



**Presidency of the Republic**

Chief of Staff Office

Deput Head's Office for Legal Affairs

# **STATUTE OF RACIAL EQUALITY**

**LAW No. 12.288, OF JULY 20, 2010.**

**Brasília  
2010**

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## **LAW No. 12.288, OF JULY 20, 2010.**

Establishes the Statute of Racial Equality; amends Laws No. 7716, of January 5, 1989; 9029, of April 13, 1995; 7347, of July 24, 1985; and 10,778, of November 24, 2003.

**THE PRESIDENT OF THE REPUBLIC** makes it known that the National Congress decrees and I ratify the following Law:

### **TITLE I**

#### **PRELIMINARY PROVISIONS**

Art. 1 This Law establishes the Statute of Racial Equality, to assure to the afro Brazilian population the achievement of equal opportunities, the support of individual collective and diffuse ethnic rights and the struggle against discrimination and other forms of ethnic intolerance.

Sole paragraph. For purposes of the present Statute:

I - racial or ethnic-racial discrimination: any distinction, exclusion, restriction or preference based on race, color, descent or national or ethnic origin which has the aim of nullifying or impairing the recognition, enjoyment or exercise, on equal terms, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public or private life;

II - racial inequality: every unjustified situation of differentiation of access and enjoyment of goods, services and opportunities in public and private spheres, due to race, color, descent or national or ethnic origin;

III - gender and race inequality: asymmetry existing within the society that emphasizes the social distance between afro Brazilian women and other social sectors;

IV - afro Brazilian population: the number of people who declared themselves black and colored according to the color or race definition used by the Brazilian Institute of Geography and Statistics (IBGE), or who adopt similar self-definition;

V - public policies: the actions, initiatives and programs adopted by the State in order to fulfill its institutional duties;

VI - affirmative actions: programs and special measures adopted by the State and the private initiative to correct racial inequalities and to promote equal opportunities.

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. 3. Besides the constitutional norms, related to the fundamental principles, to the fundamental rights and guarantees and social, economic and cultural rights, the Racial Equality Statute adopts as a political and legal guideline the inclusion of victims from ethnic-racial inequality, the appreciation of ethnic equality and strengthening of the Brazilian national identity.

Art. 4. The participation of the afro Brazilian population in equal conditions of opportunity in the economic, social, political and cultural life of the country shall be promoted primarily through:

I - inclusion in public policies of economic and social development;

II - adoption of measures, programs and policies of affirmative action;

III - changing of the institutional structures of the State for the adequate coping and overcoming of ethnic inequalities stemming from ethnic prejudice and discrimination;

IV - promoting normative adjustments to improve the struggle against ethnic discrimination and ethnic inequality in all its individual, institutional and structural manifestations;

V - removing historical, sociocultural and institutional barriers that obstruct the representation of ethnic diversity in public and private spheres;

VI - encouraging, supporting and strengthening initiatives from civil society aiming to promote equal opportunities and fighting ethnic inequalities, including through the implementation of incentives and criteria for conditioning and priority in the access to public resources;

VII - implementation of affirmative action programs aiming to cope with ethnic inequalities in terms of education, culture, sport and leisure, health, safety, work, housing, means of mass communication, public funding, access to land, justice, and others.

Sole Paragraph. The affirmative action programs shall consist of public policies targeted to redress the distortions and social inequalities and the discriminatory practices adopted in public and private spheres, during the process of the Country's social formation.

Art. 5. For the achievement of the objectives of this Law, it is established the National System for the Promotion of Racial Equality (Sinapir) as provided in Title III.

**TITLE II**  
**FUNDAMENTAL RIGHTS**  
**CHAPTER I**  
**RIGHT TO HEALTH**

Art. 6. The right to health by the afro Brazilian population shall be guaranteed by the government through universal, social and economic policies aimed at reducing the risk of diseases and other health problems.

First paragraph. The universal and equal access to the Unified Health System (SUS) to promote, protect and restore the health of the afro Brazilian population shall be the responsibility of the, federal, state, district and municipal agencies and public institutions of the direct and indirect administration

Second paragraph. The Government shall ensure that the segment of the afro Brazilian population linked to private health insurance is treated without discrimination.

Art. 7. The set of health actions aimed at the afro Brazilian population is the National Policy on afro Brazilian

Population Comprehensive Health organized according to the guidelines specified below:

I - expansion and strengthening of the participation of social movements leaders to protect the health of afro Brazilian people in positions of social participation and control of the SUS;

II - production of scientific and technological knowledge on the afro Brazilian population health;

III - development of information, communication and education processes to contribute to the reduction of vulnerability of the afro Brazilian population.

Art. 8. The goals of the National Policy on afro Brazilian Population Comprehensive Health are:

I - promotion of full health of the afro Brazilian population, giving priority to the reduction of inequalities and the struggle against ethnic discrimination in institutions and services of the SUS;

II – improvement of the quality of the SUS information systems in relation to the collection, processing and analysis of data disaggregated by color, ethnicity and gender;

III - the encouragement of studies and research on racism and health of the afro Brazilian population;

IV – the inclusion of the contents of the afro Brazilian population health in the process of training and continuing education of health workers;

V - inclusion of the afro Brazilian population health theme in the process of political education of social movements leaders for the exercise of participation and social control in SUS.

Sole Paragraph. Residents of remaining quilombo <sup>1</sup> communities shall benefit from specific incentives for guaranteeing the right to health, including environmental improvements, basic sanitation, food security and nutrition and in comprehensive health care.

## **CHAPTER II**

### **RIGHT TO EDUCATION, CULTURE, SPORTS AND LEISURE**

#### **Section I**

##### **General Provisions**

Art. 9. The afro Brazilian population has the right to participate in educational, cultural, sportive and leisure activities appropriate to its interests and conditions, in order to contribute to the cultural heritage of its community and society in Brazil.

Art. 10. To comply with the provisions of art. 9, the federal, state, district and municipal governments shall adopt the following measures:

#### **I - promotion of actions to enable and increase**

1. Quilombolas are Brazilian afro rural and urban populations who live in collective communities called quilombos, which are traditional territories of resistance against the slave regime. Nowadays, their rights to land and other natural resources as well as specific public policies are guaranteed by the article 68 of the Brazilian Constitution and its regulations. According to SEPP/PR, there are 3.554 quilombola communities identified in Brazil.

access by afro Brazilian people to free education and to sportive and leisure activities;

II - support to the initiative of entities with space for social and cultural promotion of the afro Brazilian population;

III - development of educational campaigns, including schools, so that solidarity to members of the afro Brazilian population is part of the culture of the whole society;

IV - implementation of public policies to strengthen the afro Brazilian youth.

## **Section II**

### **Education**

Art. 11. In basic and secondary education, in public and private institutions, it is mandatory the study of the general history of Africa and the history of the afro Brazilian population in Brazil, subject to the provisions of Law 9394 of December 20, 1996.

First paragraph. The content relating to the history of afro Brazilian people in Brazil shall be delivered within the whole school curriculum, rescuing its decisive contribution to the social, economic, political and cultural development of the country

Second paragraph. The competent organ of the Executive Branch shall encourage the initial and continuing training of teachers and the elaboration of teaching materials specific to the accomplishment of the provisions in the caput of this article.

Third paragraph. In the civic commemorative dates, the organs responsible for education shall encourage the participation of intellectuals and representatives of the afro Brazilian movement to discuss with students their experiences on the theme being celebrated.

Art. 12. The federal, district and state organs for fostering research and graduation studies may create incentives for research and study programs focused on issues relating to ethnic relations, the quilombos and issues relevant to afro Brazilian people.

Art. 13. The Federal Executive Branch, through its competent authorities, shall encourage both public and private higher education institutions, without prejudice to existing legislation, to:

I - safeguard the principles of ethics in research and support groups and research centers in the various graduate programs to develop themes of interest to the afro Brazilian population;

II - incorporate in the curriculum of the courses for teacher education issues that include values pertaining to the ethnic and cultural plurality of Brazilian society;

III - develop university extension programs aimed at bringing young afro Brazilian people close to advanced technologies, ensuring the principle of proportionality between the gender of beneficiaries;

IV - establish technical cooperation programs in public, private and community schools, with preschools, elementary schools, high school and technical education,

for teacher training based on principles of fairness, tolerance and respect for ethnic differences.

Art. 14. The government shall encourage and support socio-educational actions carried out by entities of the afro Brazilian movement to develop activities aimed at social inclusion, through technical cooperation, exchanges, conventions and incentives, among other mechanisms.

Art. 15. The government shall adopt affirmative action programs.

Art. 16. The Federal Executive Branch, through the bodies responsible for policies to promote equality and education, shall monitor and evaluate the programs mentioned in this section.

### **Section III**

#### **Culture**

Art. 17. The Government shall ensure the recognition of afro Brazilian societies, clubs and other forms of collective manifestation of the afro Brazilian population with proven historical trajectory, as historical and cultural heritage, in terms of arts. 215 and 216 of the Federal Constitution.

Art. 18. It is assured to the remnants of quilombo communities the right to preserve their customs, traditions and religious manifestations under the State protection.

Sole Paragraph. The preservation of documents and sites bearing historical reminiscences of old quilombos, fallen under § 5 of art. 216 of the Constitution shall receive special attention from the government.

Art. 19. The Government shall encourage the celebration of personalities and commemorative dates related to the history of samba and other cultural manifestations of African origin, and its celebration in public and private teaching institutions.

Art. 20. The Government shall ensure the registration and protection of capoeira in all its forms, as well as those of intangible nature and training of Brazilian cultural identity pursuant to art. 216 of the Federal Constitution.

Sole Paragraph. The government shall seek to ensure, through the necessary regulatory acts to preserve the traditional formative elements of capoeira in its international relations.

## **Section IV**

### **Sports and Leisure**

Art. 21. The government shall promote the full access by the afro Brazilian people to the practice of sports, consolidating sports and leisure as social rights.

Art. 22. Capoeira is recognized as a sport created in the country, according to art. 217 of the Federal Constitution.

First paragraph. The activity of capoeirista shall be recognized in every modality in which capoeira is manifested either as a sport, fight, dance or music, being free to exercise throughout the country.

Second paragraph. The teaching of capoeira is optional in the public and private institutions by capoeiristas and traditional masters, publicly and formally accredited.

### **CHAPTER III**

## **RIGHT TO FREEDOM OF CONSCIENCE AND BELIEF AND THE FREE EXERCISE OF RELIGIOUS CULTS**

Art. 23. The freedom of conscience and belief is inviolable, being assured the free exercise of religious cults and guaranteed, as provided by law, the protection of places of worship and their liturgies.

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 ;

VI - the collection of donations from individuals and legal entities of private character for the maintenance of religious and social activities of their respective religions;

VII - the access to the bodies and the media for disclosure of the respective religions;

VIII - the communication to the Public Prosecution Office to the opening of a criminal action in the face of attitudes and practices of religious intolerance in the media and in any other location where those practices take place..

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. 26. The government shall adopt the necessary measures to combat intolerance with African religions and discrimination of his followers, especially with the aim of:

I - restraining the use of social media for the dissemination of propositions, images, or approaches that expose a person or group to hatred or contempt by reason grounded in the afro Brazilian religion ;

II - inventory, restore and protect the documents, books and other items of artistic and cultural value, monuments, fountains, flora and archaeological sites related to afro Brazilian religions;

III - to ensure the proportional participation of representatives of African religions, along with the representation

of other religions, in committees, councils, agencies and other deliberative bodies linked to the of government.

## **CHAPTER IV**

### **ACCESS TO LAND AND ADEQUATE HOUSING**

#### **Section I**

##### **Access to Land**

Art. 27. The government shall develop and implement public policies that promote access of afro Brazilian population to land and productive activities in the countryside.

Art. 28. To encourage the development of productive activities of the afro Brazilian population in the countryside, the government shall promote actions to enable and expand their access to agricultural finance.

Art. 29. The afro Brazilians shall be assured the rural technical assistance, facilitation of access to agricultural credit and strengthening of logistics infrastructure for the commercialization of production.

Art. 30. The government shall promote agricultural education and career guidance for afro Brazilian workers and the afro-rural communities.

Art. 31. To the remnants of quilombo communities who are occupying their lands is recognized definitive ownership, and the state must issue them the respective titles.

Art. 32. The Federal Executive Branch shall establish and develop specific policies aimed at sustainable

development of the remnants of quilombo communities, respecting the traditions of environmental protection of communities.

Art. 33. For purposes of agricultural policy, the remnants of quilombo communities shall receive from the competent bodies special and differentiated treatment, technical assistance and special lines of public financing intended for carrying out their productive activities and infrastructure.

Art. 34. The remnants of quilombo communities shall benefit from all the initiatives set out in this and other laws for the promotion of ethnic equality.

## **Section II**

### **Dwelling**

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. 36. The programs, projects and other governmental actions undertaken under the National System of Housing of Social Interest (SNHIS), regulated by Law 11,124 of June 16, 2005, should consider the peculiarities of social, economic and cultural needs of afro Brazilian people.

Sole Paragraph. The States, the Federal District and municipalities shall encourage and facilitate the participation of organizations and movements representing the afro Brazilian population in the composition of boards established for the purpose of implementing the National System of Housing of Social Interest (FNHIS).

Art. 37. Financial agents, public or private, shall promote actions to improve the access of afro Brazilian people to housing financing.

## **CHAPTER V**

### **WORK**

Art. 38. The implementation of policies for the inclusion of afro Brazilian people in the labor market shall be the responsibility of the government, in compliance with:

I – the herein provisions;

II - the commitments made by Brazil to ratify the International Convention on the Elimination of All Forms of Racial Discrimination of 1965;

III - the commitments made by Brazil to ratify Convention No. 111 of 1958, of the International Labor Organization (ILO), which deals with discrimination in employment and occupation;

IV - the other formal commitments undertaken by Brazil before the international community.

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.

First paragraph. The equal opportunities shall be achieved by adopting policies and programs of vocational training, employment and income generation aimed at the afro Brazilian population.

Second paragraph. The actions aimed at promoting equal opportunities in the sphere of public administration shall be carried out through norms established or to be established in specific legislation and in its regulations.

Third paragraph. The Government shall encourage, through incentives, the adoption of similar measures by the private sector.

Fourth paragraph. The actions dealt with in the caput of this Article shall ensure the proportionality principle of gender among the beneficiaries.

Fifth paragraph. It shall be assured the access to credit for small-scale production, in rural and urban areas, with affirmative actions for afro Brazilian women.

Sixth paragraph. The government shall promote awareness campaigns against the marginalization of afro

Brazilian women in the art and cultural work.

Seventh paragraph. The government shall promote actions aimed at raising the educational and professional qualifications in the sectors of the economy that contain a high occupancy rate for afro Brazilian workers with low education.

Art. 40. The Worker Support Fund Deliberative Council (Codefat) shall formulate policies, programs and projects for the inclusion of afro Brazilian population in the labor market and shall guide the allocation of funds for its financing.

Art. 41. The employment and income actions, promoted through the financing for the establishment and expansion of small and medium enterprises and income generation programs, shall cover the stimulus to the promotion of afro Brazilian businessmen.

Sole Paragraph. The State shall encourage activities aimed at ethnic tourism with a focus on sites, monuments and cities that reflect the culture, habits and customs of the afro Brazilian population.

Art. 42. The Executive Branch may implement criteria for filling provisional positions and positions of trust to widen the participation of afro Brazilian, seeking to reproduce the structure of national or, where appropriate, state ethnic distribution, in compliance with the official demographic data.

## **CHAPTER VI**

## MEDIA

Art. 43. The production conveyed by media shall value the cultural heritage and participation of afro Brazilian population in the history of the country

Art. 44. In the production of films and programs aimed at conveyance through television and in cinemas, shall be adopted the practice of giving employment opportunities for afro Brazilian actors, extras and technicians being forbidden any discrimination for political, ideological, ethnic or art reason.

Sole Paragraph. The requirement laid out in the caput does not apply to films and programs that address specific characteristics of certain ethnic groups.

Art. 45. The provisions of article 44 apply to the production of advertising campaigns aimed at conveyance through the television and in cinemas.

Art. 46. The bodies and entities of the direct federal government, autarchies or foundations, public enterprises and joint stock companies should include clauses on the participation of afro Brazilian artists in contracts for the production of films, programs or other works of an advertising nature.

First paragraph. The agencies and organizations mentioned in this article shall include in the specifications for procurement of consulting, conception, production and realization of films, programs or advertisements, the obligatoriness of the practice of equal employment opportunities for people related to the hired project or serviced.

Second paragraph. Practice of equal employment opportunities is understood as the set of systematic measures implemented in order to ensure ethnic, gender and age diversity on the team linked to the project or hired service.

Third paragraph. The contracting authority may, if deemed necessary to ensure the practice of equal employment opportunities, require audits by an agency of the Federal Government.

Fourth paragraph. The requirement laid out in the caput does not apply to advertising productions when addressing specificities of determined ethnic groups.

### **TITLE III**

## **NATIONAL SYSTEM FOR THE PROMOTION OF RACIAL EQUALITY (SINAPIR)**

### **CHAPTER I**

## **PRELIMINARY PROVISIONS**

Art. 47. It is established the National System for the Promotion of Racial Equality (Sinapir) as a form of organization and articulation aimed at to implementing the joint set of policies and services designed to overcome ethnic inequalities in the Country, provided by the Federal Government.

First paragraph The States, the Federal District and the municipalities may participate in Sinapir upon accession.

Second paragraph The federal government shall

encourage the society and the private sector to participate in Sinapir.

## **CHAPTER II**

### **OBJECTIVES**

Art. 48. The objectives of Sinapir are:

I - to promote racial equality and combat social inequality resulting from racism, including through adoption of affirmative actions;

II - to formulate policies to mitigate the factors of exclusion and promote social integration of afro Brazilian population;

III - to decentralize the implementation of affirmative actions by state, county and municipal governments;

IV – to articulate plans, actions and mechanisms aimed at promoting ethnic equality;

V - to ensure the effectiveness of the means and tools developed for the implementation of affirmative actions and compliance with the goals to be established.

## **CHAPTER III**

### **ORGANIZATION AND COMPETENCE**

Art. 49. The Federal Executive Branch shall prepare a national plan to promote racial equality containing the goals, principles and guidelines for implementing the National Policy for the Promotion of Racial Equality (PNPIR).

First paragraph. The development, implementation, coordination, evaluation and monitoring of PNPIR, and the organization, articulation and coordination of Sinapir, shall be handled by the body responsible for the policy to promote ethnic equality nationwide.

Second paragraph. The federal executive branch is authorized to establish an intergovernmental forum to promote ethnic equality, to be coordinated by the authority responsible for policies to promote ethnic equality, in order to implement strategies aimed at the incorporation of national policy to promote ethnic equality governmental actions in states and municipalities.

Third paragraph. The guidelines of national and regional policies to promote ethnic equality shall be prepared by a collective body that ensures the participation of civil society.

Art. 50. The state, district and municipal executive branches, within their respective spheres of competence, may establish councils for the promotion of ethnic equality, on a permanent and advisory character, composed of equal numbers of representatives of organizations and public entities and civil society organizations representing the afro Brazilian population.

Sole Paragraph. The Executive Branch shall prioritize the transfer of resources related to programs and activities provided for in this Law to the States, the Federal District and municipalities which have established councils for the promotion of ethnic equality.

## **CHAPTER IV**

## **PERMANENT OMBUDSMAN AND ACCESS TO JUSTICE AND SECURITY**

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 7716 of January 5, 1989.

Art. 55. For judicial consideration of injury and threat of injury to the interests of the afro Brazilian population due to unequal ethnic situations, a public civil action shall, among other instruments, be applied pursuant to Law 7347 of July 24, 1985.

## **CHAPTER V**

### **THE FUNDING OF INITIATIVES FOR PROMOTING RACIAL EQUALITY**

Art. 56. The implementation of programs and actions foreseen in the multi-annual plans and annual budgets of the Union shall comply with the affirmative action policies as referred in sub item VII of Art. 4 of this Law and other public policies that aim at the promotion of equal opportunities and the inclusion of afro Brazilian people, especially in relation to:

I - promoting equal opportunities in education, employment and housing;

II - funding research in the areas of education, health and employment, aimed at improving the quality of life of the afro Brazilian population;

III - encouraging the creation of programs and communication vehicles for the dissemination of materials relating to the interests of afro Brazilian people;

IV - encouraging the creation and maintenance of micro-enterprises ran by self-declared afro Brazilian people;

V - initiatives that enhance access and retention of afro Brazilian people in education, primary, secondary and

technical education;

VI - supporting programs and projects of state, district and municipal governments and of civil society aimed at promoting equal opportunities for afro Brazilian people;

VII - supporting initiatives in defense of African and Brazilian culture, memory and traditions.

First paragraph. The Federal Executive Branch is authorized to adopt measures that shall assure, each year, transparency in the allocation and implementation of necessary resources for financing the actions provided for herein, stating, inter alia, the proportion of budgetary resources allocated to programs for promoting equality, especially in education, health, employment and income, land development, popular housing, regional development, culture, sport and leisure.

Second paragraph. During the second five (5) first years, after the publication hereof, the federal Executive Branch bodies that develop policies and programs in the areas mentioned in the first paragraph of this article shall discriminate in their annual budgets the participation in programs affirmative action referred to in paragraph VII of art. 4 of this Law.

Third paragraph. The Executive Branch is authorized to adopt the necessary measures for the proper implementation of the provisions of this article and can establish levels of increasing participation of affirmative action programs in the annual budgets referred to in the second paragraph of this article.

Fourth paragraph. The collegiate body of the federal Executive Branch responsible for the promotion of racial equality shall monitor and evaluate the programming of activities mentioned in this article on the budget proposals of the Union

Art. 57. Without prejudice to the allocation of regular resources, the following may be allocated to fiscal and social security budgets to finance actions provided for in Art. 56:

I - voluntary transfers from the States, the Federal District and Municipalities;

II - voluntary donations from individuals;

III - donations from private companies and non-governmental, national or international organizations;

IV - voluntary donations from national or international funds;

V - donations from foreign countries, through agreements, treaties and international agreements.

## **TITLE IV**

### **FINAL PROVISIONS**

Art. 58. The measures imposed by this Law do not exclude others in favor of afro Brazilians who have been or shall be adopted within the Union, States, Federal District or the municipalities.

Art. 59. The federal Executive Power shall develop instruments to assess the effectiveness of social measures provided for in this Law and shall perform its constant mo-

nitoring, with the issuance and dissemination of periodic reports, including the worldwide network of computers.

Art. 60. Arts. 3 and 4 of Law No. 7716 of 1989 go into effect with the following wording:

"Art. 3..... (\*)

Sole Paragraph. The same penalty shall be imposed to whom, by reason of discrimination based on race, color, ethnicity, religion or national origin shall preclude the functional promotion. "(NW) (\*\*)

"Art. 4.....

First paragraph. The same penalty shall be imposed to whom, by reason of discrimination based on race or color arising from prejudice of descent or national or ethnic origin:

I - fails to provide the necessary equipment to the employee in equal conditions with other workers;

II - prevents the professional ascension of the employee or otherwise impedes the professional benefit;

III - provides differentiated treatment to the employee in the workplace, particularly with regard to salary.

Second paragraph. It shall be subject to fines and the provision of services to the community, including activities to promote racial equality, who, in ads or any other form of recruitment of employees, requires appearance

aspects related to race or ethnicity for employment whose activities do not justify these requirements. "(NW)

Art. 61. Arts. 3 and 4 of Law No. 9029 of April 13, 1995, become effective with the following wording:

"Art. 3 Without prejudice to the requirements of art. 2 and in the legal provisions that criminalize the crimes resulting from prejudice of ethnicity, race or color, violations provided for in this Act are liable to the following sanctions:

....." (NW)

"Art. 4 The severance of the employment relationship by discriminatory act, along the lines of this Act, and the right to compensation for moral damage, gives the employee a choice between:

....." (NW)

Art. 62. Art. 13 of Law 7347, 1985, comes into force with the following second paragraph, with the renumbering of the current sole paragraph as First paragraph:

"Art. 13.....

First paragraph .....

Second paragraph. If there is agreement or conviction on the grounds of damage caused by an act of ethnic discrimination in accordance with art. 1 of this Law, the provision of money shall revert directly to the fund dealt

with in the caput and shall be used for actions to promote ethnic equality, as defined by the National Council for the Promotion of Racial Equality, on the assumption of national extension, or state or local Councils for the promotion of Racial Equality, in the event of damages with regional or local extension, respectively.” (NW)

Art. 63. The first paragraph of Art. 1 of Law 10,778, of November 24, 2003 shall henceforth read as follows:

“Art. 1.....

First paragraph. For the purposes of this Law, violence against women shall mean any act or conduct based on gender, including the result of ethnic discrimination and inequality, which causes death, injury or physical, sexual or psychological suffering to women, whether in the public and in private ambit.

.....” (NW)

Art. 64. The third paragraph of art. 20 of Law No. 7716 of 1989 comes into force with the following sub item III:

“Art. 20.....

.....

Third paragraph .....

.....

III - the prohibition of the respective messages or information pages on the World Wide Web.

....." (NW)

Art. 65. This Law shall enter into force ninety (90) days after the date of its publication.

Brasília, July 20, 2010,  
189th and 122nd Independence of the Republic.

**LUIZ INÁCIO LULA DA SILVA**  
**Eloi Ferreira de Araujo**

This text do not replaces the one published in the Official Gazette 7.21.2010

\* Ellipces indicate the parts of a law mentioned at the Statute and whose contents have not changed, eliminating the repetition.

\*\* NR is an abbreviation for New Writing, used to signal changes in law made by another law.