

BRAZIL 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brazil is a constitutional, multiparty republic. In October 2018 voters chose the president, vice president, and the bicameral National Congress in elections that international observers reported were free and fair.

The three national police forces--the Federal Police, Federal Highway Police, and Federal Railway Police--have domestic security responsibilities and report to the Ministry of Justice and Public Security. There are two distinct units within the state police forces: The civil police, which perform an investigative role, and the military police, charged with maintaining law and order in the states and the Federal District. Despite the name, military police forces do not report to the Ministry of Defense. The armed forces also have some domestic security responsibilities and report to the Ministry of Defense. Civilian authorities at times did not maintain effective control over security forces.

Significant human rights issues included: reports of unlawful or arbitrary killings by state police; harsh and sometimes life-threatening prison conditions; torture; violence against journalists; widespread acts of corruption by officials; crimes involving violence or threats of violence targeting members of racial minorities, human rights and environmental activists, indigenous peoples and other traditional populations, and lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; and use of forced or compulsory labor.

The government prosecuted officials who committed abuses; however, impunity and a lack of accountability for security forces was a problem, and an inefficient judicial process at times delayed justice for perpetrators as well as victims.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that state police committed unlawful killings. In some cases police employed indiscriminate force. The Brazilian Public Security Forum reported police killed 6,160 civilians in 2018, compared with 5,225 in 2017. The extent of the problem was difficult to determine, however, because comprehensive, reliable statistics on unlawful police killings were not available.

On September 27, eight-year-old Agatha Vitoria Sales Felix was returning home to the Complexo do Alemão neighborhood in Rio de Janeiro in a van with her mother when a bullet hit the girl and killed her. Rio military police officers reported drug traffickers opened fire on officers who retaliated with gunfire, but residents denied there was a mass confrontation in the *favela* (informal housing development) at the time of the shooting. According to these witnesses, the girl's death was caused when a police officer fired at a motorcyclist who had not complied with an order to stop. The Federal Prosecutor's Office requested that the Federal Public Ministry of Rio de Janeiro instead of the police force investigate the case. According to one media report, police failed to conduct a proper investigation. The lawyer representing the family and the owner of the van said the driver cleaned his van, the scene of the crime, before police could search it for evidence. On September 25, the ministry announced it was investigating the case.

In the city of Rio de Janeiro, most deaths occurred while police were conducting operations against narcotics trafficking gangs in the more than 1,000 favelas, where an estimated 1.5 million persons lived. Nongovernmental organizations (NGOs) in Rio de Janeiro questioned whether all of the victims actually resisted arrest, as police had reported, and alleged that police often employed unnecessary force. On February 20, military police conducted an operation to find wanted individuals in the communities of Coroa and Fallet-Fogueteiro, located in the Santa Teresa neighborhood of downtown Rio de Janeiro. The operation resulted in the deaths of 13 persons. Military police reported all of the victims were criminals; however, human rights organizations claimed the victims offered no resistance and that many were shot in the back. The Human Rights Commission at the state of Rio de Janeiro's Legislative Assembly and the State Prosecutor's Office were investigating the killings; however, as of September no one had been indicted or arrested for these killings.

According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men. A study by the Brazilian Public Security Forum showed that between 2009 and 2016, 76 percent of those killed in police actions were black. On April 7, army soldiers patrolling a military area fired 80 rounds into a family's car in Guadalupe, in the western part of the city. Evaldo Rosa dos Santos, a black musician, was killed and two other individuals were injured. Military authorities initially claimed the soldiers were responding to a robbery in a nearby area and the persons in the car allegedly committed "unprovoked aggression" against the soldiers. In May a military justice tribunal indicted and arrested 12 soldiers involved in the incident.

Nine of the accused were released on bail on May 23. As of August, the tribunal had not set a date for the trial. NGOs cited concerns that impunity for crimes committed by security forces was common. According to a survey of cases between 2015 and 2017 at the Superior Military Court involving military personnel, 70 percent were either dismissed or resulted in no punishment.

Aos Fatos, a fact-checking NGO, found that an average of nine elected politicians were killed each year in the country between 2007 and 2018. In March police arrested two former police officers, Ronnie Lessa and Elcio Vieira de Queiroz, in connection with the killing of a gay, black, Rio de Janeiro city council member and human rights activist, Marielle Franco, and her driver, alleging that Lessa fired the gun and de Queiroz drove the get-away car. A preliminary trial started on June 7 at the Fourth Criminal Court in Rio de Janeiro. As of October, the date for the final trial had not been scheduled.

The NGO Global Witness reported 20 social, human rights, and environmental activists were killed in 2018, leading it to classify the country as “extremely lethal” for activists. In March Dilma Ferreira da Silva, one of tens of thousands of persons displaced by the construction of the Tucuruí dam and an activist and leader in the Movement for Those Affected by Dams, was found dead in the settlement where she lived with her husband Claudionor Costa da Silva and family friend Hilton Lopes. The victims were found with their throats cut and hands tied, and they showed signs of torture. The Para State Civil Police arrested landowner Fernando Ferreira Rosa Filho as the alleged mastermind behind the assassination.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits torture and inhuman or degrading treatment, but there were reports that government officials sometimes employed such practices. The law mandates that special police courts exercise jurisdiction over state military police except those charged with “willful crimes against life,” primarily homicide. Impunity for security forces was a problem. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. Delays in the

special military police courts allowed many cases to expire due to statutes of limitations.

According to the National Council of the Public Ministry, in 2018 there were 384 cases of guards and other personnel inflicting bodily harm on prisoners. In July the Federal District Public Prosecution service charged 14 military police officers with torture. A civil police investigation found evidence that during an operation led by the intelligence subcommander of the Federal District Military Police, the Mobile Tactical Patrol and the Tactical Operation Group of Taguatinga jointly participated in the torture of alleged drug trafficker Antonio Cesar Campanaro (known as Toninho do Po) in June 2018. After arresting the suspect with 110 pounds of drugs, the team attempted to recover an additional 1,100 pounds but could not find the location. According to the Federal District civil police, the military police officers used violent methods to determine where the remaining drugs were hidden by exposing Campanaro to the sun for a long period of time, punching him, and reportedly applying electric shocks to his genitals. As of July 14, the 14 accused officers were being held on a range of charges, including torture, corruption, embezzlement, and drug trafficking.

In November 2018 the press reported claims that federal military officers tortured three male residents of Rio de Janeiro. The young men alleged the officers held them for 17 hours, during which they were beaten, electrically shocked, and sprayed in the face with pepper spray. In July the Public Defender's Office in Rio de Janeiro delivered a writ of habeas corpus to the Supreme Court demanding the release of one of the young men, arguing the defendant should be granted the right to be free on bail while awaiting trial because the alleged abuses made the arrest illegal. As of October, the Supreme Court had not ruled on the case.

In December 2018 the Rio de Janeiro Public Defender's Office published the final version of the *Favela Circuit for Rights* report, which documented 500 residents' statements on violations committed in the 25 poor communities it surveyed. Residents reported cases of warrantless searches and inspections, home invasions, violence during police operations, and persecution of community leaders. The document also recommended that authorities organize training for law enforcement officials and develop a coherent state plan for public security, protocols for police operations, and specific programs to assist the families of victims.

There were reports of sexual assault committed by police. In June, two military police officers were arrested for raping a 19-year-old woman in Praia Grande in the state of Sao Paulo. The two officers were offering the woman a ride to a local bus

stop when one officer moved to the backseat with her and raped her. As of June 28, the officers were awaiting trial. The *Favela Circuit for Rights* also reported documented cases of sexual assault by police.

In August a 31-year-old lesbian woman reported two military police officers, Sergeants Hugo Borges Gomes and Caio Cesar Borba Brandao, raped and physically assaulted her in the city of Goiania. According to a document submitted by her attorney, the officers beat and raped her with a broomstick and then threatened to kill her if she reported anything. The woman went to a local police station, where she consented to a physical exam and a doctor found evidence of rape. The Human Rights Commission of the Goais State branch of the Brazilian Bar Association requested additional information from Goais public officials.

Prison and Detention Center Conditions

Conditions in many prisons were poor and sometimes life threatening, mainly due to overcrowding. Abuse by prison guards continued, and poor working conditions and low pay for prison guards encouraged corruption.

Physical Conditions: According to the National Council of the Public Ministry, in August the overall occupation rate in prisons was 170 percent of capacity. The northern region of the country experienced the worst overcrowding, with three times more prisoners than designed capacity. The southern state of Parana reported a shortage of 12,500 spaces for inmates in correctional facilities and provisional centers within the metropolitan area of Curitiba as a result of a 334 percent increase in the number of arrests in the first four months of the year. Much of the overcrowding was due to imprisoning pretrial detainees. An April survey by the news portal G1 showed that 36 percent of detainees were being held without a conviction.

Overcrowding in the southern state of Rio Grande do Sul was so severe that as of July, 180 prisoners in Porto Alegre were being indefinitely held in vans on the street in front of police headquarters, shackled to steering wheels and police station stair railings, because state prisons were 43 percent above capacity. The prisoners were denied access to bathrooms, heating, ventilation, and medical care. In other cases, low-risk prisoners were held in high-security facilities because the lower-security prisons did not have enough space. Despite the increase in the number of inmates, no new spaces were being created.

Reports of abuse by prison guards continued. On March 25, the national daily newspaper *Folha de S. Paulo* reported that the Sao Paulo Penitentiary Administration Secretary's Ombudsman's Office received 73 reports of torture in correctional facilities in the state of Sao Paulo in the first two months of the year, 66 of which were related to the Provisional Detention Center of Osasco, in the metropolitan area of Sao Paulo. Reports mentioned long punishment in isolated cells, lack of access to health care, and psychological torture. The center was operating at 50 percent above designed capacity.

After prison riots occurred in the state of Ceara in January, the Ministry of Justice authorized a federal intervention taskforce in the state's prisons. The National Mechanism for the Prevention and Combat of Torture investigated reports of abuse and reported in October that prison guards systematically broke prisoners' fingers as a way to immobilize them. The National Penitentiary Department denied the findings of torture, stating that prisoners were injured in the violent riots and received medical treatment.

General prison conditions were poor. There was a lack of potable water, inadequate nutrition, food contamination, rat and cockroach infestations, damp and dark cells, a lack of clothing and hygiene items, and poor sanitation. Deaths from preventable illnesses, such as meningitis and tuberculosis, accounted for 61 percent of prisoner deaths in the penitentiary system in the first half of 2017. One NGO, the Rio de Janeiro Mechanism for Torture Prevention, asserted that injured inmates were denied medication and proper medical treatment.

According to the Ministry of Health, prisoners were 28 times more likely to contract tuberculosis, compared with the general public. One detainee in Santa Catarina was diagnosed with tuberculosis and pneumonia after being held in crowded conditions and sleeping on the floor for 10 months due to lack of beds. He was denied medical treatment until one year after being diagnosed.

Between 2000 and 2016, the number of imprisoned women grew 656 percent. As of October, 80 percent of female inmates were mothers. In 2018 the Supreme Court granted a collective habeas corpus to all mothers, pregnant women, and those with custody of persons with disabilities if they had been convicted of a nonviolent crime and did not pose a serious threat to themselves or their dependents. In December 2018 this was reinforced by a law that establishes house arrest for pregnant women, mothers of children who are 12 or younger, or women responsible for persons with disabilities. Despite this decision the National Council of Justice found that as of January, there were 278 pregnant and 141

breastfeeding inmates in the prison system. There were reports of violence committed against pregnant female inmates.

Prisoners convicted of petty crimes frequently were held with murderers and other violent criminals. Authorities attempted to hold pretrial detainees separately from convicted prisoners, but lack of space often required placing convicted criminals in pretrial detention facilities. In many prisons, including those in the Federal District, officials attempted to separate violent offenders from other inmates and keep convicted drug traffickers in a wing apart from the rest of the prison population. Multiple sources reported adolescents were held with adults in poor and crowded conditions.

Prisons suffered from insufficient staffing and lack of control over inmates. Violence was rampant in prison facilities. In 2018, according to the National Council of the Public Ministry, 495 prisoners were killed while in custody. According to the National Penitentiary Department, in 2017 the prison homicide rate was 48 per 100,000 prisoners. During the same period, the national homicide rate was 31 per 100,000, according to the Institute of Economic and Applied Research. In addition to poor administration of the prison system, overcrowding, the presence of gangs, and corruption contributed to violence. Media reports indicated incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Multiple prison riots throughout the year led to the deaths of inmates. A riot at the Altamira Regional Recovery Center in Para in July was the second-largest riot in a single prison in the country's history and left 57 dead, including 16 inmates who were beheaded. The riot was allegedly the result of a factional fight between rival criminal organizations that began when detainees of one criminal faction broke into a prison annex that held members of a rival group and set fire to the building. In response to several allegations of torture in Para prisons, the Federal Public Ministry filed an action of administrative misconduct. In response to the allegations of torture, in October the National Penitentiary Department announced plans to purchase body cameras for correctional officers in prisons.

Administration: State-level ombudsman offices; the National Council of Justice; the National Mechanism for the Prevention and Combat of Torture in the Ministry of Women, Family, and Human Rights; and the National Penitentiary Department in the Ministry of Justice and Public Security monitored prison and detention center conditions and conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Prisoners and detainees had access to visitors; however, human rights observers reported some visitors complained of screening procedures that at times included invasive and unsanitary physical exams.

Improvements: In the new Itaquitinga Prison in the state of Pernambuco, a unit with capacity for 1,000 prisoners opened in February and received 551 inmates. In August the state secretariat of justice and human rights, the Pernambuco public defender's office, and other government agencies reviewed inmate records and updated the Integrated Prison Information System, launched in 2018, to attempt to ensure cases go to trial and thereby reduce overcrowding.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and limits arrests to those caught in the act of committing a crime or called for by order of a judicial authority; however, police at times did not respect this prohibition. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed this provision.

Arrest Procedures and Treatment of Detainees

Officials must advise persons of their rights at the time of arrest or before taking them into custody for interrogation. The law prohibits use of force during an arrest unless the suspect attempts to escape or resists arrest. According to human rights observers, some detainees complained of physical abuse while being taken into police custody.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. The law permits provisional detention for up to five days under specified conditions during an investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days is permitted if police suspect a detainee may flee the area. Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In cases involving heinous crimes, torture, drug trafficking, and terrorism, pretrial detention could last 30 days with the option to extend for an additional 30 days. Often the period for charging defendants had to be extended

because of court backlogs. The law does not provide for a maximum period of pretrial detention, which is decided on a case-by-case basis. Bail was available for most crimes, and defendants facing charges for all but the most serious crimes have the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Indigent detainees have the right to a lawyer provided by the state. Detainees had prompt access to family members. If detainees are convicted, time in detention before trial is subtracted from their sentences.

Arbitrary Arrest: In February media outlets reported that police in Fortaleza, the capital city of Ceara, unlawfully stopped a woman and her husband in their car, asked them to get out, and began cursing and beating them. Media reported that a military policeman whipped the woman while detaining her on the sidewalk. In video of the incident, the unnamed victim appears on her knees with her hands on her head next to her shirtless husband with two military police officers. One police officer is seen striking the woman's back at least two times while the other officer watches. According to witnesses, the assault lasted half an hour. Due to fear of reprisal, the woman asked to not be identified. The Office of the Comptroller General of Discipline of the Penitentiary System reported it was investigating the incident.

Pretrial Detention: On July 17, the National Council of Justice stated that 41 percent of prisoners nationwide were in pretrial detention. A study conducted by the Ministry of Justice's National Penitentiary Department in 2018 found that more than half of pretrial detainees in 17 states had been held in pretrial detention for more than 90 days. The study found that 100 percent of pretrial detainees in Sergipe State, 91 percent in Alagoas State, 84 percent in Parana State, and 74 percent in Amazonas State had been held for more than 90 days. In January, for the first time, the state of Piaui fell below the national average for its percentage of pretrial detainees. In 2009 the state had the second highest percentage of pretrial detainees (71 percent), but in 2019 the National Council of Justice reported that the rate had fallen to almost 40 percent. According to Judge Sebastiao Ribeiro Martins, president of the Piaui state supreme court, the reduction was a result of the efforts of magistrates and civil servants, structural improvements of the state judiciary, and efforts by the state's General Justice Office to expedite the prosecution of criminal cases.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Local NGOs, however,

cited that corruption within the judiciary, especially at the local and state levels, was a concern.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although NGOs reported that in some rural regions--especially in cases involving land rights activists--police, prosecutors, and the judiciary were perceived to be more susceptible to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed.

After an arrest a judge reviews the case, determines whether it should proceed, and assigns the case to a state prosecutor, who decides whether to issue an indictment. Juries hear cases involving capital crimes; judges try those accused of lesser crimes. Defendants enjoy a presumption of innocence and have the right to be present at their trial, to be promptly informed of charges, not to be compelled to testify or confess guilt, to confront and question adverse witnesses, to present their own witnesses and evidence, and to appeal verdicts. Defendants generally had adequate time and facilities to prepare a defense but do not have the right to free assistance of an interpreter.

Although the law requires trials be held within a set time, there were millions of backlogged cases at state, federal, and appellate courts, and cases often took many years to be concluded. To reduce the backlog, state and federal courts frequently dismissed old cases without a hearing. While the law provides for the right to counsel, the Ministry of Public Security stated many prisoners could not afford an attorney. The court must furnish a public defender or private attorney at public expense in such cases, but staffing deficits persisted in all states.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may submit lawsuits before the courts for human rights violations. While the justice system provides for an independent civil judiciary, courts were burdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation. Cases involving violations of an individual's human

rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the law and constitution prohibit warrantless searches, NGOs reported police occasionally conducted searches without warrants. Human rights groups, other NGOs, and media reported incidents of excessive police searches in poor neighborhoods. During these operations, police stopped and questioned persons and searched cars and residences without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but the government did not always respect this right.

Freedom of Expression: On July 27, police shut down a concert at a jazz and blues festival in the state of Mato Grosso do Sul when performers encouraged the crowd to curse President Bolsonaro. Military police officers ordered the music to stop and cleared out the venue.

Violence and Harassment: Journalists were sometimes killed or subjected to harassment, physical attacks, and threats as a result of their reporting. According to the Press Emblem Campaign, from January to June, the National Federation of Journalists reported violence against journalists increased by 36 percent in 2018, compared with 2017, with 135 incidents reported, mostly by protesters. The majority of incidents occurred during political rallies.

The international NGO Press Emblem Campaign reported that as of June, two journalists who did political reporting were killed. On June 18, two men shot and killed journalist Romario da Silva Barros in Marica in the state of Rio de Janeiro. The victim was a founding member of *Lei Seca Marica*, an online news site covering the daily life of Marica's approximately 153,000 residents. Images from surveillance cameras showed two men approaching the vehicle in which the journalist was sitting and shooting him several times. The killing of journalist Silva Barros was the second in the city in less than 30 days. On May 25, Robson

Giorno, owner of the online newspaper *O Marica*, was also shot and killed. Giorno had recently announced his intention to run for mayor. As of September, police had not made arrests in either case.

In instances of violence perpetrated by protesters or provocateurs during mass demonstrations, at times security forces injured journalists during crowd-control operations.

Censorship or Content Restrictions: National laws prohibit politically motivated judicial censorship, but there were reports of judicial censorship in some local-level courts. In April Supreme Court justice Alexandre de Moraes ordered two news organizations to remove content from their websites he deemed to be “fake news” about Chief Justice Dias Toffoli that associated him with corrupt dealings. Two days later, under intense pressure, Justice Moraes rescinded the decision.

There were also instances of censorship of material supportive of the LGBTI community. According to media reports, on September 5, Rio mayor Marcelo Crivella attempted to pull the graphic novel *Avengers: The Children’s Crusade* from the Rio International Book Festival because it prominently featured a same-sex kiss, which he called inappropriate for children. He said the book and others with LGBTI content should be wrapped in black plastic and display a warning label, and he then ordered city inspectors to seize copies of *Avengers*. The book sold out prior to his giving the order.

On August 21, Minister of Citizenship Osmar Terra suspended federal funding for a television series that would have featured gender and sexual diversity, including LGBTI plotlines. The former Temer administration had already approved funding, and the series was in the final phase of approval. The announcement came after President Bolsonaro criticized funding for media that promoted LGBTI themes in a Facebook live broadcast. Minister Terra denied the suspension was an act of censorship, stating the Bolsonaro administration had the right to prioritize programming and was not beholden to decisions made by prior administrations. On August 22, the national secretary of culture within the Ministry of Citizenship, Jose Henrique Medeiros Pires, stepped down in protest, and the Federal Public Ministry of Rio de Janeiro opened an investigation to determine if the federal government violated the constitution by discriminating against the LGBTI community and violating rules for government public notices. On October 7, a federal court sided with the Federal Public Ministry’s lawsuit and overturned Minister Terra’s suspension, finding there was discrimination by the government.

Nongovernmental Impact: Nongovernmental criminal elements at times subjected journalists to violence due to their professional activities.

Internet Freedom

The government did not restrict or disrupt access to the internet or systematically censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Nonetheless, the online environment remained constrained by violence against independent bloggers and websites, criminal defamation laws, and restrictive limits on content related to elections.

The law protects net neutrality and freedom of expression online and provides for the inviolability and secrecy of user communications online, permitting exceptions only by court order. Anonymous speech is explicitly excluded from constitutional protection.

The electoral law regulates political campaign activity on the internet. The law prohibits paid political advertising online and in traditional media. During the three months prior to an election, the law also prohibits online and traditional media from promoting candidates and distributing content that ridicules or could offend a candidate.

Academic Freedom and Cultural Events

There were no significant reports of government restrictions on educational or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The government generally respected the right of freedom of peaceful assembly, but police occasionally intervened in citizen protests that turned violent.

On July 23, three federal highway police officers interrupted a civil society meeting being held to organize protests against President Bolsonaro during his visit

to the state of Amazonas. The officers reportedly intimidated and questioned participants about the protest and which organizations were involved. According to press reports, two participants said the officers claimed they were acting on official orders.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

According to the Office of the UN High Commissioner for Refugees (UNHCR) *Socioeconomic Profile of Refugees in Brazil* report, as of February there were 5,314 officially recognized refugees living in the country. The report included results from interviews with a sample of 500 refugees who had settled in seven states and the Federal District. According to the report, 55 percent of the refugees were from Syria and the Democratic Republic of the Congo. UNHCR reported 178,575 Venezuelans had requested protection in Brazil as of August. Of those, only 221 had been officially recognized as refugees by the National Committee for Refugees due to a years-long backlog in deciding cases.

Abuse of Migrants, Refugees, and Stateless Persons: NGOs reported that refugees were susceptible to human trafficking for the purposes of forced prostitution and forced labor. The National Committee for Refugees cooperated with UNHCR and other humanitarian organizations in providing official documents, protection, and assistance to refugees, asylum seekers, and other persons of concern. In July UNHCR, UNICEF, and the International Organization for Migration conducted training in the northern state of Roraima with military personnel on how to combat sexual abuse and exploitation in emergency contexts.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to displaced persons.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. By law refugees are provided official documentation, access to legal protection, and access to public services. A 2017 migration law codified protections for asylum claimants and created a new humanitarian visa and residency status that serves as an alternative to refugee claims for some categories of regional migrants, particularly from Venezuela.

Increasing numbers of Venezuelan economic migrants, asylum seekers, and refugees arrived in the northern state of Roraima during the year. Many applied for asylum or temporary residency. The influx of the migrants into the small state aggravated relations between the local residents, migrants, and refugees, leading to incidents of violence.

The government continued the process of “interiorization” of Venezuelan asylum seekers, moving them from the border to other states to relieve pressure on the resource-strapped state of Roraima. The process was differentiated from resettlement, since a legal determination on their refugee status had not been reached.

Employment: The interiorization program also aims to provide economic opportunities for resettled Venezuelans by placing them in economic hubs in larger cities. Nonetheless, resettled Venezuelans seeking employment reported difficulty obtaining Brazilian accreditation for foreign academic degrees and professional licenses, restricting their ability to work.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In national elections held in October 2018, citizens chose former federal deputy Jair Bolsonaro as president as well as elected 54 senators and 513 federal deputies to the National Congress. President Bolsonaro's inauguration ceremony was held on January 1. International observers and media considered the elections free and fair.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

The law requires parties and coalitions to have a minimum quota of 30 percent women on the list of candidates for Congress and municipalities. By law 20 percent of the political television and radio advertising must be used to encourage female participation in politics. Parties that do not comply with this requirement may be found ineligible to contest elections. In the 2018 elections, some parties fielded the minimum number of female candidates but reportedly did not provide sufficient support for them to campaign effectively. In 2018 the Superior Electoral Court ruled parties must provide a minimum of 30 percent of campaign funds to support the election of female candidates. Women remained underrepresented in elected positions, representing only 15 percent of federal deputies and 13 percent of federal senators. One newly elected state congresswoman in the state of Santa Catarina suffered a wave of misogynistic social media attacks, including by self-identified members of the military police, after wearing a neckline her critics considered "revealing" during her swearing-in to the state legislative assembly. The military police commander general announced he would investigate the actions of the police officers who posted the offensive comments.

Officials from underrepresented groups, especially LGBTI and Afro-Brazilian groups, reported receiving death threats. In January Federal Deputy Jean Wyllys, one of the first openly gay National Congress deputies, went into self-imposed exile, abandoning his third term. He had received police protection for four years due to death threats.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials and stipulates civil penalties for corruption committed by Brazilian citizens or entities overseas. There were numerous reports of corruption at various levels of government, and delays in judicial proceedings against persons accused of corruption were common, often due to constitutional protections from prosecution

for sitting members of Congress and government ministers. This often resulted in de facto impunity for those responsible.

Corruption: In June the Federal Police launched an operation to dismantle a network of federal police agents and federal highway police personnel who leaked information about police operations in the state of Santa Catarina to businesspersons and politicians. As part of the operation, federal police agents arrested the mayor of Florianopolis, Gean Loureiro, for allegedly ordering Paraguayan spy equipment to be smuggled in and placed in the city hall. Loureiro was held for less than 24 hours but was relieved of office for 30 days while the investigation was underway.

The investigation of the Petrobras state oil company embezzlement scandal (Operation Carwash, or Lava Jato), which began in 2014, continued and led to arrests and convictions of money launderers and major construction contractors and also to the investigation, indictment, and conviction of politicians across the political class. Information gained through collaboration and plea bargains with suspects launched a widening net of new investigations. Convictions related to the investigations included that of former president Luiz Inacio “Lula” da Silva. In March the Federal Police arrested former president Michel Temer for receiving 1.1 million reais (R\$) (\$275,000) in bribes in 2014 from Engevix, an engineering and construction conglomerate, through a company controlled by a personal friend. Temer was charged with corruption, money laundering, and embezzlement. In May Temer’s lawyers filed a writ of habeas corpus, and he was released, with limitations, pending trial. As of October, there were no additional developments in this case.

In November 2018 federal police agents arrested Rio de Janeiro Governor Luiz Fernando Pezao on charges of corruption and money laundering. He allegedly received R\$40 million (\$10 million) in bribes from 2007 to 2015, while serving as the vice governor to former governor Sergio Cabral, who was in prison serving a 14-year sentence for corruption and money laundering connected to Operation Carwash. In February Rio de Janeiro’s Regional Electoral Court suspended Pezao’s ability to run for office until 2022. As of October, he remained in detention awaiting trial.

Financial Disclosure: Public officials are subject to financial disclosure laws, and officials generally complied with these provisions. Not all asset declarations are made public, but federal employees’ salaries and payment information are posted online and can be searched by name.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Many domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems.

Government Human Rights Bodies: President Bolsonaro, through the use of executive orders, moved the National Indian Foundation (FUNAI) from the Ministry of Justice to the Ministry of Women, Family, and Human Rights, and he placed FUNAI's indigenous land demarcation function within the Ministry of Agriculture. Many human rights organizations criticized the move, alleging it catered to the interests of the agrobusiness lobby and threatened indigenous communities' land rights. In June President Bolsonaro reissued the executive order after Congress denied the measure. On August 1, the Supreme Court determined that issuing the same executive order twice in the same legislative session was unconstitutional and allowed FUNAI to remain under the Ministry of Justice with the land demarcation function until at least 2020.

The Chamber of Deputies and the Senate had human rights committees and subcommittees that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations. Most states had police ombudsmen, but their accomplishments varied, depending on such factors as funding and outside political pressure.

In April President Bolsonaro issued a decree to eliminate 34 interministerial councils that link civil society to decision makers in the government on a range of human rights topics. The Supreme Court overturned the decree, but the president maintained the councils were ineffective and a waste of resources. A few of the councils impacted by the ruling included the National LGBT Council, National Council for Religious Freedom, National Council for Racial Equality Policies, National Council for Rights of Children and Adolescents, and National Council for Refugees.

The National Council for Human Rights, established by law, was not affected by the presidential decree. The council, which is composed of 22 members--11 from

various government agencies and 11 from civil society--met regularly, most recently in February.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape. In addition, the Maria da Penha Law criminalizes physical, psychological, and sexual violence against women, as well as defamation and damage to property or finances by someone with whom the victim has a marriage, family, or intimate relationship. Persons convicted of killing a woman or girl in cases of domestic violence may be sentenced to 12 to 30 years in prison.

According to NGOs and public security data, domestic violence was widespread. According to the 13th *Public Safety Yearbook* released annually by the Brazilian Public Security Forum, there were 66,000 cases of rape in 2018. In cases of femicide, the killer was a partner or former partner of the victim 89 percent of the time. On March 18, in the municipality of Santo Andre, located in the metropolitan area of Sao Paulo, Manoel Gomes de Oliveira ran over his wife, who was walking on the sidewalk, got out of his car, shot and killed her, and fled. Later that day police arrested him and charged him with femicide.

The federal government maintained a toll-free nationwide hotline for women to report instances of intimate partner violence. Hotline operators have the authority to mobilize military police units to respond to such reports and follow up regarding the status of the case.

NGO and public security representatives claimed that culturally, domestic violence was often viewed as a private matter. Oftentimes bystanders either did not report cases of violence or waited until it was too late. In February Vinicius Batista Serra, age 27, a law student and jiu-jitsu brown belt, assaulted Elaine Perez Caparroz, age 55. The incident occurred in Caparroz's apartment in Rio de Janeiro. The two had met eight months earlier via social media, and the evening of the incident was the first time they met in person. Neighbors reportedly heard the assault but waited four hours before responding to Caparroz's shouts for help and calling the police. The victim had a fractured nose and eye sockets and required almost 40 stitches. Serra was arrested for attempted femicide and as of October was in detention awaiting trial.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women. State and local governments also operated reference centers and temporary women's shelters, and many states maintained domestic violence hotlines. Despite these protections, allegations of domestic violence were not always treated as credible by police; a study in the state of Rio Grande do Sul found 40 percent of femicide victims had previously sought police protection.

The law requires health facilities to contact police regarding cases in which a woman was harmed physically, sexually, or psychologically and to collect evidence and statements should the victim decide to prosecute.

During the first half of the year, Congress introduced more than 150 bills related to domestic violence and other issues concerning gender equality. The record number of proposals sought to strengthen criminal penalties, prohibit convicted abusers from taking public office or carrying firearms, and criminalize conduct such as stalking and psychological violence. On October 9, President Bolsonaro approved a law that allows authorities to seize firearms registered to those accused of domestic violence.

Sexual Harassment: Sexual harassment is a criminal offense, punishable by up to two years in prison, but it was seldom pursued. A law that went into effect in September 2018 broadens the definition of sexual harassment to include actions performed outside the workplace. NGOs reported sexual harassment was a serious concern, and perpetrators were infrequently held accountable. A study conducted by research institutes Patricia Galvao and Locomotiva with support from Uber found that 97 percent of women had experienced sexual harassment on public transportation, in taxis, or while using a rideshare application.

Sexual harassment was also prevalent at public events such as concerts and during Carnival street festivals. The 2019 Carnival celebration was the first one in which sexual harassment was illegal, and police departments throughout the country distributed rape whistles and informed Carnival-goers of the women-only police stations and the sexual assault hotline.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men in all circumstances. The government did not enforce the law

effectively. According to government statistics, women earned an average 79.5 percent of the wages earned by men. According to the Observatory on Workplace Equality, black women earned 55 percent of the wages earned by white men.

Children

Birth Registration: Citizenship is derived from birth in the country or from birth to a Brazilian citizen parent. Parents are required to register their newborns within 15 days of the birth or within three months if they live more than approximately 20 miles from the nearest notary. Nevertheless, there were many children who did not have birth certificates.

Child Abuse: The law prohibits child abuse and negligence, but enforcement was ineffective.

Early and Forced Marriage: The legal minimum age of marriage is 18 (16 with parental or legal representative consent). In March Congress passed a law prohibiting the marriage of minors younger than 16. Prior to the change in the law, minors younger than 16 could marry with the consent of their parents if they were pregnant or if they had an older sexual partner who was seeking to avoid criminal charges of statutory rape. The practice of early marriage was common. A study of child marriage in the northeastern states of Bahia and Maranhao found that pregnancy was the main motivation for child marriage in 15 of 44 cases. According to 2017 data from UNICEF, among the cohort of women between the ages of 20 and 24, 11 percent were married by age 15 and 36 percent by age 18.

Sexual Exploitation of Children: Sexual exploitation of children, adolescents, and other vulnerable persons is punishable by four to 10 years in prison. The law defines sexual exploitation as child sex trafficking, sexual activity, production of child pornography, and public or private sex shows. The government enforced the law unevenly. The law sets a minimum age of 14 for consensual sex, with the penalty for statutory rape ranging from eight to 15 years in prison.

While no specific laws address child sex tourism, it is punishable under other criminal offenses. The country was a destination for child sex tourism. In addition, girls from other South American nations were exploited in sex trafficking in the country.

The law criminalizes child pornography. The creation of child pornography carries a prison sentence of up to eight years and a fine. The penalty for possession of

child pornography is up to four years in prison and a fine. On March 28, a nationwide operation involving more than 1,500 civil police resulted in the arrest of 141 individuals allegedly involved with child pornography. The Federal Police, in coordination with the Ministry of Justice and Public Security, conducted a series of operations to combat child pornography. On May 23, they executed 28 arrest warrants in eight states.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the Jewish Federation, there were approximately 120,000 Jewish citizens, of whom approximately 50,000 lived in the state of Sao Paulo and 30,000 in the state of Rio de Janeiro.

Several leaders of the Jewish and interfaith communities stated overt anti-Semitism was limited. Jewish leaders reported experiences of anti-Semitism but noted it was more political in nature and stemmed from anti-Zionist sentiment. Small neo-Nazi groups existed in the southern states of Rio Grande do Sul, Santa Catarina, and Parana.

On March 23, a court in Porto Alegre sentenced two male defendants to 13 years in prison and one defendant to 12 years and eight months with the possibility of parole for attempted homicide for their role in a 2005 attack on three men wearing kippahs. One of the defendants was already in prison, and the other two were released and were awaiting a decision by the court of appeals. While this was the most recent reported physical attack in the southern part of the country, neo-Nazi groups maintained an active online presence. Reports of neo-Nazi content from local sources on the internet increased by approximately 50 percent from 2017 to 2018.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, and the federal government generally enforced these provisions. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively.

The Inclusion of Persons with Disabilities Act, a legal framework on the rights of persons with disabilities, seeks to promote greater accessibility through expanded federal oversight of the City Statute (a law intended to foster the safety and well-being of urban citizens, among other objectives). The act also includes harsher criminal penalties for conviction of discrimination based on disability and inclusive health services with provision of services near residences and rural areas.

The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly have primary responsibility for promoting the rights of persons with disabilities. The lack of accessible infrastructure and schools significantly limited the ability of persons with disabilities to participate in the workforce.

Civil society organizations acknowledged monitoring and enforcement of disability policies remained weak and criticized a lack of accessibility to public transportation, weak application of employment quotas, and a limited medical-based definition of disability that often excludes learning disabilities.

National/Racial/Ethnic Minorities

The law prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets, and it stipulates prison terms for such acts.

Approximately 52 percent of the population identified themselves as belonging to categories other than white. Despite this high representation within the general population, darker-skinned citizens, particularly Afro-Brazilians, encountered discrimination. Afro-Brazilians were underrepresented in the government, professional positions, and middle and upper socioeconomic classes. They experienced a higher rate of unemployment and earned average wages below those of whites in similar positions. There was also a sizeable education gap. Afro-Brazilians were disproportionately affected by crime.

The 2010 Racial Equality Statute continued to be controversial, due to its provision for quota affirmative action policies in education and employment. In 2012 the Supreme Court upheld the constitutionality of racial quota systems at universities. The 2010 law requires 20 percent of federal public administration positions be filled by Afro-Brazilians.

The Ministry of Economy requires government ministries to create internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, assessing “blackness” in an attempt to reduce abuse of affirmative action policy and related laws. Universities also had race evaluation committees.

In 2018 the Supreme Court ruled that 20 percent of vacancies for the military services must be filled by Afro-Brazilians, either men or women.

Indigenous People

According to data from FUNAI and the 2010 census, there were approximately 897,000 indigenous persons, representing 305 distinct indigenous ethnic groups that spoke 274 distinct languages.

The constitution grants the indigenous population broad protection of their cultural patrimony and use of their territory; however, all aboveground and underground minerals as well as hydroelectric power potential belong to the government. Congress must consult with the tribes involved when considering requests to exploit mineral and water resources, including ones with energy potential, on indigenous lands. Despite several proposals, Congress had not approved specific regulations on how to develop natural resources on indigenous territory, rendering any development of natural resources on indigenous territory technically illegal.

NGOs claimed that the lack of regulation along with impunity in cases of illegal land invasions resulted in illegal exploitation of natural resources. According to a report released by the NGO Indigenous Missionary Council (CIMI) in 2018, there were 109 cases of illegal invasions and exploitation of natural resources on 76 indigenous territories in 13 states. In September Human Rights Watch released a report specifically detailing illegal deforestation in the Amazon. The report concluded that illegal deforestation in the Brazilian Amazon region was driven largely by criminal networks that had the logistical capacity to coordinate large-scale extraction, processing, and sale of timber, while deploying armed men to

protect their interests. The report documented 28 killings--most of them since 2015--in which evidence indicated the perpetrators were engaged in illegal deforestation and the victims were targeted because they opposed these criminal activities. Victims included environmental enforcement officials, members of indigenous communities, or others who denounced illegal logging to authorities.

Illegal land invasions often resulted in violence and even death. According to the CIMI report, there were 135 killings of indigenous persons in 2018, compared with 110 such cases in 2017. On September 6, Maxciel Pereira dos Santos, a veteran defender of indigenous peoples, was reportedly shot and killed in the remote Amazon town of Tabatinga while riding his motorcycle. Dos Santos worked at FUNAI and had defended indigenous tribes from miners, loggers, farmers, and others seeking to illegally seize land in the Amazon rainforest. As of October, police had not disclosed suspects or a motive, but press reports speculated that dos Santos' killing was related to his work. On September 21, armed trespassers shot at the same FUNAI base where dos Santos worked; no one was injured.

According to FUNAI, the federal government established rules for providing financial compensation in cases of companies that won development contracts affecting indigenous lands. Illegal logging, drug trafficking, and mining, as well as changes in the environment caused by large infrastructure projects, forced indigenous tribes to move to new areas or make their demarcated indigenous territories smaller than established by law. Various indigenous groups protested the slow pace of land demarcations. In a case that lasted more than 30 years, in 2018 a court ordered the return of 20,000 acres of land to the Pankararu indigenous community in the municipalities of Tacaratu, Petrolandia, and Jatoba in the state of Pernambuco.

The Quilombola population--descendants of escaped African slaves--was estimated to include 6,000 communities and five million individuals, although the government had no official statistics. The constitution recognizes Quilombola land ownership rights.

In the case of Quilombola leader Nazildo dos Santos Brito, killed in Para State in 2018 following threats he had received after protesting alleged illegal deforestation and pollution, the Para state public prosecutor's office charged farmer Jose Telmo Zani for paying local residents Marcos Vieira and Raimundo dos Santos to kill Brito. As of January, Zani and Vieira were being held in pretrial detention. Police issued an arrest warrant for dos Santos, who remained at large as of October.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In a landmark decision on June 13, the Supreme Court criminalized homophobia, defined as discrimination based on sexual orientation or gender identity. It is punishable with one to three years' imprisonment and a fine, or two to five years' imprisonment and a fine if there is widespread media coverage of the incident. Legislators criticized the move as judicial activism; however, judges countered that Congress' failure to legislate on the issue was inexcusable and argued they were upholding a right already enumerated in the constitution.

NGOs cited lack of economic opportunity for LGBTI persons as a concern. According to the NGO Grupo Gay da Bahia, 33 percent of companies avoided hiring LGBTI employees and 90 percent of transgender women survived through prostitution because they could find no other employment alternative.

Violence against LGBTI individuals was also a serious concern. The Federal Public Ministry is responsible for registering reports of crimes committed on the basis of gender or sexual orientation but reportedly was slow to respond. As of May 15, there were 141 killings of LGBTI individuals in the year. Transgender individuals were particularly at risk of being the victims of crime or committing suicide. According to the NGO Grupo Gay da Bahia, the risk of a transgender person being killed was 17 times greater than a gay person. According to the National Association of Transvestites and Transsexuals in Brazil, in partnership with the Brazilian Institute of Trans Education, there were 163 killings of transgender persons in 2018. Police arrested suspects in only 9 percent of the cases.

In March Itamar Bernardo da Silva stabbed to death Iasmyn Souza and her transgender partner, Caio Dantas, in Angra dos Reis, in Rio de Janeiro State. Da Silva was a neighbor of the LGBTI couple and attacked the victims after trying to sexually assault Iasmyn, who rejected his advances. Police took da Silva into custody and charged him with double homicide. At the police station, da Silva was also found to have an outstanding arrest warrant for the murder of a woman in Araxa, Minas Gerais State.

HIV and AIDS Social Stigma

Discrimination against persons with HIV/AIDS is punishable by up to four years in prison and a fine. Civil society organizations and the press reported discrimination against persons with HIV/AIDS.

Other Societal Violence or Discrimination

Drug trafficking organizations and other groups contributed to societal violence or discrimination. There was evidence that these organizations participated in vigilante justice, holding “trials” and executing persons accused of wrongdoing. A victim was typically kidnapped at gunpoint and brought before a tribunal of gang members, who then tortured and executed the victim.

In January Josiano Jonatas de Mello was beaten and burned alive by a group of 22 vigilantes in Porto Alegre. According to police, he was “tried and condemned” by a group of drug traffickers in the local community after being accused by his partner of sexually abusing their 12-year-old daughter. As of April police had arrested 16 persons. In Mello’s case the trial and execution were allegedly ordered by the neighborhood gang leader, alias “Godmother,” and her imprisoned husband.

Drug trafficking organizations and other groups also targeted practitioners of traditional Afro-Brazilian religions. In June the Municipal Forum of Afro-Brazilian Religions (FRAB) reported that drug traffickers driven by their religious views intimidated and threatened members and leaders of Afro-Brazilian religions in Campos dos Goytacazes, Rio de Janeiro State. According to FRAB, at least six Afro-Brazilian temples closed in the municipality of Guarus. FRAB also claimed criminals were constantly breaking into temples and preventing Afro-Brazilian religious practitioners from conducting their services at night, leading many to hold services only during daylight hours. Local newspapers reported that a fake Facebook page disseminated false information about Afro-Brazilian temples and believers in Campos dos Goytacazes, accusing them of allying with rival drug gangs, which, according to FRAB, contributed to an increase in the number of incidents of religious intolerance.

In July drug traffickers attacked a *candomble* (an Afro-Brazilian religious tradition) temple in Duque de Caxias, on the outskirts of Rio de Janeiro. Assailants broke into the temple and forced the religious leader, at gunpoint, to destroy all of the temple’s sacred objects. They also threatened to set fire to the temple if the practitioners did not stop holding religious services there.

In Rio de Janeiro's favelas, so-called militia groups, often composed of off-duty and former law enforcement officers, reportedly took policing into their own hands. Many militia groups intimidated residents and conducted illegal activities such as extorting protection money and providing pirated utility services. The groups also exploited activities related to the real estate market and the sale of drugs and arms.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for freedom of association for all workers (except members of the military, military police, and firefighters), the right to bargain collectively with some restrictions, and the right to strike. The law limits organizing at the enterprise level. By law the armed forces, military police, and firefighters may not strike. The law prohibits antiunion discrimination, including the dismissal of employees who are candidates for, or holders of, union leadership positions, and it requires employers to reinstate workers fired for union activity.

New unions must register with the Ministry of Economy, which accepts the registration unless objections are filed by other unions. The law stipulates certain restrictions, such as *unicidade* (in essence, one union per occupational category per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represent workers in the same geographical area and professional category may contest registration.

The law stipulates a strike may be ruled "disruptive" by the labor court, and the union may be subjected to legal penalties if the strike violates certain conditions, such as if the union fails to maintain essential services during a strike, notify employers at least 48 hours before the beginning of a walkout, or end a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided the strike is not ruled abusive.

The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues. The law permits the government to reject clauses of collective bargaining agreements that conflict with government

policy. A 2017 law includes new collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely.

Freedom of association and the right to collective bargaining were generally respected. Collective bargaining was widespread in establishments in the private sector. Worker organizations were independent of the government and political parties.

b. Prohibition of Forced or Compulsory Labor

The law prohibits “slave labor,” defined as “reducing someone to a condition analogous to slavery,” including subjecting someone to forced labor, debt bondage, exhausting work hours, and labor performed in degrading working conditions.

Many individuals in slave labor, as defined by the country’s law, were victims of human trafficking for the purpose of labor exploitation. The government took actions to enforce the law, although forced labor occurred in a number of states. Violations of forced labor laws are punishable by up to eight years in prison, but this was often not sufficient to deter violations. The law also provides penalties for various crimes related to forced labor, such as illegal recruiting or transporting workers or imposing onerous debt burdens as a condition of employment. Every six months the Ministry of Economy published a “dirty list” of companies found to have employed forced labor. The list is used by public and private banks to conduct risk assessments, and inclusion on the list prevents companies from receiving loans from state-owned financial institutions. The Labor Prosecutor’s Office, in partnership with the International Labor Organization (ILO), maintained an online platform that identified hotspots for forced labor. In July the Labor Prosecutor’s Office announced it would start publishing a dirty list of individuals and corporate entities convicted of trafficking in persons and slave labor.

The National Commission to Eradicate Slave Labor was created to coordinate government efforts to combat forced and exploitative labor and provide a forum for input from civil society actors. The commission was eliminated by presidential decree in April and recreated in June. The commission faced new limitations, including two-hour meeting durations that may be extended only in case representatives need to vote. In prior years the commission included 10 representatives from government agencies or ministries and 10 representatives of civil society groups and the private sector, but the commission’s composition was changed to include representatives from the Ministry of Women, Family, and Human Rights; Ministry of Justice and Public Security; Ministry of Economy;

Ministry of Civil Rights; and four representatives from civil society and private organizations.

The Ministry of Economy's Mobile Labor Inspection Unit teams conducted impromptu inspections of properties where forced labor was suspected or reported, using teams composed of labor inspectors, labor prosecutors from the Federal Labor Prosecutor's Office, and federal police officers. Mobile teams levied fines on landowners who used forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Labor inspectors and prosecutors, however, could apply only civil penalties; consequently, many cases were not criminally prosecuted.

Forced labor, including forced child labor, was reported in jobs such as clearing forests to provide cattle pastureland, logging, producing charcoal, raising livestock, and other agricultural activities. Forced labor often involved young men drawn from the less-developed northeastern states--Maranhao, Piaui, Tocantins, and Ceara--and the central state of Goias to work in the northern and central-western regions of the country. In addition, there were reports of forced labor in the construction industry. News outlets reported cases that amounted to forced labor in production of carnauba wax. Cases of forced labor were also reported in the garment industry in the city of Sao Paulo; the victims were often from neighboring countries, particularly Bolivia, Peru, and Paraguay, while others came from Haiti, South Korea, and China.

Media reported in July that children working in cashew nut processing plants in Rio Grande do Norte suffered acid burns on their hands and lost fingers. In 2018 labor inspectors identified 1,745 cases involving slave labor and issued administrative penalties to 100 employers. Authorities in the state of Alagoas found 87 persons, including 13 children, working in degrading conditions. In December 2018 labor inspectors identified 54 persons, including four minors, working in slavery-like conditions on a soybean farm in Baixa Grande do Ribeiro, Piaui State.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law outlaws all of the worst forms of child labor. Prohibitions against child trafficking for forced labor exploitation require the use of threats, violence,

coercion, fraud, or abuse to be established for the crime of child trafficking, which does not meet international standards. The minimum working age is 16, and apprenticeships may begin at age 14. The law bars all minors younger than 18 from work that constitutes a physical strain or occurs in unhealthy, dangerous, or morally harmful conditions. Hazardous work includes an extensive list of activities within 13 occupational categories, including domestic service, garbage scavenging, and fertilizer production. The law requires parental permission for minors to work as apprentices.

The Ministry of Economy's Special Mobile Inspection Group is responsible for inspecting worksites to enforce child labor laws. Penalties were insufficient to deter violations. Most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and media. Due to legal restrictions, labor inspectors remained unable to enter private homes and farms, where much of the child labor allegedly occurred. The government did not effectively enforce the law.

The Special Mobile Inspection Group removed 27 children from child labor in the first six months of the year, which approached the total removed in all of the 2018 inspections against slavery-like work in the country. In one operation in Minas Gerais, inspectors found a 16-year-old boy who weighed less than 90 pounds and was carrying five bags of fresh coffee a day from coffee plantations on a sloping terrain high in a mountainous region. Each bag can weigh as much as 175 pounds. During the operation, inspectors issued 78 infractions to the companies, which were required to pay fines of R\$15,860 (\$3,970) in back wages and R\$14,600 (\$3,650) for individual moral damages to minors removed from the situation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination on the basis of race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age, language, and sexual orientation or gender identity. Discrimination against individuals who are HIV positive or suffer from other communicable diseases is also prohibited. The government generally enforced the laws and regulations, although discrimination in employment occurred with respect to Afro-Brazilians, women, persons with disabilities, indigenous persons, and transgender individuals. The Ministry of Economy implemented rules to integrate promotion of racial

equality in its programs, including requiring race be included in data for programs financed by the ministry. According to the ILO, women not only earned less than men but also had difficulties entering the workplace: 78 percent of men held paid jobs, compared with 56 percent of women. Although the law prohibits gender discrimination in pay, professional training, and career advancement, the law was not enforced, and discrimination existed.

e. Acceptable Conditions of Work

The law provides for a minimum wage. The minimum wage was greater than the official poverty income level. According to the Brazilian Institute of Geography and Statistics (IBGE), however, in 2016 the per capita income of approximately 40 percent of workers was below the minimum wage. IBGE data also indicated 6.8 percent of workers (12.9 million) were considered “extremely poor” or earning less than R\$70 (\$17.50) per month. The Ministry of Economy verified enforcement of minimum wage laws as part of regular labor inspections. Penalties alone were not sufficient to deter violations.

The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provides for paid annual vacation, prohibits excessive compulsory overtime, limits overtime to two hours per workday, and stipulates that hours worked above the monthly limit must be compensated with at least time-and-a-half pay; these provisions generally were enforced for all groups of workers in the formal sector. The constitution also provides for the right of domestic employees to work a maximum of eight hours of per day, a maximum of 44 hours’ work per week, a minimum wage, a lunch break, social security, and severance pay.

The Ministry of Economy sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction. The law requires employers to establish internal committees for accident prevention in workplaces. It also provides for the protection of employees from being fired for their committee activities. Workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment, although those in forced labor situations without access to transportation were particularly vulnerable to situations that endangered their health and safety.

The Ministry of Economy addressed problems related to acceptable conditions of work such as long workdays and unsafe or unhygienic work conditions. Penalties

for violations include fines that vary widely depending on the nature of the violation. Fines were generally enforced and were sometimes sufficient to deter violations. The National Labor Inspection School held various training sessions for labor inspectors throughout the year. The number of labor inspectors was insufficient to deter violations.

According to the IBGE, in 2018, 33.3 million persons were employed in the formal sector (excluding domestic workers). The IBGE also reported 11.5 million persons were working in the informal economy and 23.8 million were self-employed.