendment in the Penal Code, seeking to create a channel of direct communication between the citizen and the expert body, as well as making immediate notification of the occurrence of Crime, without the need for intermediation by the police.

**5- Development of a National Homicide Reduction Plan:** This recommendation aims to create a protocol of basic actions to be developed by the federal government and state governments in order to effect the reduction of assassinations. In addition, it proposes the articulation and coordinated interventions between the different states in exchanging data, definition of strategies, assigning priority to measures that focus on the most vulnerable segment that is affected by the highest homicide rates: black youth between 12 and 29 years.

### **Legislative Recommendations**

1- Proposal of Amendment to the Constitution - PEC nº 51 from 2013, being processed in the Senate. This PEC prescribes changes in the Federal Constitution (amends articles 21, 24 and 144 and adds articles 143-A, 144-A and 144-B) in order to restructure the Public Security model based on the demilitarization of the police.

2 - Proposed Amendment to the Constitution - PEC No. 126, pending before the Chamber of Deputies since 2015. Proposes to amend the Constitution (amends articles 159 and 239 and adds article 227-A), in order to regulate the National Fund for Promoting Racial Equality, Overcoming Racism and Repairing Damage.



3- Draft Legislation for Resisting Authority, according to the Draft Legislation No. 4,471, of 2012, pending before the Chamber of Deputies.

### **FOPIR Recommendations for Confronting Genocide**

FOPIR endorses all the recommendations made by the CPI in order to combat the genocide of black youth. However, in addition to emphasizing the existing urgent character in some of these proposals, FOPIR presents other fundamental recommendations for overcoming violence since it is a complex and multifaceted phenomenon.

**1- Emergency Policy Plan for Black Youth:** Society and the Brazilian State can no longer ignore the genocidal process against black youth that is underway. In this sense, we propose the creation of a strategic plan of emergency actions on behalf of defending life, the promotion of the rights and social inclusion of black youth, aiming at the immediate reduction of homicide rates.

**2- Public Security CPI:** The Report of this Senate CPI verified the state of bankruptcy of Brazilian Public Security. In this sense, we propose the establishment of a specific CPI seeking to investigate the structure of Public Security in Brazil, as well as police interventions, seeking to reflect on the efficiency and impacts of the institutional models adopted. Moreover, we propose to identify the root causes of the problems to be addressed, seeking to achieve a more incisive influence in the formulation of public policies and in the implementation of new legislation.

**3- Creating Public Security legislations and policies focusing on the specificities of historically marginalized groups:** The institutional and structural reforms needed in Public Security, civilian and military police must be in line with a human rights framework and respect to diversity. This is why historically marginalized groups which are consequently more vulnerable to violations, such as the black population, women, indigenous people and the LGBTI population (episodes of abuse against these groups have been reported in this CPI, which were included in the Report as "special cases"), require laws and policies that meet their specific protections, and ensuring their rights to a life free of violence.

**4- Creation of new parameters for the training and preparation of police officers:** To institute changes in the police training and preparation model, in order to build a new repertoire, so that police conduct and approaches are based on respect for the Human Rights and the promotion of citizenship for all, without discrimination on grounds of color / race, gender, class, age, sexual orientation, etc.

**5 - Restriction of television programs that feature hate speech and praise of police violence:** Prohibition of the exhibition of police television programs (especially newscasts), with emphasis on praising discriminatory, abusive and violent attitudes practiced by police between 12 pm and 23hs. These programs, which advocate "punitive populism", are related to conservative notions that support the naturalization of violence and disseminate prejudiced representations in the social imaginary. In this



sense, it is important to note the indicative classification for audiovisual works in Brazil, whose regulations establish that audiovisual works that show racial violence are not recommended for children under 18 years of age.

**6- Unpostponable approval of the PEC 51:** Urgent character to the approval of PEC 51, an ongoing process in the Federal Senate that dates back to 2013, proposing to restructure the Public Security from the demilitarization of the police model.

**7- Immediate approval of the Resisting Authority Legislation:** Ascribe urgency to the approval of the Bill of the Resisting Arrest, which is being processed in the Chamber of Deputies since 2012.

**8. Brazil's Ratification of international treaties against racism, intolerance and discrimination:** It is imperative that the Brazilian State signs the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance, both approved by the Organization of American States (OAS). The ratification of these legal instruments is necessary in order to demonstrate that Brazil is in line with nations committed to promoting a more equitable and peaceful world.

**9- Building Affirmative Policies to Promote Racial Equality:** Genocide against black youth is not the only expression of racial violence affecting this group, but it is the last and most perverse facet of racism. Therefore, it is necessary to create mechanisms to combat institutional racism, as well as to establish Localized Affirmative Policies (PAL) in all spheres of social life, with special emphasis in the education, health, work and cultural sectors. Such actions need to be designed based on the dialogues established with civil society, especially black social movements.

**10- Investment in high quality equity oriented public education:** In view of the previous proposal, we highlight the role of education as a strategic sector in the fight against racism in Brazilian society. Thus, we emphasize the importance of promoting equity oriented and high quality education, in which all children, adolescents and young people feel represented and included. To this end, it is essential to combat epistemicide with the effective fulfillment of Law 10.639 / 03 (and Law 11.645 / 08), which establish the teaching of African and Afro-Brazilian history and culture in all public and private schools in the country. In addition to the expansion of the policy of racial quotas in public universities in order to include black youth, indigenous and maroon communities.

The Brazilian state may no longer ignore the phenomenon of genocide against black youth. Instead, the government must develop concrete measures aiming at overcoming this problem, acting as guardian of children and youth in our country. Since, "Living in a State of Law means saying 'no' to summary executions" (SENADO, 2016, p.85).