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Presentation

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And the year 2022 is fast approaching its most decisive moment: the elections that will take place in October! This poll will define Brazil's future in the short term and, without a doubt, will mark it in the long term. Political, economic, and social issues are taking over the national debate, and a great obviousness is strongly emerging: the importance of the uncompromising defense of the Democratic State of Law. It is in this context that socio-legal research of a critical and interdisciplinary nature has been produced. And Revista Direito e Praxis continues in its mission to be a reference in this area, presenting works of outstanding quality.

In our general section of unpublished articles, we present a powerful set of works that traverse between the practical and the symbolic, the popular and the institutional, analyzing from the perspective of the concrete life of social groups and their resistance struggles, to the language of art as a form of erasure of certain social subjects. All this makes up an excellent material for those who research in the field and for those who want to better understand the contradictions faced by those who are subalternized by the system, but who resist in search of their own liberation.

This issue's Dossier is entitled Gender, Race, Politics and Human Rights in Brazil. We would like to thank in advance the important and exquisite work that was coordinated by the guest editors Jadir Brito (PPDH/UFRJ), Andréa Lopes da Costa (ECP/UNIRIO), and Rhaysa Ruas (LEICC/UERJ). The knowledge and engagement of the editors were fundamental for the gathering of such qualified researchers and scholars who contributed to this debate, as important as it is necessary for a critical assessment of Brazilian democracy.



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In the translations section, the articles chosen for their importance and contribution to the Marxist debate are in direct dialogue with the articles presented in the Dossier, allowing a greater depth in the studies by those who dedicate themselves to questions of gender, race, and class. In the same vein, the reviews presented here invite the reader to continue studying racial issues and the respective struggle for equality.

Closing the first semester of 2022, we present the second edition of our thirteenth volume of *Revista Direito e Práxis*! As always, this issue is full of exquisite articles, the result of competent research that is engaged in the critical analysis of juridical-political phenomena.

To conclude this presentation, as always, we would like to express our deepest thanks to everyone who contributed to this Journal's issue: authors, translators, and guest editors. Collaborative work is fundamental to the Journal's quality! We remind you that the editorial policies for the different sections of the Journal can be accessed on our website, and that we are permanently open to submissions, which are always welcome! We thank, as always, the authors, reviewers and collaborators for the confidence put in our publication.

Enjoy your reading!

Direito e Práxis Team



Dossier: Gender, Race, Politics and Human Rights in Brazil

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1. Introdução

The dossier “Gender, Race, Politics and Human Rights in Brazil” is the result of a series of debates held at the virtual conference of the same name carried on in November 2020 by Núcleo de Políticas Públicas em Direitos Humanos da Universidade Federal do Rio de Janeiro (NEPP-DH/UFRJ) in partnership with Laboratório de Estudos Interdisciplinares Crítica e Capitalismo da Universidade do Estado do Rio de Janeiro (LEICC/UERJ) with the support of Programa de Políticas Públicas em Direitos Humanos (PPDH/UFRJ), of Centro de Filosofia e Ciências Humanas, of ALDEIA/UFSB, and of Laboratório de Políticas Públicas e Desigualdades Sociais da Universidade Federal do Estado do Rio de Janeiro (LPPDS/UNIRIO).

The general objective of both the Colloquium and the Dossier was to reflect on the advance of far-right politics and conservatism in Brazil from the determinations of gender, race, class and territory, discussing its impacts on political struggles for human rights in Brazil and Latin America.

The year 2020 represented an important milestone for this debate. The health crisis that followed the COVID-19 pandemic deepened all levels of inequalities and contradictions already existing, then in evidence by the previous wave of rise of



governments of neo-fascist character around the world, and by the ongoing economic, social, and climate crisis, aspects that indicate the exhaustion of the neoliberal accumulation regime. During this first year of lockdown, the world witnessed anti-racist and anti-fascist demonstrations led mainly by peripheral youth involved in the black, women's, and LGBTQIA+ movements. Such demonstrations denounced the structural racism evidenced by the pandemic, and the long duration of the genocide of the black population in the countries of the African Diaspora, a reality that extends since the times of colonial slavery, demonstrating the permanence of hierarchizing and dehumanizing practices that inform racism, in detriment of the formal closure of the processes of colonization and domination imposed on different societies.

The protests gained significant momentum and a common transnational identity after the murder of George Floyd, yet another black American man killed by white police officers, on May 25, 2020. Filmed in its entirety, Floyd's murder - in daylight, on a busy street in the city of Minneapolis -, went viral on social media and exposed a reality in which the exposure of black death is commonplace, prompting numerous debates and reflections also in the theoretical field.

These themes were intensely debated in our Colloquium. At that moment, three major perspectives on the relationship between the relations of oppression, domination, exploitation and expropriation that characterize the capitalist mode of production were presented. The first, the majority, articulated the discussion from the notion of intersectionality, one of the perspectives that today guides black women's organizations and black feminisms in Brazil.

The notion of the unity of oppressions that disproportionately affect these women has built a path of redefinition of human rights based on decades of struggle for rights, social policies, and political participation, with agendas in defense of work, health, and assistance and against violence against the bodies and groups of black women. However, the distinct perspectives that guide the black women's movement in Brazil bring approaches grounded in distinct, heterogeneous theoretical fields and methodologies and present analytical tools that propose to consider the interactions among social markers such as gender, race, class, and territory. Here, the field of Black feminism, among other activists and intellectuals, was produced under the influence of Lélia Gonzalez, Sueli Carneiro, Beatriz Nascimento, Luiza Bairos, and Neusa Sousa Santos. In recent years, the



production in the area of studies on black feminisms and intersectionality has involved several theses, dissertations, and academic articles.

On the other hand, a second strand that filled the discussions of the Colloquium discussed the issue by focusing on one or another relation of oppression, trying to find its structural and structuring elements of the societies in which we live, sometimes mixing the structural perspective, coming from the crossing of a Marxism of Althusserian matrix with Black Marxism, sometimes with decolonial perspectives, sometimes mobilizing the notion of intersectionality. The debates affiliated to this strand involved analysis of structural and institutional racism and racial inequalities, with mobilization of references to authors who in recent years have constructed these theoretical categories for the interpretation of the social reproduction of racism in Brazil.

Finally, a third and minority strand sought to explain these social relations in a unitary way, based on the return to Marxian social totality, proposed mainly by the Theory of Social Reproduction (TSR). The main difference between the latter and the intersectionality perspective was the criticism of the additive, fragmented logic through which the whole was intended to be analyzed, as well as the confusion between the use of intersectionality as a tool to approach social reality and its elevation to the status of a social theory. According to TRS, in addition to the difficulty of understanding the dialectical totality without confusing it with the sum of the particular forms that social relations assume, in the absence of a clear social theory, intersectionality did not lead to much more than the description of social phenomena, having difficulty explaining them, especially regarding the dialectical unity between the whole and the parts, the universal and the particular.

Both the Colloquium and the Dossier showed that the present conjuncture opens a turning point in the theoretical, academic, political, and social debate on gender, race, politics, inequalities, and human rights. Said debate, which can be seen more clearly and intensely from the streets with political unfolding, and which presents itself at a slower pace, but with equal intensity, depth, and complexity, is reflected in the theoretical production. It seems that if at the end of the 20th century we experienced a particularistic turn, which rejected any perspective of social totality, refuting the so-called grand narratives, now the concrete reality brings them to the surface again. The dissociation between the particular and the universal begins to be questioned, and this relationship reinterpreted and brought back to the center of the debate. Now, however, it seems to



indicate the emergence of a new horizon: the resumption of dialectics and the notion of social totality at the core of the debates about identities and social class.

We would like to highlight, in this short space of presentation, some indications that we believe important to advance towards the construction of a unitary perspective on the relations of identity, oppression and exploitation and that can be valuable in its intersection with the thematic of human rights. First, we briefly point out in what sense recovering Marxian dialectics can help us in explaining these social relations without letting one dissipate into the others. Secondly, we indicate how this same understanding can help us comprehend the apparent paradox of human rights, that is, the relation between identity and difference, appearance and essence, that involves this central issue for sustaining the capitalist juridical form.¹

Marxian dialectics has at its core contradiction - thus class struggle, social praxis - as the engine of history: the logic of capital is inseparable from its historical development. Gender², race and class do not randomly intersect in the history of the formation of the capitalist mode of production: these social relations are constituted - historically and daily - in the process of accumulation, so that there is an ontological unity, an integrative ontology between these relations that appear as independent and fragmented (Ferguson, 2016). Rather, these relations only exist historically with the form that they exist because they also constitute each other in a specific and determined way from the same ontology³.

This implies the understanding not only that there is no class in the abstract, but also that although racism concretely has specific characteristics that allow us to distinguish it in the first instance from sexism or classicism, these distinctions do not define these relations completely, they only present "a starting point from which thought unfolds the internal relations of parts to other parts and to the organic system as a whole" (McNally, 2017, p. 105, our translation). Thus, racism, for example, can be understood as "a partial totality with unique characteristics that must ultimately be apprehended in relation to the other partial totalities that make up the social whole in its constant process

¹ This reflection is being developed by Ruas, in her doctoral thesis (in progress), from which we draw the discussion that follows in the two following paragraphs.

² We understand here, as 'gender', social relations linked to the establishment of cisheteropatriarchalism as hegemonic normativity, so that we also include here relations linked to sexuality.

³ It is not enough to assume that there is no race without gender and race and gender without class; the question is deeper: none of these relations has a trans or ahistorical meaning. They only exist because they exist in an imbricated way - in which each one is and, at the same time, is not the other - and they only exist in the capitalist mode of production (considered as a world-system, in which the process of primitive accumulation of capital takes place in a fundamental and continuous way, with colonization at its core).



of transforming" and becoming. As McNally (2017, p. 105) points out, "each partial totality, each partial system within the whole, has unique characteristics (and a certain 'relative autonomy' or, rather, relational autonomy)." In an analogy with the "heart-lung system," for example, the author points out that "each organ constitutes a partial totality within the human organism as a whole, but no part (or partial totality) is ontologically autonomous in itself" (ibid.). Each part is partially autonomous and dependent, partially separate and ontologically interconnected, so that one loses its concrete characteristics if abstracted from the others and the whole. Consequently, "no one can be properly understood as a self-sufficient unit outside of its membership in a living whole": the organic whole is constituted in and through its parts - these are what give it determination and concreteness - but it is not reducible to its parts. It is something different, more complex, and more systematic than a mere additive sum: "a concrete totality achieves concreteness ("determination") through the differences that compose it. At the same time, each of these different parts carries the whole within it; as elements of life, their reproduction is impossible outside the living whole." (MCNALLY, 2017, p. 106, our translation) .

Social relations are dynamic and contradictory, maintaining a dialectical relationship between universality and particularity, which shapes the social totality. This, however, is neither the sum of the parts, nor more than each of them; rather, it is the synthesis of multiple determinations, unity in diversity. This means that, although there is a contradictory relationship between appearance - what we see with the naked eye, the particular forms through which we live our daily singularity - and essence - the universality that emerges as a process through our collective praxis and "creates the world" behind our backs - as a rule fetishized, it is this relationship that determines life in society and is capable of generating social cohesion in capitalist societies. In terms of the compression of identities and relations of oppression in capitalist societies, this perspective helps us understand both the centrality of identities and the struggle for recognition for a practical construction capable of breaking with the fetishized universality that emerges from this mode of production and imposes itself in the course of accumulation, and how the emancipation of these same identities is only possible in its relation to the universality contained in them.

To make it clearer, we can turn to Fanon (2008, p.28-29): the collective praxis needs to take place both at the objective and subjective levels, considering them in unity;



just as the subsumption of labor to capital, the negation of the subject - in this case, the colonized - never takes place completely. There is an irreducible tension between the subject and the continuous effort to subsume his subjectivity by abstract forms of domination. The struggle for recognition is an essential stage for the elevation to the "zone of being", i.e., to the status of human of the fractions of the proletariat that were denied this status by the colonization process, and with it the elevation of the consciousness of the proletariat as a whole, which is a condition of possibility for class struggle. However, when it comes to struggles for recognition, there is a risk that subjects get stuck only in the particular construction of their identities: if there is no deep critical activity of the social totality, the character of the struggle and the very need to forge an identity and impose the elevation of their level of humanity impose on these class fractions a tendency to essentialize the same characteristics forged by colonial domination, treating socially constructed attributes as ontological truths. The risk is to get lost (and stuck) in the particular, failing to face the objective - and universal - aspect of their domination; but there is no path to the universal without it (HUDIS, 2020, p. 1403). The particular struggle for recognition holds the potential to go beyond itself toward a universal human emancipation, a potential that must be realized through the confrontation of objective reality: of the concrete totality. One must extract positivity from absolute negation, humanism from complete dehumanization.

This is where the second aspect of the question comes in. Capitalist sociability is forged and sustained by the legal form of the contract, in which legal subjectivity reigns. Human rights emerge as the core of what would confer, in theory, substance to the condition of subjects of rights - an abstract category indispensable to social forms in our societies. But this form of identity appearance has always been structured by difference, by non-identity: the subject of law presupposes the non-subject, the expropriated. This undeniable reality has been the target of the most diverse criticisms throughout the 20th century: feminist, anti-racist, anti-colonial. However, as the process of capitalist accumulation advances, the contradictions and the degree of dehumanization, violence, and expropriation advance. The consolidation of the legal form occurs at the same time that it also becomes a necessity to be defended by those it has never contemplated. Thus, we not only unconsciously reproduce social forms that sustain capitalist sociability: we also reproduce them consciously, out of necessity. We are living this profoundly paradoxical moment in the present conjuncture. The neo-fascist advance imposes on



progressive forces the relentless defense of particular forms of access to rights and of legal subjectivity to all subjects - including the colonized.

However, as the selection of this dossier shows, this emerging and deeply critical perspective is still a minority in the face of the hegemony of individualizing notions and of the additive logic that continues to fragment social thought. We received more than 50 articles, of which the great majority mobilized the notion of intersectionality, proposed a decolonial perspective that either ended up reproducing liberal theoretical assumptions, or had difficulties in offering an explanation of the unity of typically capitalist social relations of oppression. The selected articles confirm this diagnosis and some assumptions presented in the recent debates on human rights and the relations of identity and oppression, while at the same time bringing elements that can help us to collectively advance towards a more unitary understanding.

The first is that the classical conception of human rights is not sufficient to contemplate the complexity of the demands for recognition that exist in the world, nor to effectively guarantee security, equality, and well-being indiscriminately, even in times of neo-fascist rise.

As already mentioned, the modern conception of human rights was originally born in a revolutionary context, with the intention of removing markers of difference and, therefore, social hierarchizers. Thus, in a first moment, thinking of one humanity, regardless of race, ethnicity, sexuality, gender, religion and other identity categories, would ensure ample impartiality and equality in the treatment of citizens in modern, democratic societies.

Paradoxically, such individualistic-based formulation led to the construction of a subject of rights disconnected to the effective subalternity produced and imposed on groups, based on their identity belonging or class position; and even on entire societies, when considering their position in the world-system. In addition, it allowed the elaboration of a completely essentialized subject: hegemonic, abstract and universal. Hegemonic because it is referenced in a self-referential Eurocentered model of humanity that would agree, even if not explicitly, with a world reading guided by colonialism, patriarchy, racism and classism. Abstract because it is subsidized by an ideal and idealized perspective of subject and humanity, detached from its empirical experience. And, universal, for imposing itself to all societies, disregarding the historical, political, economic and cultural specificity of each reality.



On the other hand, in the last seven decades, the UN has proclaimed, among other international norms, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as created the Global and Regional Human Rights Protection Systems and the International Criminal Court. However, many paradoxes are observed in international relations, in the foundations of international human rights norms, and in the overall functioning of UN bodies. Declarations, treaties and covenants have been formally welcomed by most capitalist Western democracies. Despite this, these regimes have promoted systematic violations of the human rights of their populations in Europe or the United States after 1948 with the Universal Declaration of Human Rights, as well as on the populations occupying territories under colonial and post-colonial regimes in the 20th and 21st centuries.

The international human rights regime is being historically challenged by many conjunctural situations and structural conditions of modern societies in the areas of political, socio-economic, environmental, cultural, territorial and religious issues. Wars, genocides, socioeconomic inequalities and the exploitation of neoliberal capitalism, crises of liberal democracy, the advance of oppressions, and the impacts of capitalism's socio-environmental crises have imposed on the UN international human rights regime a long process of delegitimization and ineffectiveness. In the epistemological dimension of human rights, the paradoxes resulting from the crisis of Western humanism, which among other factors is expressed in the non-validity and incongruence of its foundations justified by idealist and universalist moral philosophies, by political theories derived from the political contractualism of liberal democracy and by a neoliberal economic order that promotes exploitation and institutionalized structural oppressions, which causes inequalities and discriminations against social groups and peripheral populations of the North and the Global South.

Regarding the crisis of humanist foundations, human rights, and Western democracy it is relevant to consider that:

(...) another long and deadly game has begun. The main clash of the first half of the 21st century will not be between religions or civilizations. It will be between liberal democracy and neoliberal capitalism, between the rule of finance and the rule of the people, between humanism and nihilism. (...) This explains the growing anti-humanist position that now goes hand in hand with a general contempt for democracy (Mbembe, 2017).

Achille Mbembe further highlights on democracy and its rights regime:



"Perhaps it has always been this way. Perhaps democracies have always been communities of the like, and therefore (...) circles of separation. It may be that they have always had slaves, a set of people who, in one way or another, have always been perceived as a foreign parcel, surplus populations, undesirables, whom one dreams of getting rid of, and who, in that condition, "had few rights, no rights at all, or were even removed altogether from the exercise of political power. This is quite possible" (Mbembe, 2020, p.75).

International Human Rights and their norms were received in Brazil and expanded in the form of legislation and formal political commitments and, at the same time, were submitted to the limits in the reality of violence, oppressions and exploitation of peripheral groups and populations as a paradox of the rights regime of capitalist democracies. This process was aggravated by the impacts of the Covid-19 pandemic and the continuing structural crisis of capitalism.

In this scenario, this dossier presents articles that discuss the paradoxes of human rights, dialoguing with a perspective of their re-appropriation from an emancipatory social praxis, with theoretical and philosophical foundations that expand the possibilities of their peripheral, historical and insurgent re-reading of human rights and their political use in social conflicts. As Herrera Flores points out:

"This requires, first of all, not falling into the "rights trap." When we start talking about human rights by highlighting the concept of "rights," we run the risk of "forgetting" the conflicts and struggles that led to the existence of a certain system of guarantees of the results of social struggles and not to a different one" (Herera, 2009, p.21).

In view of this, the consideration of the role of social struggles of emancipatory insurgency and resistance for the legitimation, re-appropriation and creation of new foundations for human rights are a necessary condition. Thus:

"we will enter the difficult path of defining rights as processes of struggle to, afterwards, propose a pedagogical scheme that enables us to understand their complexity and culminate with the proposal of an axiological criterion that separates us from any absolutist affirmation based on the aphorism "all things being equal" (Herera, 2009, p. 22).

The theme "Gender, race, politics and human rights" of the Colloquium and of this dossier reflects social and political issues of the contemporary Brazilian scenario, and are relevant categories to think about the ongoing institutional political process, with the advance of conservatism and its relations with neoliberalism and the practical and discursive delegitimization of human rights. The Bolsonaro administration promoted regressions in human rights agendas in the field of ethnoracial and gender, which were combined with neoliberal agendas of withdrawal of social and labor rights. Despite the



advancement in gender agendas recently in Argentina, Colombia, and Chile, there is a conservative reaction to rights related to gender and sexuality with impacts on electoral political disputes, as well as on rights and public policies aimed at women and the LGBT+ community. In Brazil, the reactions to gender are anchored in the advance of conservatism on several grounds, among which is the taking of:

“(...) recourse to "gender ideology" as a political strategy has been a way to influence political processes even when what is at issue are not specific public guidelines” (Birolli, Vaggione and Machado, 2020, p. 23).

The anti-gender reaction is a relevant social fact to be observed for understanding patterns in political disputes in Brazil and Latin America, as well as understanding one of the elements of the scenario of the struggles of social movements in defense of human rights. These patterns of gender and sexuality reaction articulate a set of agendas in the economic, social, and political fields. As of 2010, the conservative reaction becomes an issue in Brazil, with impacts on politics, Brazilian democracy, and human rights agendas. "In the 2010s, "gender ideology" spread as an effective political strategy. As a kind of "symbolic glue", it has, since then, enabled the joint action of actors whose interests are originally distinct" (Birolli, Vaggione and Machado, 2020, p. 22). In the field of social policies and human rights, it is possible to observe a conservative advance, by which "(...) conservative Catholics and evangelicals have joined forces to block advances in the field of sexual rights, redefine the meaning of rights and public policies and, in some cases, legitimize censorship." (Birolli, Vaggione and Machado, 2020, p. 22).

It is important to note that this process of conservative reaction to human rights on the matter of gender, can be located in the oppositions to the National Human Rights Program of 2009 (PNDH-3) and the National Education Plan (2011-2020), with impacts in the electoral process of the 2018 elections and in the ongoing changes of several human rights agendas in Brazil by the Bolsonaro administration. Moreover, this process reflects international conservative articulations, present "(...) in the cycle of street protests of the 2010s, initially in Europe, and then, starting in 2016, in several Latin American countries, starting with Colombia, Mexico and Peru" (Birolli, Vaggione and Machado, 2020, p. 22).

Public policies to combat racism and promote ethnoracial equality, as well as those directed at traditional peoples and communities, especially indigenous peoples and quilombola communities, have also suffered a regression of rights combined with the dismantling of government structures of agencies such as FUNAI, SEPPIR and Palmares



Cultural Foundation. Moreover, in the ideological field, a whole process of renewal of racism is underway in Brazil that, as in many countries, configures "(...) a 'racism without races'. In order to practice discrimination with more agility, while making it something conceptually unthinkable, "culture" and "religion" are mobilized to take the place of "biology" (Mbembe, 2018, pg. 21- 22).

Affirmative action policies and other anti-racist policies in the course of this government have also been impacted by conservative agendas, through the dismantling of public policies, such as those related to student assistance from institutional bodies and budget cuts. It is important to highlight that also in the ideological field of social practices and institutions there is a racist reaction to the conquests of anti-racist rights in the last two decades in Brazil. About the ideological field of racism in political institutions, a study conducted by the Quilombolas contra Racistas project, organized by Conaq (National Coordination of Articulation of Rural Black Quilombola Communities) and Terra de Direitos, points out that between January 2019 and December 2021, 94 racist speeches were made by public authorities and, among them, only one had accountability of those involved.

It is important to point out that the process of dismantling public policies and regression of rights in the ethnoracial field involves not only ideological disputes, but also affects the institutional design and the public funding of these policies. Inesc (Institute for Socioeconomic Studies) analyzed the Annual Budget Bill (PLOA 2022) that was elaborated in the context of the Brazilian health and socioeconomic crisis. In relation to human rights, Inesc points to a scenario in which, in 2023, there will be a process of stagnation of resources that will prevent the realization of public policies in this field. This analysis is in the Inesc technical note that evaluated the fiscal goals and the budget in the areas: facing Covid-19, Education, Health, Environment, Right to the City, Racial Equality and Quilombolas, Indigenous, Women, and Children and Adolescents. As an example, the technical note points out the following:

"With regard to resources for the promotion of racial equality, PLOA 2022 provides only R\$ 2.2 million, of which R\$ 1.8 million for fostering affirmative actions and confronting racism, defined after the approval of the budget, and R\$ 370.2 thousand for the operation of two councils, the National Council for the Promotion of Racial Equality (CNPIR) and the National Council of Traditional Peoples and Communities (CNPCT). There is also R\$1.7 million for the Promotion of Local Development for Quilombola Remnant Communities and Other Traditional Communities" (INESC, 2021).



Considering the territorial extension of Brazil, INESC evaluates that these values are insufficient in light of the demands presented by social movements and socioeconomic data. They also point out "Considering that we have 27 states, one Federal District, and 5,568 municipalities, R\$1.8 million for this action is a very small resource. In the field of indigenous rights, the Inesc technical note also demonstrates a budget reduction that compromises the implementation of public policies for native peoples:

"The budget strangulation of the main indigenist body has been going on for a long time, and there is no forecast of improvement in the picture next year. In PLOA 2022, the amount allocated to the agency is 3% less than that attributed in the PLOA 2021, in current values (...). It is noteworthy that this drop becomes even more significant if we take into account the inflation that is affecting the country" (INESC, 2021).

It is necessary to observe a contradiction, indicated by INESC, which concerns the repositioning of public policies for indigenous people:

"Despite the cuts in the budget directed to the body, there is an increase of R\$11 million of resources allocated in PLOA 2022 to FUNAI's main finalistic program in relation to PLOA 2021. This program, 0617 - Protection and Promotion of the Rights of Indigenous Peoples, is the one whose effects are most felt by indigenous peoples since it encompasses the final actions of the agency, such as territorial protection policies and social assistance actions for communities, for example" (INESC, 2021).

In line with this debate, the articles presented in this dossier confirm that a broad and realistic conception of human rights must exceed the traditional idealized production by recognizing the conflictual dimension that characterizes human rights processes when directed to gender, race, ethnicity, sexuality and other identity markers; to conditions of socioeconomic vulnerability, and, in a more global analysis, to the position occupied by distinct societies in the world-system.

The second assumption is the multidisciplinary vocation for the understanding of human rights. Originally confined to the field of Law and the Social Sciences, the analyses contemporarily produced resize the traditional readings precisely because: they focus on other disciplinary fields; incorporate counter-hegemonic epistemological approaches, such as decoloniality, post-coloniality, dialectical historical materialism and the intersectional perspective; and, bring the analyses of human rights closer to innovative approaches, such as the well-known multicultural proposal or the emerging set of queer approaches.

By being produced in dialogue with other disciplinary fields, it confirms that a broad approach to human rights must be multidimensional, otherwise, we run the risk of



an excessively instrumental approach, with disregard for the multiple possible interventions: from those that objectively deal with the formal dimensions of human rights (legislation, policy making and implementation, construction of theoretical approaches, among others), to those that observe the subjective effects (such as the production of stigmatization, impacts on mental health, vulnerability to symbolic violence, and others affecting individuality and subjectivity).

Likewise, by establishing theoretical and methodological approaches produced in contexts of resistance to the status quo, it allows a broader understanding of the phenomenon, displacing the traditional view of the Other, elaborated and disseminated from the center.

Such an undertaking is not merely formal and goes beyond the mere analysis of human rights from the inclusion of overlapping elements of subalternization and stigmatization. In other words, it is not merely a matter of inserting biases into a reading already characterized by hegemony itself, nor is it a matter of pointing out the gaps in the traditional production on human rights or of bringing to it new subjects and objects of analysis. This endeavor aims at the construction of a new approach on human rights.

In terms of epistemological re-significations, for example, intersectionality, the renewal of Marxian dialectics, post-coloniality and decoloniality share the fundamental principle of articulating class, gender, sexuality, ethnicity and race for the elaboration of new theoretical and methodological perspectives. However, they keep singularities that prevent them from being considered mere transpositions of categories. Postcolonial as well as decolonial perspectives, understood as epistemologies from the Global South, invest in an equally critical reading of the effects of the colonial organization that determines the world-system, which will include, of course, the production of a new type of human rights advocacy.

The articles presented here invest in an exercise, albeit often incipient from a theoretical point of view, to produce an approach to human rights that is innovative and consistent with the complex reality of the world. Evidently, radical deconstruction is not the most explicit objective of the proposals presented here, since the articles, in an exercise of conciliation, invest in dialogues between authors from different theoretical matrixes. However, it is possible to consider that this dossier contributes to the construction of a path in which an approach not anchored in conventional epistemologies, produced in the context of the Global North.



Finally, in a third assumption, the articles herein agree on the necessary inseparability between human rights and conjunctural analysis. By admitting that human rights must be detached from an abstract and idealized idea, we also admit that their observation must be inherently determined (and, evidently, updated) by the objective and subjective conditions of social life.

In this way, the articles of this dossier approach this proposal by considering, as research themes, the recent social phenomena that have deeply impacted the world and, more specifically, Brazil. Noteworthy in this dossier are the effects of the COVID-19 pandemic, the rise of authoritarianism and the extreme right in Brazil, as well as practices of institutional racism such as mass incarceration of black people, housing vulnerability, and under-representation of black women in institutional politics.

This conjugation allows the dossier to adopt a set of theoretical and, synchronically, practical analyses, as perceived in the texts presented here. Thus, the article *Gender, race and class in Brazil: the effects of structural and institutional racism on the lives of the black population during the covid-19 pandemic*, besides analyzing the deepening of asymmetries between blacks and whites, from the variables of gender, class and region, in Brazil, during the covid-19 pandemic, considers the role of the Executive Branch in the worsening of this scenario.

Next, *Race, gender and human rights in Brazilian foreign policy in the Bolsonaro government (2019-2021)*, draws on discourse analysis to, from an intersectional perspective, analyze the impact of the Bolsonaro government on Brazilian foreign policy when the issue in question is gender and race. In *“Evictions and struggle for the right to housing in the pandemic: female resistance in the experience of the Novo Horizonte Occupation”*, the struggle and resistance of black women in the face of the frequent removals that occurred during the covid-19 pandemic, specifically in Ocupação Novo Horizonte, are analyzed. For the production of the reflections, a dialogue between intersectionality and the theory of social reproduction was taken as the main theoretical reference, in order to prove that processes of evictions and removals were specifically harmful to women.

The article *“Criticism to the sub-representation of black women in the federal legislative: coloniality, silence and uncomfortable.”* invests in the use of decolonial perspective to understand a phenomenon that has been a recurring theme and one of the central demands of black feminism: the under-representation of black women in



institutional politics. In *“Introduction to black insurgent law: theoretical background, epistemic bases and tactical political uses”*, there is a proposal to introduce an anti-racist critical theory of law, using the decolonial perspective and the Marxist critical analysis of structural racism.

In *“Who sees the imprisoned LGBT population? (Institutional lgbtphobia from the perspective of queer critical criminology)”*, based on documentary analysis, subsidized by what has been called queer critical criminology, the institutional lgbtphobia expressed in the vulnerability of the incarceration of the LGBT population in Rio de Janeiro is analyzed.

“Psychology and human rights: why discuss necroliberalism in security policies?” reflects on the role of Psychology in the face of a scenario of intensified inequalities expressed by necropolitics in interface with neoliberalism, called necroliberalism in the article. Finally, *“Multicultural human rights movement: Brazilian comeback cinema, legal pluralism and the stereotypes of violence”* invests in the recovery of the concept of multiculturalism to analyze the resumption of cinema in Brazil and narratives presented on human rights.

In general, the dossier aims to contribute to contemporary reflections on human rights, gender and race, and the articles gathered here bring the commitment to contribute to a real and current reading of human rights from a commitment to a counter-hegemonic and conjunctural reading.

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