

# LEGISLATION, POLICIES AND PRACTICES ADDRESSING RACISM, HATE SPEECH AND REPAIRING JUSTICE

## 1. National legislation

**Article 68 of the Brazilian Federal Constitution of 1988:** "To the remnants of the quilombo communities that are occupying their lands, definitive ownership is recognized, and the State must issue them the respective titles."

Available at [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Accessed on: 16 March 2023.

**Law No. 11.635, of December 27, 2007,** establishes the National Day to Combat Religious Intolerance.

Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2007/lei/111635.htm](https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/lei/111635.htm) Accessed on: March 16 2023.

**Resolution No. 203, of June 23, 2015,** provides for the reservation to black people, within the scope of the Judiciary, of 20% (twenty percent) of vacancies offered in public tenders for filling effective positions and entering the judiciary.

Available at: <https://atos.cnj.jus.br/atos/detalhar/2203>. Accessed on: 16 March 2023.

**Resolution No. 336, of September 29, 2020,** provides for the promotion of racial quotas in internship programs of the bodies of the national Judiciary.

Available at: <https://atos.cnj.jus.br/atos/detalhar/3497>, Accessed on: 16 March 2023.

**Resolution No. 170, of 06.13.2017,** provides for the reservation for black people of at least 20% (twenty percent) of the vacancies offered in public tenders for filling positions in the National Council of the Public Ministry and the Brazilian Public Ministry, as well as entry into the career of members of the bodies listed in art. 128, items I and II, of the Federal Constitution.

Available at: <https://www.cnmp.mp.br/portal/images/CDDF/Resolu%C3%A7%C3%A3o-170.pdf>. Accessed on: 16 March 2023.

## 2. Nationwide legislation

**Cooperation Protocol No. 08.0001.00/2002,** to set guidelines for the creation and granting of "vocational scholarships for diplomacy" in favor of Afro-descendant students who apply to the Rio Branco Institute. According to information available on the website: <https://www.gov.br/pt-br/servicos/obter-bolsa-premio-do-programa-de-acao-afirmativa-do-instituto-rio-branco>. Accessed on: 16 March 2023

**Decree No. 4.228, of May 13, 2002,** institutes, within the scope of the Federal Public Administration, the National Program of Affirmative Actions and other provisions. Available at: [http://www.planalto.gov.br/ccivil\\_03/decreto/2002/d4228.htm](http://www.planalto.gov.br/ccivil_03/decreto/2002/d4228.htm). Accessed on: 16 March 2023

**Decree No. 4.887, of November 20, 2003,** which regulates the procedure for identification, recognition, delimitation, demarcation and titling of lands occupied by remnants of quilombo communities referred to in art. 68 of the Temporary Constitutional Provisions Act. Available at: <https://legislacao.presidencia.gov.br/atos/?tipo=DEC&numero=4887&ano=2003&ato=d43MTVE5EeRpWTf21>. Accessed on: 16 March 2023.

**Law n° 10.639, of January 9, 2003,** which amends Law n° 9.394, of December 20, 1996, which establishes the guidelines and bases of national education, to include in the official curriculum of the Teaching Network the obligatoriness of the theme "History and Afro-Brazilian Culture", and makes other arrangements. Available at: [https://www.planalto.gov.br/ccivil\\_03/leis/2003/110.639.htm](https://www.planalto.gov.br/ccivil_03/leis/2003/110.639.htm). Accessed on 9 March 2023.

**National Curriculum Guidelines for the Education of Ethnic-Racial Relations and for the Teaching of Afro-Brazilian and African History and Culture** (BRASIL, 2004), which regulate the amendment brought to Law 9.394/96 of Guidelines and Bases of National Education, by Law 10.639/2000, which establishes the mandatory teaching of Afro-Brazilian and African History and Culture in Basic Education. Available at: [https://download.inep.gov.br/publicacoes/diversas/temas\\_interdisciplinares/diretrizes\\_curriculares\\_nacionais\\_para\\_a\\_educacao\\_das\\_relacoes\\_etnico\\_raciais\\_e\\_para\\_o\\_ensino\\_de\\_historia\\_e\\_cultura\\_afro\\_brasileira\\_e\\_a\\_fricana.pdf](https://download.inep.gov.br/publicacoes/diversas/temas_interdisciplinares/diretrizes_curriculares_nacionais_para_a_educacao_das_relacoes_etnico_raciais_e_para_o_ensino_de_historia_e_cultura_afro_brasileira_e_a_fricana.pdf) Accessed on: 16 March 2023.

**Law n° 11.645, of March 10, 2008**, amends Law n° 9.394, of December 20, 1996, modified by 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 the mandatory theme “Afro-Brazilian and Indigenous History and Culture”. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2008/lei/111645.htm](https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2008/lei/111645.htm). Accessed on: 16 March 2023

**National Curriculum Guidelines for Quilombola School Education** (BRASIL, 2012). Available at: [http://portal.mec.gov.br/index.php?option=com\\_docman&view=download&alias=11963-rceb008-12-pdf&category\\_slug=novembro-2012-pdf&Itemid=30192](http://portal.mec.gov.br/index.php?option=com_docman&view=download&alias=11963-rceb008-12-pdf&category_slug=novembro-2012-pdf&Itemid=30192) Accessed on: 16 March 2023.

**Decree No. 6.872, of June 4, 2009**, which approves the National Plan for the Promotion of Racial Equality - PLANAPIR, and establishes its Coordination and Monitoring Committee. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2009/decreto/d6872.htm](https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d6872.htm). Accessed on: 16 March 2023.

**Law No. 12.288, of July 20, 2010**, which establishes the Statute of Racial Equality, intended to guarantee the black population the realization of equal opportunities, the defense of individual, collective and diffuse ethnic rights and the fight against discrimination and other forms of ethnic intolerance. This instrument addresses the following fundamental rights: 1) health; 2) education, culture, sport and leisure; 3) freedom of conscience and belief and free exercise of religious cults; 4) access to land and adequate housing; 5) work and 6) media. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2010/lei/112288.htm](https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/112288.htm) Accessed on: 8 March 2023.

**Law No. 12.711, of August 29, 2012**, the Law of Quotas in federal universities and federal institutions of secondary technical education for self-declared black, brown and indigenous people. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2012/lei/112711.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/112711.htm). Accessed on: 8 March 2023.

**Law No. 12.854, of August 26, 2013**, which promotes and encourages actions that promote forest recovery and the implementation of agroforestry systems in expropriated rural areas and in degraded areas, in the cases specified. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2013/lei/112854.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/112854.htm). Accessed on: 16 March 2023.

**Law No. 12.990, of June 9, 2014**, reserves for black people 20% (twenty percent) of the vacancies offered in public tenders for filling effective positions and public jobs within the scope of the federal public administration, autarchies, public foundations, public companies and joint-stock companies controlled by the Union. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112990.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112990.htm). Accessed on: May 1 2023

**Normative Ordinance No. 4, of April 6, 2018**, regulates the hetero-identification procedure complementary to the self-declaration of black candidates, for the purpose of filling reserved vacancies in federal public tenders, under the terms of Law No. 12.990, of 09.06. 2014. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112990.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112990.htm) ; [https://www.in.gov.br/materia/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/9714349/do1-2018-04-10-portaria-normativa-n-4-de-6-de-abril-de-2018-9714345](https://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/9714349/do1-2018-04-10-portaria-normativa-n-4-de-6-de-abril-de-2018-9714345). Accessed on: 16 March 2023.

**Act of the Steering Committee n.º 7, of May 15, 2014**, requires the allocation of vacancies to people of African descent in contracts for the provision of services Caderno de Pesquisa 01 - Ementário 40 continued and outsourced, as well as in public tender notices for the provision of effective positions in the Federal Senate. Available at: <https://www12.senado.leg.br/transparencia/leg/pdf/normas/ato-da-comissao-diretora-no-7-de-2014>. Accessed on: 16 March 2023.

**Federal Law No. 12,990, of June 9, 2014**, reserves for black people 20% (twenty percent) of the vacancies offered in public tenders for filling effective positions and public jobs within the scope of the federal public administration, autarchies, public foundations, public companies and joint-stock companies controlled by the Union. In the field of Brazilian diplomacy, since 2002, the Rio Branco Institute promotes the Affirmative Action Program (PAA) - Scholarship-Award for Vocation for Diplomacy, with the aim of expanding the conditions for the entry of black or brown Brazilians/as in the diplomat career, expanding the diversity of the Brazilian Foreign Service. It should be noted that, although the Brazilian Government recognizes the extreme importance of implementing these programs, currently, the MIR emphasizes that institutional monitoring and evaluation of these actions and their results is necessary. Available at: <https://legis.sigepe.planejamento.gov.br/legis/detalhar/9741>. Accessed on: 16 March 2023.

**Resolution No. 548, of March 18, 2015**, establishes the reservation for black people of 20% (twenty percent) of vacancies in public tenders for filling effective positions within the scope of the Federal Supreme Court. Available at: [http://www.mpsp.mp.br/portal/page/portal/GT\\_Igualdade\\_Racial/Cotas\\_Raciais/Resolu%C3%A7%C3%A3o%20548-2015%20-%20STF%20-%20reserva%20de%20vagas%20para%20negros.pdf](http://www.mpsp.mp.br/portal/page/portal/GT_Igualdade_Racial/Cotas_Raciais/Resolu%C3%A7%C3%A3o%20548-2015%20-%20STF%20-%20reserva%20de%20vagas%20para%20negros.pdf). Accessed on: 16 March 2023.

**Normative Instruction No. 63, of March 18, 2015**, establishes the reservation for black people of 20% (twenty percent) of vacancies in public tenders for filling effective positions within the scope of the National Council of Justice. Available at: [https://www.trf4.jus.br/trf4/upload/editor/2017/bzw\\_6\\_instrnorm63\\_18-03-2015-cotas.pdf](https://www.trf4.jus.br/trf4/upload/editor/2017/bzw_6_instrnorm63_18-03-2015-cotas.pdf). Accessed on: 16 March 2023.

**TST / CSJT Joint Act No. 2, of April 22, 2015**, institutes a reserve 20% (twenty percent) of vacancies in public tenders for filling effective positions for black people within the scope of the Superior Labor Court and the Superior Council of Labor Justice. Available at: <https://juslaboris.tst.jus.br/handle/20.500.12178/60630>. Accessed on: 16 March 2023.

**Normative Ordinance No. 4, of April 6, 2018**, regulates the hetero-identification procedure complementary to the self-declaration of black candidates, for the purpose of filling reserved vacancies in federal public tenders, pursuant to Law No. 12,990, of April 9 June 2014. Available at: <https://legis.sigepe.planejamento.gov.br/legis/detalhar/14766>. Accessed on: 16 March 2023.

**Decree No. 9.427, of June 28, 2018**, reserves for black people thirty percent of the vacancies offered in selections for internships within the scope of direct federal, autarchic and foundational public administration. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2018/decreto/D9427.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/decreto/D9427.htm). Accessed on: 16 March 2023.

**Resolution No. 336, of September 29, 2020**, provides for the promotion of racial quotas in the internship programs of the bodies of the national Judiciary. Available at: <https://atos.cnj.jus.br/files/original215010202009305f74fd926e027.pdf>. Accessed on: 16 March 2023.

### 3. Statewide legislation

**Law n.º 7.626, of November 11, 2021**, reserves for black and/or brown people 25% (twenty-five percent) of the vacancies offered in public tenders and selection processes for filling effective, temporary and public jobs within the scope of the State Public Administration, autarchies, public foundations, public companies and mixed economy companies controlled by the State of Piauí. Available at: <https://sapl.al.pi.leg.br/norma/4864>. Accessed on: 16 March 2023.

**Law No. 11.015, of November 20, 2021**, provides for the reservation, for black men and women, of at least 20% (twenty percent) of the vacancies offered in public tenders for the provision of public positions and jobs in the public administration directly and indirectly from any of the Powers of the State of Rio Grande do Norte. Available at: <http://www.al.rn.gov.br/storage/legislacao/2022/xzac19vn2bpxfk91evtynxpuhrsjam.pdf>. Accessed on: 16 March 2023.

**DPGERJ Resolution No. 1107, of September 29, 2021**, provides for the nomination and tenure of black and indigenous candidates, within the scope of the Public Defender of the State of Rio de Janeiro of 20% (twenty percent) of vacancies offered in public tenders for admission to the career of defender and 30%

(thirty percent) of vacancies in the tender for public servants, residents and interns Available at: <https://defensoria.rj.def.br/legislacao/detalhes/11693-RESOLUCAO-DPGERJ-N-1107-DE-29-DE-SETEMBRO-DE-2021>. Accessed on: 16 March 2023.

#### 4. Citywide legislation

**Law No. 15.939, of December 23, 2013**, provides for the establishment of racial quotas for the entry of black men and women into the municipal public service in effective and commissioned positions. Available at: <https://legislacao.prefeitura.sp.gov.br/leis/lei-15939-de-23-de-dezembro-de-2013>. Accessed on: 1 May 2023.

**Decree No. 57.557, of 12.21.2016**, regulates Law No. 15,939, of 12.23.2013, provides for the establishment of racial quotas for the entry of black men and women or people of African descent into the municipal public service. Available at: <http://legislacao.prefeitura.sp.gov.br/leis/lei-15939-de-23-de-dezembro-de-2013/detalhe> ; <http://legislacao.prefeitura.sp.gov.br/leis/decreto-57557-de-21-de-dezembro-de-2016> Accessed on: 16 March 2023.

**Law No. 1.422, of October 26, 2018**, provides for the establishment of racial quotas, for the entry of black men and women in the municipal public service of Jaguaribe, State of Ceará, in effective positions, and other provisions. Available at: <https://www.jaguaribe.ce.gov.br/leis.php?id=151>. Accessed on: 16 March 2023.

**Lei n.º 1.422, de 26 de outubro de 2018**, dispõe sobre o estabelecimento de cotas raciais, para o ingresso de negros e negras no serviço público Municipal de Jaguaribe, Estado do Ceará, em cargos efetivos, e dá outras providências. Disponível em: <https://www.jaguaribe.ce.gov.br/leis.php?id=151>. Accessed on: 16 March 2023.

#### 5. District wide legislation

**Decree No. 40.910, of June 23, 2020**, provides for the reservation for black men and women of 20% (twenty percent) of the vacancies offered in selections for internship within the scope of the district public administration. Available at: <https://www.tjdft.jus.br/institucional/relacoes-institucionais/arquivos/dodf-decreto-no-40-910-de-23-de-junho-de-2020.pdf>. Accessed on: 16 March 2023.