

Problems of the justice and penal systems in attending the necessities and demands of minorities.

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Ladies and gentlemen. I will speak about my experience as a judge in Brazil and representative of an association of judges that fight for the democratization of judicial power and for human rights. This is the association of Judges for Democracy.

To speak of Brazil is to speak of two countries: A Brazil of judicial norms and the reality of minorities in Brazil.

It is to speak of a Brazil of norms which overcame a dictatorship to enact a Constitution and implement Human Rights treaties.

The reality of Brazilian minorities is what keeps the relationships of racial dominance.

It is the Brazil of 138 assassinated indigenous individuals during 2014. It is the Brazil whose number of black individuals killed is 2.5 times greater than whites.

It is the Brazil where racial domination is reflected in the justice system: 61% of those killed by police are black; blacks are also 62% of the prison population; prisoners in jails that are medieval establishments, just as it was recognized by our Minister of Justice.

Prisons are so medieval that torture is a common practice and women do not receive the cares of feminine hygiene or assistance during labor. Women also suffer violations when they are not detained; in visits to prisoners they are forced to submit themselves to sexual violence by degrading revisions. We therefore have both racial and gender dominance.

On the other hand, there is a lack of participation by minorities in the justice system: 79% of police officers responsible for deaths during confrontations are white; in judicial power 84% of the judges are white.

Therefore, indigenous people and blacks are arrested and judged by whites.

In addition to insufficient participation, there is a lack of assistance in judicial processes. In the state of Goiás, for example, there are 17 public defenders for free judicial assistance in a place with a population of 6 million.

Therefore, it is necessary to recommend a greater representation of minorities in the system of justice through the policy of racial quotas. In this same manner, it is necessary to recommend greater access for minorities to justice by expanding free legal assistance.

The Forum must also recommend the democratization and independence of judicial power, allowing for social control and the suppression of the rigid hierarchy of the magisterial career. Currently, in Brazil, the tribunal judges have ample powers to designate judges. There are many cases of judges transferred to other work positions by the presidents of tribunals because they decide in a contrary manner against the incarceration of minorities.

It is necessary to recommend the diffusion of human rights in law schools, which currently prioritize the teaching and learning of commercial rights. This diffusion should also reach the professionals of the system of justice because the application of norms requires taking into consideration the multicultural character of the society in which we live. Therefore, I satisfactorily adopt the recent agreement by the National Council of Justice with the Inter American Commission of Human Rights to promote human rights in the judicial powers.

All these recommendations that I suggested have as an objective guaranteeing the independence, impartiality, and better representation in the justice system: that is to say humanize the system.

Nonetheless, I remember that there are already good practices and mechanisms to prevent the abuse of minorities. These should therefore be expanded.

I highlight the implementation of a custody hearing that would allow for the prompt representation of those detained *in flagrante* to the judge, faster release of individuals, and the verification of the practice of torture. It is necessary to widen this act for all prison cases.

I also cite the program of Community Justice of the Tribunal of the Federal District in the community of Ceilândia, whose objective is the reduction of violence. The program allows for the resolution of conflicts inside communities. It is a case of participative justice based on a human rights education and in the mediation by the community which facilitates communication between people in conflict and in the transformation of conflict into an opportunity to mobilize the community.

I highlight as well the creation of the Indigenous Hub for Mediation and Conciliation in the Matutuca community. The State conceded the possibility for leaders to resolve internal conflicts with their knowledge and norms. It is necessary to recommend the creation of new hubs that legitimize traditional knowledge, including in the indigenous zones where the State does not fulfill its obligation of demarcating lands.

Regarding penal policy, I want to highlight the project of rehabilitation of female prisoners in the Pedro Afonso municipality; it is an initiative that reveals tools that can be used by judges with the objective of social reintegration, even when the prison structure is unfavorable. In the city, there is a great prison in which women find themselves in a closed regime, without any space for internal work. The judge allowed external work for prisoners and also recommended study. It now allows for the reduction of the penal sentence through work and lecture.

I will finish my intervention by mentioning these positive practices. But, I highlight; these practices cannot hide or legitimize violations. Such practices must be expanded so that the reality of the lives of minorities can be closer to the reality of judicial norms.