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6 March 2024

BRA201550.E

Brazil: Situation of people of African descent in Brazil, including women, immigrants, and Haitian and African asylum seekers, and treatment by society and authorities; access to housing, employment, education, and healthcare; state protection (2017-November 2023)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to the President of Brazil, "[o]ver half" of the country's 203 million people identify as being "of African descent" (Brazil 2023-08-25). According to Freedom House, "[j]ust over half of the population identifies as Black or of mixed race" (2023-03-09, Sec. F4). Minority Rights Group International (MRG) similarly indicates that 50.7 percent of population is Afro-Brazilian, of which 43.1 percent is *pardo* (mixed ethnicity) and 7.6 percent is *preta* (Black) (MRG 2020-05).

According to statistics from the UNHCR gathered from Brazilian government data, "more" than 161,000 Haitians have settled or transited through Brazil over "the past years"; the same source indicates that this migration has been "especially" prominent "since the 2010 earthquake" (UN 2023-06). The same source adds that as of June 2023, an "estimated" 83,000 Haitians residing in Brazil hold "some type" of legal documentation and are recognized as individuals "in need of international protection" (UN 2023-06). According to a 2022 report by the UN International Organization for Migration (IOM) measuring the level of integration of Haitian and Venezuelan migrants in Brazil, the "recent largest migration flows" to Brazil are from Haiti and Venezuela and, according to "most recent estimate ranges," there are 150,000 to 200,000 Haitians living in Brazil (UN 2022-06-22, 2).

The Migration Policy Institute (MPI), a "nonpartisan" US organization that produces research on migration and asylum policies (n.d.), between 2010 and 2015, 48,000 Haitians sought asylum in Brazil; "significant arrivals" persisted "at least through 2019," a year in which "nearly" 17,000 Haitians applied for asylum in Brazil (MPI 2021-09-30). IciHaiti, a news website owned by the Haitian news source HaitiLibre (IciHaiti n.d.), indicates that the government granted temporary residence permits to over 13,500 Haitian migrants from October 2018 to January 2019 (2019-01-31). Authors Natália Medina Araújo and Patrícia Ramos Barros [1], in a report on the refugee status determination process in

Brazil published by the Global Asylum Governance and the European Union's Role (ASILE) project [2], note that Haitian nationals represent the "second largest" share of asylum seekers in the country (Araújo & Barros 2022, 9). The MPI in another report notes that "many" Haitians who migrated to countries such as Brazil and Chile have moved "elsewhere for a second or third time as economic opportunities for Haitian migrants dried up" (2023-07-05).

A 2022 annual report by the International Migration Observatory (Observatório das Migrações Internacionais, OBMigra) [3], a collaborative project between the Ministry of Justice and Public Security (Ministério da Justiça e Segurança Pública, MJSP) and the University of Brasilia (Universidade de Brasília, UnB), indicates that in the 2010-2021 period, the [translation] "main" nationalities applying for refugee status were Venezuelans (59.0 percent), Haitians (13.3 percent), Cubans (4.1 percent) and Senegalese (3.0 percent) (OBMigra 2022, 6). The same report notes that in the 2016-2021 period, Venezuelans (174,945), Haitians (33,533) and Cubans (11,425) accounted for 85.2 percent of all refugee applications recorded in Brazil (OBMigra 2022, 8).

2. Economic Situation of People of African Descent in Brazil

According to Freedom House, "almost" 80 percent of Brazilians living in "extreme poverty are Black or mixed race" (2023-03-09, Sec. F4). Amnesty International, in its annual report for 2022-2023, indicates that increasing inflation and poverty has "disproportionately impacted groups that have historically faced discrimination," such as Black people, women, and residents of favelas and marginalized neighbourhoods (2023-03-27, 99). According to MRG, "among the poorest Afro-Brazilians" are those who live in *quilombolas*—communities initially established by enslaved people who fled to remote rural areas—where living conditions "are often some of the worst" in the country and where inhabitants "often" experience a lack of access to "basic services," including sanitation, and

have "some of the highest poverty rates" in Brazil (MRG n.d.). The same source states that, according to government figures, the poverty rate in quilombolas is "as high as" 75 percent, three times that of the general population (MRG n.d.). The US Department of State *Country Report on Human Rights Practices for 2022* reports that people living in quilombolas experience "systemic challenges such as endemic poverty, racism, violence, threats against women, and threats against community leaders, as well as limited access to essential resources and public policies" (US 2023-03-20, 24).

3. Situation of Afro-Descendent Women in Brazil

Amnesty International reports that, in 2022, both cisgender and transgender women experienced violence in "various forms," and that Black women "especially" were "targets" (2023-03-27, 98). According to the UN Committee on the Elimination of Racial Discrimination (CERD), violence against Black women happens with a "high degree of impunity" (UN 2022-11-17).

According to the Atlas of Violence 2019 (*Atlas da Violência 2019*), an annual report published by the Institute for Applied Economic Research (Instituto de Pesquisa Econômica Aplicada, IPEA) [4] and the Brazilian Forum on Public Security (Fórum Brasileiro de Segurança Pública, FBSP) [5], [translation] "racial inequality" is evident in the fact that Black women—including both *parda* and *preta* women—accounted for 66 percent of all female victims of lethal violence in Brazil in 2017 (Brazil & FBSP 2019, 39). Amnesty International, citing the FBSP, indicates that in 2022, 699 women were victims of femicide in Brazil, and adds that 62 percent were Black (2023-03-27, 102).

The US *Country Report 2022* notes according to the Brazilian Ministry of Health (Ministério da Saúde) as of 2018, the average "maternal mortality ratio" was 59 deaths per 100,000 live births and was "higher" among Black women than among white women (US 2023-03-20,

21). The UN CERD indicated that Black women represented the "largest percentage of deaths" in the COVID-19 pandemic, and they "experienced higher rates of maternal mortality and morbidity" (UN 2022-11-17). *US Country Report 2022* states that according to a study published in May 2021 by the Oswaldo Cruz Foundation (FIOCRUZ), an institution under the Brazilian Ministry of Health which promotes health and produces scientific research (FIOCRUZ n.d.), the "risk of death" of pregnant brown [mixed ethnicity] and Black women from COVID-19 was "almost twice" that of white women (US 2023-03-20, 21).

The UN CERD stated that Afro-Brazilian women were involved in "unpaid or underpaid care work at a disproportionate level," and earned "about" 40 percent of what the white population earn (UN 2022-11-17). The delegation of Brazil to the UN CERD stated that the number of unemployed Black women increased to "around two million from 2019 to 2021" after the COVID-19 pandemic (UN 2022-11-17). Without providing further details, the Brazilian delegation noted that the government had offered courses and workshops to Black and Indigenous women, and thus had increased female employment rates (UN 2022-11-17).

The 2022 OBMigra report indicates that there has been an [translation] "exponential increase" in refugee applications from women in recent years in Brazil, particularly from Venezuelans, Haitians and Cubans, and to a "lesser extent" from Angolans (OBMigra 2022, 4). Araújo and Barros, citing one 2021 interview with representatives of an organization working with refugees and migrants in Brazil, note that "probably anywhere" in the country, a Haitian woman would be seen "beyond" their gender as "foreign and Black" (2022, 32).

4. Treatment by Society

The MPI article states that Brazil is characterized by "persistent racism" and notes that "growing anti-immigrant sentiment" emerged surrounding the 2018 election of President Jair Bolsonaro (2021-09-30).

US *Country Report 2022* states that Afro-Brazilians experience "discrimination" despite forming a significant portion of the Brazilian population (US 2023-03-20, 22). Ravina Shamdasani, a spokesperson for the OHCHR in Geneva, stated that "'Black Brazilians endure structural and institutional racism, exclusion, marginalization, and violence, with – in many cases – lethal consequences. Afro-Brazilians are excluded and almost invisible from decision-making structures and institutions'" (UN 2020-11-24).

US *Country Reports 2022* states that Afro-Brazilians were "disproportionately affected by crime and violence" (US 2023-03-20, 22). MRG indicates the following regarding the lives of Afro-Brazilians in cities:

Profound inequality is also evident in cities, too, with many Afro-Brazilians forced to reside in the most dangerous urban areas. With little opportunity to improve their lives, young Afro-Brazilian men in particular have been drawn into drug gangs and violence. (MRG n.d.)

MRG notes that the "majority" of the 63,880 people murdered in Brazil in 2017 were "young, male, poor and black" (MRG n.d.). Similarly, Freedom House states that "[v]ictims of violence" in the country are "predominantly young, Black, and poor" (2023-03-09, Sec. F4). According to the Atlas of Violence 2019, in 2017, 75.5 percent of homicide victims were Black individuals including pardo and preto, and the homicide rate per 100,000 people was 43.1 for Black people and 16.0 for non-Black people (Brazil & FBSP 2019, 49). Ravina Shamdasani stated that the "'structural racism, discrimination, and violence that people of African descent face in Brazil is documented by official data, which indicates that the number of Afro-Brazilian victims of homicide is disproportionately higher than other groups'" (UN 2020-11-24).

The US Department of State *International Religious Freedom Report for 2022* indicates that based on "[m]edia outlets" reports, acts of "religious intolerance" such as "derogatory name calling of an Afro-

Brazilian religious ritual" or "destroying places of worship" have taken place in "different parts" of Brazil (US 2023-05-13). The same source notes that "approximately" two percent of the population practices Afro-Brazilian religions (US 2023-05-13).

According to an article by Jean Bart David and Maria Lucia Frizon Rizzotto, who are from the postgraduate program of public health at the Western Paraná State University (Universidade Estadual do Oeste do Paraná, UNIOESTE) in Brazil, and Leda Aparecida Vanelli Nabuco de Gouvêa, from the nursing program at the same university, based on 128 interviews from December 2019 to December 2020 conducted with Haitian immigrants residing in Western Paraná, the "difficulties faced by Haitian immigrants in the local society integration, labor activities, or prejudice they suffer are similar to the difficulties faced by the Brazilian Black population victim of the existent structural racism" (2023-06-26, 1, 6). UNHCR indicates that "cultural and language differences, as well as the experiences of displacement, including the impact of family separation, racism, and xenophobia, continue to significantly" affect Haitian migrants' access to "education, employment, housing, healthcare, and social assistance" (UN 2023-06). David, Rizzotto, and Gouvêa note that Haitians face difficulties integrating into Brazilian society and experience "bad working conditions associated with racism" (2023-06-26, 6).

5. Access to Housing

Amnesty International indicates that, according to a survey published by the Federal University of Minas Gerais (Universidade Federal de Minas Gerais, UFMG) in 2022, "more" than 180,000 people in the country had "nowhere to live" and 68 percent of these individuals are Black (2023-03-27, 99-100). Amnesty International report for 2021, citing a study by Criola, an NGO advocating for the rights of cisgender and transgender Black girls and women (Criola n.d.), notes that the

percentage of Black people living in "inadequate homes" was "significantly higher" than their white counterparts (Amnesty International 2022-03-29, 100). Information on access to housing for immigrants of African descent in Brazil could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. Access to Employment

US *Country Reports 2022* notes that "[m]any" government offices maintained "internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, assessing 'Blackness' to reduce abuse of affirmative action policies and related laws" (US 2023-03-20, 23). MRG reports that quotas have also been established for public administration positions to address discrimination in the labour market; however, the initiative "remains contentious," with "some" politicians campaigning to repeal them (MRG n.d.). US *Country Reports 2022* states that although the government "generally" enforced labour laws and regulations, Afro-Brazilians and women encounter discrimination in employment (US 2023-03-20, 35). The same source states that Afro-Brazilians experience a "higher rate of unemployment" and earn "average wages below those of white persons in similar positions" (US 2023-03-20, 22). The same source adds that Afro-Brazilians are "underrepresented in the government, professional positions, and middle and upper socioeconomic classes" (US 2023-03-20, 23).

The UN CERD noted that while "[e]xtreme" poverty decreased by 63 percent in "recent" years, Black and Indigenous people have "lower employment rates compared to the rest of the population" (UN 2022-11-17). MRG reports that Black households earn 43 percent of what white households earn on average (MRG n.d.).

According to the Brazilian government website, the President announced a new decree in 2023 establishing that at least 30% of all Executive Commissioned Positions (Cargos Comissionados Executivos/CCE) and Executive Commissioned Functions (Funções Comissionadas Executivas/FCE) in Brazil's direct, autarchic and foundational federal public administration are to be occupied by black ... people. ... The decree encourages the presence of black people in positions of leadership and decision-making, considering their role in the development and implementation of public policies focused on all segments of society. (Brazil 2023-03-26)

The OBMigra 2022 annual report indicates that between 2011 and 2021, the number of immigrant workers increased by [translation] "more than 3 times," going from 62,400 to 188,000 (OBMigra 2022, 11). The same source adds that the period is marked by an increase in the number of workers from countries in the Global South, especially Haitians and Venezuelans; Haitian workers went from representing a [translation] "negligible" 1.1 percent in 2011 to 38.8 percent in 2020, and 27.8 percent in 2021 (OBMigra 2022, 11). According to the MPI, the economic "downturn" after Brazil hosted the 2014 World Cup and the 2016 Summer Olympics "exacerbated" the challenges faced by Haitian workers who "already worked longer hours and earned less" than Brazilians (2021-09-30).

An anonymous organization interviewed by Araújo and Barros in 2021 explained that nationality would be "less relevant than the skin color" and stated that "'sometimes it's easier to hire a white Arab than a Congolese'" (2022, 32).

For information on access to employment for Haitians in Brazil, including work permits and type of employment, see Response to Information Request ZZZ201123 of July 2022.

7. Access to Education

According to Freedom House, Afro-Brazilians experience "high rate" of illiteracy (2023-03-09, Sec. F4). The delegation of Brazil to the UN CERD stated that Black people face a "higher" rate of illiteracy and lack of access to education; however, there has been an increase of 400 percent in the number of Black students enrolled in higher education since the implementation of a quota legislation in 2012 (UN 2022-11-17). The same source noted that the government had implemented a policy to enhance school attendance and improve the academic performance of Black and Indigenous children (UN 2022-11-17). MRG notes that since 2012, Brazil implemented a measure to reduce discrimination in education where public universities reserve "half" available spots for public high school students; this initiative was "largely" meant to benefit Afro-Brazilian students (MRG n.d.). *US Country Reports 2022* adds that according to the [Brazilian] National Household Sample Survey, Black women, who make up 28 percent of the population, accounted for 27 percent of students in public higher education in 2019, which is an increase of 8 percent since 2001 (US 2023-03-20, 23). The [then] Minister of Women, Family and Human Rights of Brazil, Cristiane Britto, stated to the UN CERD that Black people are now the "majority" in the public universities for the "first time in history, accounting for 50.3 percent of the total" of registered students (UN 2022-11-17). Human Rights Watch (HRW) states that the COVID-19 pandemic had a "huge impact" on education, "resulting in significant learning losses" "particularly" for Black and Indigenous children, and lower income students, which the government "failed to address" (2023-01-12). Information on access to education for Haitians in Brazil could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

8. Access to Healthcare

Britto indicated to the UN CERD that there was a "national comprehensive health policy for the Black population [which] promote[d] the reduction of ethnic inequalities and combatted racial discrimination in health institutions and services" (UN 2022-11-17). The delegation of Brazil to the UN CERD stated that "specific" funding had been dedicated to supporting the health of Black and Indigenous communities to reduce the effects of the COVID-19 pandemic on the population (UN 2022-11-17). In contrast, the Amnesty International report for 2021 notes that the state "did not ensure" the right to health for all, "especially" for Black people, quilombola communities, women, and those living in favelas and disadvantaged areas on the outskirts of cities (2022-03-29, 100). Information on access to healthcare for Haitians in Brazil could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

9. Treatment by Authorities

HRW states that it has reported on "police violence and its disproportionate impact on Black people in Brazil for years" (2023-04-20). The UN CERD indicated that the committee had received information alleging that State agents in Brazil, "especially" the police, were implicated in "systemic violence and racial discrimination against Afro-Brazilians" and that the Brazilian government's "failure ... to hold accountable police forces for violent and racist acts against Afro-Brazilians, ha[d] resulted in the repetition of similar acts and perpetuates the structural racism prevalent in Brazilian law enforcement" (UN 2021-08-25).

According to Amnesty International, "Black people made up a disproportionate percentage of victims was further proof that systemic and institutional racism continued to drive the criminalization of and excessive use of force against Black people" (2023-03-27, 101).

According to HRW, "abuse[s]" by Brazilian police have a "horrendous human toll, particularly on Black Brazilians living in low-income neighborhoods" (HRW 2022-03-02). Similarly, Amnesty International states that "[m]ass killings by public security officials were frequent, disproportionately affecting Black people in marginalized neighbourhoods" (2023-03-27, 98). The German Institute for Global and Area Studies (GIGA), an "independent" social science research institute based in Germany (GIGA n.d.), noted that the State "not only contributes directly to the disproportionate killing of Afro-Brazilians, but also indirectly by its failure to effectively fight impunity, prevent and reduce criminality, and provide public security for all Brazilian citizens" (GIGA 2020). According to MRG, police killed 4,224 individuals in 2016, 76 percent of whom were Black and 80 percent aged 12 to 29 (MRG n.d.). Amnesty International reported that police had killed 6,416 people in 2020 and that "more than half" of the victims were young Black men (2022-03-29, 101). HRW reports in 2022 that in "the last five years, Brazilian police had killed 22,000 people, most of them Black" (HRW 2022-03-02). In another report, HRW reports that according to the "latest available data," 84 percent of 6,145 people that were killed by police in 2021 were Black (2023-01-12).

10. State Protection

10.1 Legislation

The Statute of Racial Equality Law No. 12.288, of July 20, 2010 (*Institui o Estatuto da Igualdade Racial, Lei Nº 12.288, de 20 de Julho de 2010*) provides the following:

Art. 2. It is the duty both of the State and the society to ensure equal opportunities, recognizing to every Brazilian citizen, regardless of the ethnicity or skin color, the right to participate in the community, especially in political, economic, business, educational, cultural and sportive activities, defending his/her dignity and religious and cultural values.

...

Art. 24. The right to freedom of conscience and religion and free exercise of religious cults of African origin comprise:

- I. the practice of worship, the celebration of meetings relating to religion and the founding and maintenance by private initiative, of places reserved for such purposes;
- II. the celebration of festivals and ceremonies in accordance with the precepts of the respective religions;
- III. the foundation and maintenance by private companies, of charitable institutions linked to their religious convictions;
- IV. the production, marketing, acquisition and use of religious articles and materials appropriate to the customs and practices based on their religion, subject to the conduct prohibited by specific legislation;
- V. the production and dissemination of publications related to the pursuit and dissemination of afro Brazilian religions;

...

Art. 25. The assistance to religious practitioners of African religions is assured in hospitals or other institutions of collective admission, including those subjected to deprivation of liberty.

...

Art. 35. The State shall ensure the implementation of public policies to ensure the right to adequate dwelling of the afro Brazilian population living in shantytowns, slums, underused urban, degraded or under degradation areas in order to reintegrate them into urban dynamics and to promote the improvement in the environment and quality of life.

...

Sole Paragraph. The right to adequate housing, for the purposes of this Act, includes not only the provision of housing, but also the guarantee of urban infrastructure and community facilities associated to the residential

use as well as technical and legal assistance for the construction, reform or regularization of the dwelling in urban areas.

...

Art. 39. The State shall promote actions that ensure equal opportunity in employment for afro Brazilian, including through the implementation of measures aimed at promoting equality in hiring in the public sector and encouraging the adoption of similar measures in enterprises and private organizations.

...

Art. 51. The federal government shall put in place, according to the law and within the Legislative and Executive Branches, Permanent Ombudsmen for the Defense of Racial Equality, to receive and forward complaints of prejudice and discrimination based on ethnicity or color and monitor the implementation of measures to promoting equality.

Art. 52. It is assured to the victims of ethnic discrimination the access to the organs of the Permanent Ombudsman, the Public Defender, the Public Prosecutor's Office and the Judiciary Branch in all instances, for the fulfillment of their rights.

Sole Paragraph. The State shall ensure attention to afro Brazilian women in violence situations, assuring physical, mental, social and legal assistance.

Art. 53. The State shall adopt special measures to restrain police violence against the afro Brazilian population.

Sole Paragraph. The State shall implement actions to protect the reintegration and protection of afro Brazilian youth in conflict with the law and exposed to experiences of social exclusion.

Art. 54. The State shall adopt measures to restrain acts of prejudice and discrimination committed by public servants against the afro Brazilian population, in compliance with, where applicable, the provisions of Law

10.2 Implementation, Public Policies, and Programs

The Amnesty International report for 2021 indicates that the government "did not ensure" the right to "sufficient and adequate" public policies for the social protection of Black people, quilombola communities, women, and those living in favelas and disadvantaged neighbourhoods (2022-03-29, 100).

According to MRG, there has been "some evidence of progress" in the situation of Afro-Brazilians with "more and more" people "going to court about racism and winning settlements" (MRG n.d.). The same source notes that there are programmes to grant "collective land titles," improve roads, and provide sanitation, water, education, and health services for inhabitants of quilombolas (MRG n.d.). Information on the implementation of such programmes could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

UNHCR reports that by 2022, "over" 55,000 Haitians in "vulnerable situations, including in street-like situations," were registered in the Brazilian "social assistance system" (UN 2023-06). The same source notes that in June 2023, the Brazilian government, with the implementation assistance of UNHCR, launched the Action Plan for Strengthening the Protection and Local Integration of the Haitian Population in Brazil to provide "timely access" to information, protection, and integration opportunities (UN 2023-06). In contrast, Ana Paula Muraro [6] et al., in a 2023 research paper titled "Food Insecurity Among Haitian Migrants Living in Brazil", indicates that Haitians were not "eligible for social programs such as income transfer and government housing assistance" (2023-05-02). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Natália Medina Araújo is an adjunct professor at the Federal University of Western Bahia (Universidade Federal do Oeste da Bahia, UFOB) in Brazil, whose work focuses on international migration and refugee law (UFOB n.d.). Patrícia Ramos Barros is a Ph.D. candidate at the University of Brasilia (Universidade de Brasília, UnB) Law School (Barros & Carvalho 2022-02-01).

[2] The Global Asylum Governance and the European Union's Role (ASILE) is a 2019-2023 project that studies the "interactions between emerging international protection systems" and the UN Global Compact for Refugees (UN GCR), with a "particular focus" on the EU's role and contribution, from which it received funding (ASILE n.d.).

[3] The Ministry of Justice and Public Security (Ministério da Justiça e Segurança Pública, MJSP) of Brazil states that the International Migration Observatory (Observatório das Migrações Internacionais, OBMigra) aims to expand knowledge about international migration flows in Brazil, through theoretical and empirical studies, and to point out strategies for the social innovation of public policies aimed at international migration (Brazil 2022-04-04).

[4] The Institute for Applied Economic Research (Instituto de Pesquisa Econômica Aplicada, IPEA) indicates that it is a "federal public institution" "linked with" the Ministry of Planning and Budget (Ministério do Planejamento e Orçamento) of Brazil and provides technical support to the federal government regarding public policies (Brazil n.d.).

[5] According to the Brazilian Forum on Public Security (Fórum Brasileiro de Segurança Pública, FBSP), the forum is a [translation] "non-governmental, non-partisan and non-profit organization dedicated to creating a reference framework and fostering technical cooperation in the area of public safety and security" (FBSP n.d.).

[6] According to the website of the Ministry of Science, Technology and Innovation (Ministério da Ciência, Tecnologia e Inovações) of Brazil, Ana Paula Muraro is a professor at the Institute of Collective Health (Instituto de Saúde Coletiva, ISC) at the Federal University of Mato Grosso (Universidade Federal de Mato Grosso, UFMT) (Brazil 2023-10-05).

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Date modified:

2024-01-23