

# **BRAZIL 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Brazil is a constitutional, multiparty republic governed by a democratically elected government. In 2018 voters chose the president, the vice president, and the bicameral national legislature 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 (Ministry of Justice). There are two distinct units within the state police forces: the civil police, which performs 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 report to the Ministry of Justice, not 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. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by police; harsh and sometimes life-threatening prison conditions; arbitrary arrest or detention; violence against journalists; widespread acts of corruption by officials; lack of investigation of and accountability for violence against women; violence or threats of violence motivated by anti-Semitism; trafficking in persons; and crimes involving violence or threats of violence targeting members of racial minorities, human rights and environmental activists, members of racial and indigenous groups and other traditional populations, and lesbian, gay, bisexual, transgender, queer, or intersex persons.

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 for victims.

## **Section 1. Respect for the Integrity of the Person**

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

There were numerous reports that state-level civil and military police committed unlawful killings. In some cases police employed indiscriminate force. The nongovernmental organization (NGO) Brazilian Public Security Forum reported that police killed 6,416 persons nationwide in 2020, compared with 6,351 persons in 2019 – only a 0.3 percent increase but the highest number of deaths ever recorded. During the year 17 of the 26 states saw increases. Experts attributed the growth in police lethality in many communities to a multitude of factors, including worsened economic conditions and high unemployment, declines in mental health, prisoner releases, rises in gun ownership, police forces heavily impacted by COVID-19 illnesses, and an increase in confrontations with organized crime. Data for the first half of the year largely indicated that numbers declined 8 percent in violent deaths in the first six months of the year, compared with the same period in 2020. Those killed included criminal suspects, civilians, and narcotics traffickers who engaged in violence against police. Accordingly, the extent of unlawful police killings was difficult to determine. The Federal Public Ministry and Federal Prosecutor’s Office, as well as state-level public ministries, investigate whether security force killings are justifiable and pursue prosecutions.

According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men. The Brazilian Public Security Forum reported that almost 79 percent of the persons killed by police in 2020 were Black, compared with 56 percent of the country’s population that is Black.

Notably, in 2020 Rio de Janeiro State experienced a 32 percent decline in killings by police due to a June 2020 Federal Supreme Court (STF) injunction on police operations in Rio de Janeiro’s poorer communities during the COVID-19 pandemic, except in rare cases with preauthorization. Although as of August the injunction remained in effect, Rio de Janeiro saw increases in uses of lethal force by police during the first half of the year compared with 2020. In the city of Rio

de Janeiro, most deaths occurred while police were conducting operations against narcotics trafficking gangs wielding military-style weapons in the more than 1,000 informal housing settlements (favelas), where an estimated 1.4 million persons lived. NGOs in Rio de Janeiro questioned whether all the victims actually resisted arrest, as police had reported and alleged that police often employed unnecessary force.

According to the Public Institute of Public Security, 804 persons died in Rio de Janeiro State from police interventions in favela communities in the first six months of the year, a 3.3 percent increase compared with the same period in 2020 (778) and a 9 percent decrease compared with 2019 (885). An August study by the Center of Studies on Public Security and Citizenship revealed that Rio de Janeiro's Civil and Military Police conducted a total of 507 operations in the first six months of the year, a 32 percent increase compared with the same period in 2020.

According to a survey carried out by researchers at Universidade Federal Fluminense (UFF), at the request of the news outlet UOL, operations to combat drug trafficking (1,200), disputes between criminal groups (482), and retaliation for killing or attacking security agents (380) were the major motivators of police violence during the last 14 years. A second UFF survey assigned one of five ratings (disastrous, inefficient, slightly efficient, reasonably efficient, or efficient) by considering several factors such as the impacts of operations (e.g., dead, wounded, or imprisoned; the strategic and judicial motivations that justified them; and seizures, whether of weapons, drugs, cargo, or vehicles.) In the survey an "efficient" operation was one that took place through judicial and investigative procedures, complied with search or arrest warrants, resulted in a significant number of seizures (especially of weapons), and did not kill or injure persons. Analysis of the resulting data determined that only 1.7 percent of police operations in the slums of Rio de Janeiro from 2007 to 2020 met the criteria of "efficient," and an additional 13 percent were rated "reasonably efficient." Meanwhile, 40 percent were labeled "slightly efficient," 32 percent were "inefficient," and 12.5 percent were "disastrous."

According to media reports and public officials, Rio de Janeiro experienced its deadliest police confrontation in the city's history during a May 6 operation led by the Rio de Janeiro Civil Police's Coordinator of Special Assets (CORE) and

involving 200 police officers. CORE officers led an action against the criminal organization Comando Vermelho in the Jacarezinho neighborhood in the North Zone of the city when they encountered a blockade and heavy fire from armed groups. The operation resulted in the deaths of 28 individuals, including one police officer. Autopsy reports of the 27 civilians killed indicated that at least four victims were shot in the back at a distance of less than three feet, supporting local residents' and public officials' allegations that some of these killings were summary executions by CORE officers. Human rights advocates and some investigators assessed as credible reports that some of the criminal suspects, after being shot by police, were denied lifesaving first aid and medical care – a violation of Civil Police regulations and recognized human rights norms. The state's Civil Police and Attorney General's Offices were investigating the case. On October 18, a Rio de Janeiro judge accepted the criminal case against two CORE officers, Douglas de Lucena Peixoto Siquera and Anderson Silveira, for the death of Omar Pereira de Silva, who was already injured when he was killed. The officers were charged with murder and procedural fraud and fraud, respectively, after they allegedly planted weapons at the crime scene. The judge ordered the officers' removal from CORE operations, prohibited them from carrying out police activities, and ordered that they have no contact with any witness in the case. Finally, the judge instructed that the Civil Police transfer their investigation to the state court.

The number of deaths resulting from military and civil police operations in the state of Sao Paulo from January to June decreased 33 percent, compared with the same period in 2020. According to the Sao Paulo state government, military and civil police reported 345 deaths from January to June – and 514 in the same period in 2020. Security authorities attributed the reduction in lethality in part to the use of bodycams by Military Police officers. This initiative started in the beginning of June when there were no killings reported among the battalions equipped with the technology (a total of 15 battalions of 134 plus three special units).

In March the Sao Paulo Committee for the Prevention of Homicide in Adolescence of the State Legislative Assembly, in partnership with UNICEF, released a report showing that from January 2015 to December 2020, 1,253 children and adolescents (age 19 years or younger) died as a result of police intervention in the State of Sao

Paulo. Children and adolescents represented 24 percent of total victims' deaths from police intervention.

A special report produced in April by the news agency *GI* and based on the Monitor of Violence database, a collaboration between *GI*, the University of Sao Paulo's Violence Study Nucleus, and the Brazilian Public Security Forum to study all types of violence in the country, showed a 29 percent increase in the number of killings by Parana state police force operations between 2019 (289) and 2020 (373). Analysis of the first six months of 2021 showed a 14 percent increase, compared with the same period of 2020, with 210 deaths – a state record.

In the state of Santa Catarina, the number of persons killed by police forces increased 9 percent in 2020, compared with 2019, according to the Brazilian Public Security Forum data released in April.

In the state of Bahia, the use of lethal force by police increased by 47 percent in 2020 compared with 2019, but a July study by the Public Security Observatory Network showed a decline in deaths resulting from police intervention during the first five months of 2021. At the time of the study, Bahia counted 29 deaths from police intervention, a 36 percent decrease, compared with the same period in 2020.

In June, Rio de Janeiro's Attorney General's Office filed a criminal complaint against 13 police officers from the Battalion to Repress Conflicts (CHOQUE) on charges of altering a crime scene by removing the victims' bodies. The charges stemmed from the investigation of a 2019 operation against drug trafficking by two military police battalions – the Police Special Operations Battalion and CHOQUE – in the Santa Teresa neighborhood of Rio de Janeiro that resulted in 13 deaths. Military police reported that all the victims were criminals; however, human rights organizations claimed the victims offered no resistance and that many were shot in the back. An investigation by Rio de Janeiro's military police concluded that evidence was insufficient to prove that any crimes were committed. In November 2019 the Civil Police Homicide Division recommended that the case be closed and that none of the investigated police officers be held accountable for killings. As of August the case remained open, but no suspects had been arrested and no trial date had been set.

In July the Sao Paulo State Military Police command asked for preventive detention of three police officers after images from a security camera contradicted their version of events concerning the death of a driver during an interaction in Sao Paulo. While the officers claimed the man was killed in a confrontation, the footage showed what appeared to be an execution, and the footage suggested police further tampered with the scene and falsely reported the location of the action. The case was pending trial as of October.

In June investigations into the killing of 14-year-old Joao Pedro Matos Pinto led to the indictment of three officers from Rio de Janeiro's CORE. The teenager was killed in May 2020 after he sought shelter in his home in Rio de Janeiro State's municipality of Sao Goncalo as a police helicopter circled above his neighborhood of Salgueiro searching for a suspect. According to the autopsy report and witness testimonies, police raided Joao Pedro's home and shot him in the back dozens of times after authorities said they mistook the teenager for the suspect during the joint operation of the Federal Police and CORE. Two CORE officers were charged with manslaughter without intention to kill, and the third was charged with involuntary manslaughter, because although he fired, he did not strike the victim. As of August the defendants had not been suspended from their regular duties and were awaiting a trial date. In the same neighborhood of Sao Goncalo, on August 20, 17-year-old Joao Vitor Santiago was killed as he returned from a fishing trip with a friend in an alleged exchange of fire between Military Police from the Seventh Military Brigade in São Goncalo and drug dealers during an operation. The Homicide Police Station of Niteroi, Sao Goncalo, and Itaboraí was investigating the case.

Regarding the investigation of the June 2020 Rio Grande do Sul State shooting that injured Angolan citizen Gilberto Almeida and killed his friend, Dorildes Laurindo, an internal investigation of the Military Brigade indicted the police officers for military crimes and violations of discipline under the military justice system in August 2020, and the officers were placed on administrative duty. In September 2020 the Public Ministry found no intent of killing by the police officers and transferred the case back to the military court for further investigation of a possible crime under the military justice system. As of May, however, the documentation had not been provided to the military prosecutor responsible for the investigation.

The State Military Court cited limited personnel and pandemic-related delays to explain the slow progress.

On October 14, Rio de Janeiro's Military Court of Justice sentenced eight army soldiers from Deodoro's (a neighborhood located in the West Zone of Rio de Janeiro) First Infantry Motorized Battalion to approximately 30 years in prison for the homicide of Black musician Evaldo Rosa dos Santos and Luciano Macedo, a trash collector, in April 2019. Four other soldiers involved in the operation were acquitted.

Verbal and physical attacks on politicians and candidates, including those by militias and narcotics trafficking criminal organizations, were common. According to a survey by the Center for Security and Citizenship Studies, at least 84 candidates for mayor, deputy mayor, or councilor positions were killed during the 2020 municipal campaigns between January and November 2020. An additional 80 politicians survived attacks with firearms or bladed weapons. Most of these crimes remained unsolved and their motivations unknown.

In the state of Rio de Janeiro, three Duque de Caixas city councilmen were killed in a span of 10 months. As of November 15, investigators had not established that the cases were connected or politically motivated. The killings prompted the installation of security cameras and meetings with the state government to demand the safety of council members and thorough investigations.

In August, President Jair Bolsonaro approved a law to combat political violence against women. The new law defines political violence against women to be any action, conduct, or omission with the purpose of preventing, hindering, or restricting their political rights, not only during elections, but in the exercise of any political or public function.

In July, Rio de Janeiro's Court of Justice sentenced former military police officer Ronnie Lessa and four other persons to four years in prison for obstructing justice by tossing guns into the ocean, including the suspected murder weapon used in the 2018 killing of gay, Black Rio councilwoman and human rights activist Marielle Franco. On July 10, the lead state investigators of the Marielle Task Force, public prosecutors Simone Sibilio and Leticia Emile, resigned for unconfirmed reasons

during a reported dispute over a plea agreement related to the cooperation of a key witness. On July 26, the Rio de Janeiro Attorney General's Office appointed eight new members to the task force. As of August, Ronnie Lessa and Elcio Vieira de Queiroz, both former military police officers with long-standing ties to the militia group Escritorio do Crime (Crime Bureau), were in a federal prison awaiting a trial date.

The NGO Global Witness reported that 20 social, human rights, and environmental activists were killed in 2020, down from 23 killings in 2019. Despite the risk to activists, the Ministry of Women, Family, and Human Rights' Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists remained underfunded. In 2020 the program, which provided protection to more than 600 individuals under threat, received only 21 percent of its projected budget. Press reports described the decrease as a "dismantling" of the program and said that individuals under the protection of the government had once again began receiving threats.

## **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 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. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers. 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 2019 there were 2,676 cases of guards and other personnel inflicting bodily harm on prisoners compared with 3,261 cases in 2018.

In June the Inter-American Commission on Human Rights (IACHR) denounced



the government for physical, verbal, and psychological aggressions committed against more than 150 adolescents at state-funded Fundacao Casa, a socioeducational center for adolescents in Sao Paulo, between 2015 and 2017. The Sao Paulo Public Defender's Office made the complaint to the commission because the government "failed to ascertain responsibilities and compensate the victims," according to a petition sent by the institution to the IACHR. The petition's documentation, including testimonies and photographs of injuries, narrated recurrent aggressions and torture carried out by employees against the students during the period. The alleged abuses included beatings, intimidation by employees, and isolation without mattresses or personal belongings, with the participation and consent of unit authorities, such as directors and supervisors. The Public Defender's Office insisted that the remedial actions taken by Fundacao Casa and the state of Sao Paulo, responsible for the guardianship of assisted minors, were not sufficient.

In the city of Rio de Janeiro, six men arrested during a police operation conducted in the Jacarezinho neighborhood on May 6 reported they suffered numerous aggressions and physical assaults following their arrest. The claims included having been tortured, beaten, hit in the head with a rifle, and forced to carry bodies to a police armored vehicle at the Jacarezinho crime scene immediately following the confrontation.

In June a military prosecutor denounced two police officers to the military court in Sao Paulo, Joao Paulo Servato and Ricardo de Moraes Lopes, from the 50th Sao Paulo Metropolitan Military Police Battalion, who were filmed in May 2020 holding a Black woman to the ground by stepping on her neck. The woman sustained a fractured leg injury during the incident. The two officers were accused of abuse of authority, aggravated aggression, and ideological falsehood and remained on administrative duties. As of August 1, a trial date had not been set.

On July 29, the Sao Paulo First Criminal Court accepted the case of the Public Prosecutor's Office against 12 military police officers on charges of intentional homicide of nine young persons during a street music event in the favela of Paraisopolis in 2019.

According to the Military Police Internal Affairs Unit, the inquiry had not been

completed in the case of a Rio de Janeiro State military police officer accused of rape in August 2020. As of August the defendant was on administrative duty and awaiting trial.

On June 8, a military court convicted one military police officer of conducting a libidinous act in a military environment and acquitted a second police officer on 2019 charges of rape in Praia Grande, Sao Paulo. Judge Ronaldo Roth of the First Military Audit judged the act was consensual because the victim did not resist. The judge suspended the convicted police officer's sentence, up to one year in prison. As of September, however, the Public Ministry of Sao Paulo opened an investigation into the friendship between Judge Roth and one of the defendant's lawyers, Jose Miguel da Silva Junior.

In March 2020 the Military Prosecutor's Office opened an investigation into the 2018 accusations of torture of seven male residents of Rio de Janeiro by federal military officers from Vila Militar's First Army Division, detained during a 2018 drug-trafficking operation. By March 2020 all seven men had been released after one year and four months in detention. In November 2020 the Military Justice Court in Rio reinstated its ruling to detain the seven men following an appeal by the Military Public Prosecutor's Office. In response to the claims of torture, the court affirmed there was not sufficient evidence to prove that the military officials had tortured the seven men. According to the Rio de Janeiro Public Defender's Office, as of October none of the military officers involved in the alleged torture of the seven men had been charged or indicted.

Cruel, inhuman, or degrading treatment of prisoners continued. At the request of the Federal District and Territories Public Prosecutor's Office, three prison police officers stationed in Brasilia's Papuda Penitentiary Complex were preventively removed by the Criminal Execution Court on charges of beating two prisoners incarcerated in the Federal District I Prison. The officers also shot detainees inside a cell using a shotgun loaded with rubber bullets. The two events, recorded by security cameras, occurred on April 16. The case was being investigated by the Center for Control and Inspection of the Prison System of the Public Prosecutor's Office.

In July the Military Police carried out Operation Bronze Bull in Belo Horizonte

and four other cities to execute 26 search and seizure warrants against 14 police officers to assist in the Public Ministry of Minas Gerais' investigation into crimes of torture against prisoners at the Nelson Hungary Penitentiary in Minas Gerais in July 2020. The investigation was classified as secret, so few details were publicly available.

The state of Paraíba was ordered to pay 50,000 reais (R\$) (\$8,950) in compensation for moral damages in the death of an inmate inside the state prison, a victim of violence by other inmates in 2008. The conviction also provided for a monthly pension in the amount of two-thirds of the minimum wage for material damages until the date the deceased would have turned 65 years old and until the date each immediate descendant turned 21.

Impunity and a lack of accountability for security forces at all levels, but especially at the local level, was a problem, and an inefficient judicial process at times delayed justice for perpetrators as well as for victims. Examples of impunity were found in the armed forces and Federal police forces but were most common in the Military Police and Civil Police. Low pay, and the resulting endemic corruption, established an environment where individuals were not consistently held accountable. Furthermore, the overburdened judicial system limited the application of justice and encouraged corruption. The federal and state public ministries, as well as ombudsmen and ethics centers, investigated accusations of impunity. Human rights are included in security forces' training curricula.

### **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 Penitentiary Department, as of 2020 there were 213,022 more prisoners than the system had space to hold, causing overcrowding across the country. Although some states were more overburdened than others, during the year nationally the system was 54.9 percent over capacity, a decrease from the 67.5 percent recorded in 2020. The states of Amazonas and Mato Grosso do Sul experienced the worst overcrowding at 196 and 166 percent,

respectively. During 2020, 17,141 additional places were added to increase inmate capacity. Much of the overcrowding was due to the imprisonment of pretrial detainees. According to the news portal *GI* in January, 217,687 inmates, or 31.9 percent of detainees, were awaiting trial, a small increase from 31.2 percent in 2020.

In July, as a protest against overcrowding in prisons, the Santa Catarina Union of Penitentiary System Public Agents refused to receive new prisoners. For example, the Vale do Itajai Penitentiary complex, which had a designed total capacity for 1,160 inmates, held 1,523 men, and the prison, designed for 696 inmates, held 1,129. Soon afterward, a state court ordered the Prison Administration Secretariat to require the union to receive new prisoners or pay substantial fines.

Reports of abuse by prison guards continued (see Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment above). Pastoral Carceraria, a prison-monitoring NGO connected to the Catholic Church, reported that torture and prison conditions worsened during the COVID-19 pandemic when prisons closed their doors to visitors to curb the spread of the virus. Between March 15 and October 31, 2020, the organization received 90 allegations of torture within the prison system across the country, compared with 53 cases in the same period in 2019. Complaints of physical torture appeared in 53 of the 90 allegations.

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. Prisoners also complained of poor access to personal care products and clothing. Prisoners made complaints regarding the right to health and failure to provide adequate medical assistance. General poor prison conditions were further stressed by the COVID-19 pandemic, but some systems attempted to provide extra support. For example, the state government of Minas Gerais hired additional doctors, nurses, and nursing technicians; by May, 237 prison employees and 200 prisoners in the state had died from COVID-19 and 20,000 employees and 57,000 inmates had been infected. These rates were lower than the general population estimates. As of August, Sao Paulo's penitentiary system, with a population of 205,000, had experienced 78 inmate deaths from COVID-19.

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. According to the National Penitentiary Department, 209 prisoners were killed while in custody in 2020. In addition to poor administration of the prison system, overcrowding, the presence of gangs, and corruption contributed to violence. Media reports indicated that incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Prison riots were common occurrences. On July 2, inmates rioted in the Romeiro Neto penitentiary in Mage, Baixada Fluminense, in the state of Rio de Janeiro. Led by members of a criminal group called Povo de Israel, the inmates set fire to mattresses and vandalized the prison facility, resulting in injuries to five prisoners. The same group instigated a second prison riot the same day in the Nelson Hungria penitentiary in Bangu, in western part of the city of Rio de Janeiro, but no injuries occurred. As of August the motivation for the two prison riots was unknown.

**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 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. The Pastoral Carceraria reported that all religious services remained suspended in the

Sao Paulo penitentiary system due to COVID-19 restrictions, which impeded their independent monitoring of sanitary and health conditions and reporting of abuses and physical violence against inmates.

**Improvements:** Nationally, overcrowding decreased from 68 percent in 2020 to 55 percent, according to the Violence Monitor. Overcrowding declined in 21 states compared with 2020, and 12 states saw decreases two years in a row. Experts suggested that the decrease in the overcrowding rate could be explained by the increase in alternative sentences, noncompliance with prison terms, the increase in open prison sentences, and the opening of new prison spaces.

In July the government of Rio Grande do Sul State established a partnership with the University of Santa Cruz do Sul to offer free distance learning courses to inmates in the Santa Cruz do Sul Regional Prison.

#### **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:** On June 9, the Niteroi Court of Justice acquitted Luiz Carlos da Costa Justino of all charges brought against him for a 2017 car theft. In September 2020 civil police officers from the Rio de Janeiro 76th Police Station arrested the adolescent after, according to police, the robbery victim identified Justino from a photograph lineup in the police station. According to media outlets, Justino, who was an adolescent at the time of the robbery, did not have a criminal record and therefore police should not have had access to any photographs of him. Video evidence showed that at the time of the crime, Justino, an Afro-Brazilian musician with the Grota String Orchestra in Niteroi, was performing in an event at a bakery located four miles from the crime scene.

**Pretrial Detention:** According to the Ministry of Justice's National Penitentiary Department, 32 percent of prisoners nationwide were in pretrial detention. A study conducted by the National Penitentiary Department in 2018 found more than one-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 the states of Sergipe, 91 percent in Alagoas, 84 percent in Parana, and 74 percent in Amazonas had been held for more than 90 days.

## **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,

argued that corruption within the judiciary, especially at the local and state levels, prevented fair trials.

### **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.

### **Property Seizure and Restitution**

Authorities at times evicted persons from their places of residences or seized their property without due process or adequate restitution, although this happened most frequently at the state level and with traditional communities such as *quilombolas* (maroons). In October the Public Ministry called on a municipal court in Barcarena, Para, to immediately reverse the eviction of a quilombola community from a territory in the municipality as well as moral and material damages and to send the process to the federal courts. The Public Ministry stated the disputed territory, of which the federal state-owned company Development Company of Barcarena claims ownership, is in a recognized quilombola area and was in the process of being titled by the National Institute for Colonization and Agrarian Reform.

The government has no laws or mechanisms in place for Holocaust restitution, and NGOs and advocacy groups reported the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens. The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. Persons in the federal government, the Israeli diplomatic mission to Brazil, civil society organizations, and synagogues were unaware of any laws codifying the return of Holocaust-era property to victims. Representatives of the Uniao Brasileiro-Israelita do Bem Estar Social, a nonprofit organization operating in Sao Paulo for more than 95 years, worked with survivors based in the country pursuing claims, but usually those claims were done privately without advocacy or assistance from the government. Representatives of the organization said governmental assistance was primarily of a consular nature, provided to survivors pursuing claims while in Europe.

The Department of State's Justice for Uncompensated Survivors Today (JUST)

Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

Although the law and constitution prohibit warrantless searches, NGOs reported that 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**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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

The press maintained a confrontational relationship with the Bolsonaro administration. The press regularly published highly critical reporting on the government's actions, and President Bolsonaro and members of his administration frequently criticized the press. According to Reporters Without Borders, President Bolsonaro criticized the press 87 times in the first half of the year, verbally or via social media – a 74 percent increase compared with the second half of 2020. Reporters Without Borders included the president in its 37-member “predators of the press freedom” gallery. The organization described the president's tactics as “predatory methods” that used insults, humiliation, and vulgar threats against primarily women journalists, political analysts, and media networks. Despite these concerns, in general the press continued to operate freely.

In March media reported that police had subpoenaed more than 200 persons to provide depositions and, in some cases, arrested individuals after criticizing the president (including some who called for his assassination) using the 1983 National Security Law that was enacted during the military dictatorship. In

February, STF minister Alexandre de Moraes used the same law to order the arrest of Federal Deputy Daniel Silveira for a video Silveira released defending the closing of the STF and expressing support for Institutional Act Number 5, the harshest instrument of repression during the military dictatorship, which removed mandates of antimilitary parliamentarians and suspended constitutional guarantees that eventually resulted in the institutionalization of torture. In September the president approved with five line-item vetoes a bill revoking the National Security Law and adding a series of crimes against democracy to the penal code – criminalizing attacks on national sovereignty, executing a coup d’etat, and spreading fake news during elections.

**Violence and Harassment:** Journalists were sometimes killed or subjected to harassment, physical attacks, and threats as a result of their reporting.

On April 4, a man riding a motorcycle fatally shot radio broadcaster Weverton Rabelo Froes in the Fazenda Guaribagion region of Planaltino, Bahia. On April 9, an unknown individual fatally shot television producer Jose Bonfim Pitangueiras in the Engenho Velho da Federacao district in Salvador, Bahia. As of October the Civil Police were investigating both crimes but had not identified a motive or suspect in either killing.

In August a journalist and a blogger were attacked in separate incidents less than one month apart in the municipality of Mage in Rio de Janeiro’s metropolitan area. In early August unidentified men set fire to blogger Eduardo César’s vehicle. Separately, on August 17, unidentified men opened fire on journalist Vinicius Lourenco’s vehicle. Neither victim was injured. Both were known for having previously exposed problems within the administration of Mage mayor Renato Cozolino.

In October the Public Ministry of Roraima State denounced state deputy Jalser Renier for eight crimes in the kidnapping of journalist Romano dos Anjos in October 2020. Renier, who was president of the Roraima state legislative assembly at the time, was charged as the mastermind of the kidnapping, for attempting to hinder the investigation, and for using his position to threaten the Roraima state governor. Eight additional military police officers and a former employee of the political party were also charged.

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 2019, drawing on previous court precedent and in coordination with the National Police, the STF began using a law against defaming institutions to investigate cases of individuals or press criticizing the court's members. These investigations expanded to numerous cases of investigating "fake news," and on August 4, the STF added President Jair Bolsonaro to its investigation for spreading false statements related to the electoral process and the security of electronic voting machines.

**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 threats of violence against independent bloggers and websites, as well as criminal defamation laws and restrictive limits on content related to elections.

In September the president signed new rules to modify the internet law. The decree, which was subsequently annulled by the Senate, would have restricted online platforms from removing third-party content and accounts that violated their terms of service unless the content fell within narrow categories outlined in the measure or when acting on a court order. 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.

Several news media reported a clash between protesters and military police officers during a march against President Jair Bolsonaro's government in Sao Paulo on July 24. Six demonstrators accused of carrying dangerous objects were temporarily detained and released afterwards. Protesters accused police of using excessive force in a peaceful movement, while police accused them of vandalizing public properties.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement and the Right to Leave the Country**

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

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**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. The law codifies protections for asylum claimants and provides for a humanitarian visa and residency status that serves as an alternative to refugee claims for some categories of regional migrants, particularly from Venezuela.

As of October there were almost 273,000 Venezuelan refugees and migrants in the country who were highly vulnerable to sex trafficking and forced labor, many of whom arrived in the northern state of Roraima. The country had already officially recognized more than 61,000 refugees, of whom 48,800 were Venezuelans. The government continued the process of “interiorization” of Venezuelan refugees and asylum seekers, voluntarily relocating them from the border to other states to relieve pressure on the resource-strapped state of Roraima and provide increased opportunities for education and work.

In March 2020, due to the COVID-19 pandemic, the government closed its borders, including the border with Venezuela. During the border closure, migrants who arrived irregularly were unable to receive residency paperwork, limiting their ability to access social services and find work. On June 25, the government issued an ordinance permitting Venezuelan nationals to enter Brazil and to regularize their status through applications for asylum and residence permits, including the regularization of status for those who entered irregularly in the prior 15 months. As of October 15, the government had issued 22,033 entry permits pursuant to the ordinance.

**Abuse of Migrants and Refugees:** NGOs reported that refugees were susceptible to human trafficking for the purposes of forced prostitution and forced labor.

**Employment:** The interiorization program provided economic opportunities for voluntarily resettled Venezuelans by placing them in economic hubs in larger cities. As of October more than 60,000 Venezuelans had been relocated to cities away from the border. Resettled Venezuelans seeking employment reported difficulty obtaining Brazilian accreditation for foreign academic degrees and professional licenses, restricting their ability to work. Civil society organizations raised concerns that business closures due to COVID-19 disproportionately affected migrants and refugees, many of whom depended on informal jobs or work in the service sector.

### **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 2018, citizens chose former federal deputy Jair Bolsonaro as president and elected 54 senators and 513 federal deputies to the national legislature and 27 governors and state legislators to state governments. National observers and media considered the elections free and fair. Municipal elections in November 2020 saw record numbers of indigenous and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) candidates run and win positions across the country while women made modest gains.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

In August 2020 the Superior Electoral Court decided that publicly provided funds for campaign financing and advertising time on radio and television must be divided proportionally between Black and white candidates in elections. The decision, scheduled to take effect in 2022, was made in response to calls from Afro-Brazilian activists.

The law requires parties and coalitions to have a minimum quota of 30 percent women on the list of candidates for congressional representatives (state and

national), mayors, and city council members. 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.

Using data from Electoral Justice, CNN reported that more than 43,400 politicians, approximately 25 percent, changed their “color/race” declaration on candidacy forms in 2020. More than 17,300 candidates changed their declaration from white to Black or brown, while approximately 14,500 changed from Black or brown to white. Political parties were pressured to include more persons of color, including the establishment of a new electoral rule to provide additional funding and awareness to campaigns of Black and brown candidates. The candidates interviewed cited different reasons for their decisions, such as to correct a previous error or to acknowledge a racial identity they now believed they were empowered to recognize.

Observers reported that militias and drug trafficking organizations interfered in electoral processes by using violence and intimidation to “corral” votes, influence candidate lists, and limit rival candidates’ ability to access and campaign in some highly populated neighborhoods. This interference was particularly significant in municipal and state elections.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for convictions of corruption by officials and stipulates civil penalties for corruption committed by Brazilian citizens or entities overseas. There were numerous reports of corruption during the year 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 elected officials. This often resulted in de facto impunity for those responsible.

**Corruption:** The investigation of the Petrobras state oil company embezzlement scandal (Operation Carwash or Lava Jato), which began in 2014, officially ended in February. Despite the operation's continued popularity with the public, the investigating task force was dissolved after widespread concerns regarding the process and fairness of the prosecutions. Some prosecutors were transferred to the organized crime unit of the Federal Public Ministry to continue their work. During its seven years of existence, Operation Carwash was responsible for 295 arrests and 278 convictions and saw R\$ 4.3 billion (\$769.6 million) in recovered funds returned to the government.

On April 30, a Rio de Janeiro Special Tribunal voted unanimously to impeach Rio de Janeiro Governor Wilson Witzel for involvement in the embezzlement scheme related to contracts for COVID-19 response, permanently removing him from office and making him ineligible for public office for five years. The impeachment followed an August 2020 decision by STF Minister Benedito Goncalves to remove Witzel from office for an initial period of 180 days on charges of corruption, money laundering, and obstruction of justice related to his role in a criminal organization that oversaw fraudulent expenditures and contracting in the state's COVID-19 response.

On April 29, police arrested Marcus Vinicius Rebello Gomes, municipal secretary of health in Itatiaia, Rio de Janeiro State, and four other suspects for their participation in a criminal organization that oversaw fraudulent expenditures and contracting in the city's COVID-19 response. On June 8, the state's Court of Justice ruled that Itatiaia Mayor Imbere Moreira Alves, his chief of staff, and three municipal secretaries should be removed from office on corruption charges in the context of the COVID-19 pandemic response in the municipality

## **Section 5. Governmental Posture Towards 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:** Some local human rights organizations were critical of the Ministry of Human Rights, stating that many positions were either unfilled or filled by individuals who did not support human rights and that the role of civil society in policy discussions had been severely reduced.

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.

The government operated several interministerial councils linking civil society to decision makers in the government on a range of human rights topics. Many of their activities were interrupted by the pandemic.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape. In addition, the 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. The law defines femicide as homicide of a woman due to her gender, including but not limited to, homicide that escalated from other forms of domestic violence, discrimination, or contempt for women. The law stipulates a sentence of 12 to 30 years. According to NGOs and official data, there were 1,350 femicides in 2020, compared with 1,326 in 2019. According to the National Council of Justice, the number of new cases involving the killing of a woman rose 39 percent in 2020 to 2,788 cases, and courts imposed sentences in 2,016 cases of femicide in 2020 – a 24 percent decrease from the 2,657 sentences in 2019, due to process

difficulties in light of the pandemic. According to the Brazilian Public Security Forum, in cases of femicide, the killer was a partner or former partner of the victim 81.5 percent of the time.

The state of Rio de Janeiro had a total of 42 victims of femicide in the first five months of the year according to the Institute of Public Security. The state of Bahia had 64 cases of femicide in the first six months, according to the Bahian Public Security Secretariat. The Espirito Santo Public Security Secretariat recorded 13 victims in the first five months of the year. The state of Minas Gerais recorded 67 victims of femicide from January to June and 70,450 victims of domestic violence during the same period.

On April 2, justice prosecutor Andre Luiz Garcia de Pinho killed his wife, Lorenza Maria Silva de Pinho. In July the Minas Gerais Court of Justice decided that de Pinho would be brought to trial for aggravated homicide. He remained in pretrial detention after a request for habeas corpus was denied.

NGO and public security representatives reported that, culturally, domestic violence was often viewed as a private matter and that survivors and bystanders often did not report cases of violence. On July 14, police arrested Iverson de Souza Araujo (also known as DJ Ivis), in Fortaleza after videos of assaults against his former wife, Pamella Holanda, were posted by her on her social media account. The public release of the video led to widespread public condemnation, and distribution contracts and music collaborations were cancelled.

According to NGOs and public security data, gender-based violence was widespread. According to the *15th Public Safety Yearbook* released annually by the Brazilian Public Security Forum, there were 60,460 cases of rape in 2020. Due to underreporting, the actual number of cases was likely much higher. The state of Sao Paulo recorded an average of 34 cases of rape per day in the first quarter of the year, 7 percent higher than the same period of 2020, according to a survey conducted by the NGO Instituto Sou da Paz. Data showed that 75 percent of the victims were girls younger than age 14.

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. In January, Rio de Janeiro State's Civil Police announced a new hotline for victims of gender-based violence in an effort to reduce instances of femicide. During the pandemic the court of justice in the state of Piauí invested in campaigns and online assistance to facilitate access for victims of violence. There were several ways to denounce domestic violence: through the Salve Maria application or calling the Francisca Trindade Center, Maria da Penha Patrol, Esperanca Garcia Institute, Ombudsman of the Public Ministry of Piauí, or Public Defender's Office. In April in the state of Piauí, requests for protective measures for women victims of domestic violence increased more than 30 percent, compared with the same period in 2020.

During the first quarter of the year, the state of Rio Grande do Sul saw a 375 percent increase in preventive arrests for domestic violence, compared with the same period of 2020. A key factor contributing to this increase was the rise of information sharing with the government through electronic means, such as WhatsApp and Online Police. The state also inaugurated an additional 17 *salas das margaridas*, a dedicated space within police stations to receive women at risk, bringing the total in Rio Grande do Sul to 40.

In July 2020 Rio de Janeiro's then governor Witzel signed a bill that temporarily authorized gun permit suspensions and weapons seizures in cases of domestic violence and femicide during the COVID-19 pandemic. Authorities cited concerns that quarantine could lead to increases in domestic violence cases involving weapons. According to Rio de Janeiro's Public Security Institute, as of June 2020 domestic violence calls to the military police aid hotline had increased by 12 percent, in comparison with the same period the previous year. In August 2020 a police operation resulted in the arrest of 57 suspects accused of domestic violence.

The law recommends health facilities contact police regarding cases in which a woman was harmed physically, sexually, or psychologically and instructs police to collect evidence and statements should the victim decide to prosecute. Despite these protections, allegations of domestic violence were not always treated as credible by police.

Sexual assault and rape of minors was widespread. In 2020, 44,400 cases of rape

and rape of vulnerable minors were registered, representing 60.6 percent of the total number of rape cases. A “vulnerable” victim is defined as a person younger than age 14, or who is considered physically, mentally, and therefore legally incapable of consenting to sexual intercourse. According to the 15th *Brazilian Yearbook of Public Security*, 54 percent of these victims were 11 years old or younger.

In Dourados, Mato Grosso do Sul, a group of five men (two adults and three adolescents) raped and killed an 11-year-old Kaiowa indigenous girl in August. Police arrested the perpetrators, who confessed the crimes, and indicted them on charges of rape of a vulnerable person, femicide, and aggravated homicide. One of them, the girl’s uncle, died in prison three days later, and police were investigating the case as a possible suicide.

On March 12, the STF unanimously decided to invalidate the use of the “legitimate defense of honor thesis” in cases of femicide. The 11 STF justices assessed this thesis contradicts constitutional principles of human dignity, protection of life, and gender equality and, therefore, cannot be applied in jury trials as a defense argument in cases of femicide. The legitimate defense of honor thesis was used in jury courts to largely absolve men who killed women to “protect their own honor,” for example in cases of betrayal in romantic relationships.

On July 28, the federal government approved a law that includes the crime of psychological violence against women in the penal code, assigning a punishment of six months’ to two years’ imprisonment and a fine. The text approved by Congress defines the crime as: “Causing emotional damage to women that can harm and disturb them, or their full development, or that aims to degrade or control their actions, behaviors, beliefs and decisions, through threat, embarrassment, humiliation, manipulation, isolation, blackmail, ridicule, limitation of the right to come and go, or any other means that harm their psychological health and self-determination.”

On May 10, the government of the state of Alagoas inaugurated A Casa da Mulher Alagoana. The center serves women victims of domestic violence and provides professional psychology, advocacy, and social care services. Victims may file a police report and request protective measures in-person at the facility, as well as

receive temporary shelter.

In the state of Ceara, the Women's Reference Center, which offers a psychologist, lawyer, and social worker service and partnership with the Maria da Penha Patrol, received 240 requests for assistance in 2020, but within the first four months of 2021 it responded to 142 requests. According to the center's director, most victims were financially dependent on their partner, which deepened during the COVID pandemic.

**Sexual Harassment:** Sexual harassment is a criminal offense, punishable by up to two years in prison. The law includes actions performed outside the workplace. NGOs reported sexual harassment was a serious concern, and perpetrators were infrequently held accountable. A 2019 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.

On June 15, the National Council of Justice ruled that Judge Glicerio de Angiolis Silva from Rio de Janeiro's Court of Justice should be removed from the bench for two years for morally and sexually harassing public workers and interns at the court of Miracema, in the northwestern part of the city of Rio de Janeiro, in 2015. The victims reported that the judge asked them to send him photographs of them in bikinis, asked them out, and requested them to work late with no reasonable purpose. By law the judge was still entitled to receive his salary while away from his regular duties.

In June the Rio Grande do Sul Civil Police opened an investigation into plastic surgeon Klaus Wietzke Brodbeck on suspicion of sexually abusing more than 95 women patients, including one sedated patient he allegedly raped after surgery.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraceptives and termination of pregnancy as provided for by law. According to the UN Population Fund (UNFPA), persons in remote regions experienced difficulty accessing reproductive health services.

According to UNFPA, in 2020, 89 percent of women of reproductive age had their need for family planning satisfied with modern methods, and skilled health personnel attended to 99 percent of births from 2014 to 2019. UNFPA also reported that adolescent birth rate per 1,000 girls for those between the ages of 15 to 19 averaged 53 births for the period of 2003 to 2018. The Ministry of Health reported that the maternal mortality ratio averaged 59 deaths per 100,000 live births as of 2018 and was higher among Black women than among white women. Data published in May by the Oswaldo Cruz Foundation found that the risk of death of pregnant brown and Black women from COVID-19 was almost twice that of white women and noted that Black women were less likely to have gynecological and prenatal care and travelled farthest to reach a maternity ward.

In May, UNICEF and UNFPA published a report on menstrual poverty experienced by Brazilian girls who lived in conditions of poverty and vulnerability, sometimes without access to basic sanitation services, hygiene resources, and minimal knowledge about the body. More than 700,000 girls had no access to a bathroom or shower in their homes. More than four million girls experienced at least one deprivation of hygiene in schools, including lack of access to feminine care products and basic facilities such as toilets and soap. Nearly 200,000 of these students were completely deprived of the minimum conditions to handle menstruation at school. A study from Girl Up Brazil, a network to end menstrual poverty in the country, found that one in four girls had missed school because they lacked access to feminine products.

In October, President Bolsonaro signed a law to create the *Program for the Protection and Promotion of Menstrual Health*, a strategy to promote health and attention to feminine hygiene and aims to combat lack of access to hygiene products related to menstruation. The president vetoed a provision contained in the measure to provide free basic hygiene products to low-income students, persons living on the streets, and prisoners because he said the legislation did not establish a funding source. In November the Foreign Trade Chamber reduced the import tax rate from 12 to 10 percent on sanitary pads and baby diapers to make the products more affordable to consumers.

**Discrimination:** The law provides for the same legal status and rights for women as for men in all circumstances. The law does not require equal pay for equal

work. According to the International Labor Organization, 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. Sexual harassment in the workplace is illegal, but the law was not effectively enforced.

## **Systemic Racial or Ethnic Violence and Discrimination**

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 57 percent of the population self-identified as belonging to categories other than white. Despite this high representation within the general population, darker-skinned citizens, particularly Afro-Brazilians, encountered discrimination. 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 and violence.

In November 2020 a Black man was beaten to death by security guards outside a Carrefour supermarket in Porto Alegre, Rio Grande do Sul. The two guards, including an off-duty Military Police officer, were arrested for assaulting and killing Joao Alberto Silveira Freitas. The attack was filmed by witnesses and generated outcry nationally, mobilizing a series of protests across the country. Carrefour condemned the act, terminated its contract with the company that hired the guards, and promised to take measures promoting diversity and inclusion, including the creation of an “antiracist plan” to provide training and protocol for employees with an emphasis on welcoming clients, guidance for valuing human rights and diversity, and combating racism. Carrefour also committed to diversifying hiring practices and setting a requirement to hire at least 30,000 Black workers in three years. In June, Carrefour signed an agreement with the prosecutor’s offices, the public defender’s offices, Educafro, and the Santo Dias Human Rights Center and agreed to invest R\$115 million (\$20.6 million) in human rights organizations in payment for collective moral damages. The funds were to support undergraduate and graduate scholarships for Afrodescendant students;



scholarships for language and technology courses; social inclusion and Black entrepreneurship projects; the establishment of a museum at the Valongo Wharf in Rio de Janeiro, the main gateway for enslaved Africans who arrived in the country; and public funding for justice institutions and entities.

In February, Sao Paulo Military Police Lieutenant Colonel Evanilson Correa de Souza suffered racist verbal abuse while speaking at an online international conference organized by the University of Sao Paulo. The police officer, who is Black, was speaking about the program to combat racism within police forces in Sao Paulo when one of the participants started writing insults on the shared screen. The aggressor also used pornographic images to cover the colonel's presentation.

The law provides for quota-based affirmative action policies in higher education, government employment, and the military. Nevertheless, Afro-Brazilians were underrepresented in the government, professional positions, and middle and upper socioeconomic classes.

Many government offices created internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, assessing "Blackness" to reduce abuse of affirmative action policies and related laws. University administrators regularly conducted investigations and expelled students for fraudulently claiming to be Black or brown to claim racial quota spots in universities. Statistics showed university racial-quota policies were beginning to have a positive impact on educational outcomes for Afro-Brazilians. For example, data analysis from the National Household Sample Survey showed that in 2019 Black women (28 percent of the population) made up 27 percent of students in public higher education, an increase of 8 percent since 2001.

## **Indigenous Peoples**

According to data from the National Indigenous Foundation (FUNAI) and the 2010 census, there were approximately 896,000 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, indigenous lands and all aboveground and underground minerals as well as hydroelectric power potential

belong to the government. Approximately 14 percent of the country's land area is designated as indigenous territory.

Indigenous peoples have the exclusive possession and land use rights in their traditional lands. Requests to exploit mineral and water resources, including ones with energy potential, on indigenous lands must be approved by Congress, in consultation with the indigenous communities. Despite several proposals, Congress had not approved legislation that rules and regulates these activities. The exploitation of natural resources on indigenous territory by nonindigenous persons is illegal.

Beginning in 2019, tension and provocative rhetoric increased between the Bolsonaro administration and many indigenous leaders regarding the extent of indigenous protections and rights. On June 28, in a report presented at the 47th regular session of the UN Human Rights Council, Alice Wairimu Nderitu, special adviser for the prevention of genocide, cited Brazil as a genocide risk.

On August 9, indigenous leaders accused President Bolsonaro of genocide at the International Criminal Court in the Hague in response to the deaths of 1,162 indigenous individuals from 163 communities during the COVID-19 pandemic. The leaders also argued that the dismantling of government institutions charged with social and environmental protection had triggered invasions of indigenous lands, deforestation, and fires in the biomes.

Through a series of decisions by the Ministry of Health and the STF, beginning in January, indigenous persons were prioritized for COVID-19 immunizations. The government initially focused on vaccines for indigenous persons in officially demarcated territories and later expanded preferential access to indigenous persons living in cities or other areas. By June, according to the Ministry of Health, 72 percent of the eligible indigenous population residing in indigenous areas was fully vaccinated, compared with a 39 percent fully vaccinated rate for the overall population as of September 3.

NGOs claimed the lack of regulation and attempts to create new legislation or change existing legislation to promote economic development, along with impunity in cases of illegal land invasions, resulted in the illegal exploitation of

natural resources. The NGO Instituto Socioambiental reported more than 20,000 miners were illegally extracting gold from the Yanomami indigenous lands in Roraima State. According to a report during the year released by the indigenous NGO Missionary Council, there were 263 cases of illegal invasions and exploitation of natural resources on 253 indigenous territories in 19 states in 2020. A MapBiomass study released in August showed that the area of illegal mining in indigenous lands and conservation areas expanded 495 percent from 2010 to 2020. In March the Federal Police led an operation to shut down a large illegal mining camp in Yanomami lands in Roraima. Officials compared the illegal camp on Yanomami lands to a small city capable of housing more than 2,000 persons, with markets, restaurants, and a dental office.

Illegal land invasions often resulted in violence and even death. According to reporting by the Pastoral Land Commission, a Catholic NGO that represents rural workers on land rights, there were 1,083 cases of violence related to land disputes in 2020, impacting more than 130,000 families, compared with 1,254 incidents that affected 144,741 families in 2019. There were 178 invasions into territories in 2020, in comparison with only nine in 2019. Most of the victims of these invasions were indigenous persons (54.5 percent), while 11.8 percent of the invasions took place in quilombola communities. Among the conflicts noted in the report, there were 18 killings of indigenous persons (39 percent of the victims), and 12 of 35 victims of attempted homicide were indigenous.

In May the Hutukara Yanomami Association reported a series of attacks against the Palimiu community in Roraima by illegal miners, and media reports indicated that one indigenous person and four miners were shot and wounded. Yanomami leaders reported that two children, ages one and five, drowned during the attack. A federal court ruled on May 13 that the government should keep permanent troops in place to prevent conflict. The Federal Police and the army visited the site, conducted operations to halt mining operations, and seized equipment.

According to the Missionary Council report, there were 182 killings of indigenous persons in 2019 – a 61 percent increase, compared with 113 cases in 2018. In May 2020 the Federal Public Ministry accused two indigenous men, Nilson Carneiro Sousa Guajajara and Eduardo dos Santos Guajajara, of killing indigenous leader and environmental and human rights defender Zezico Rodrigues Guajajara in

March in Arame, Maranhao State. The victim was the fifth such killing of an indigenous Guajajara in as many months. Rodrigues worked as director of the Indigenous School Education Center and fought environmental crimes. According to indigenous leaders in the region, he reportedly received death threats and formally complained to FUNAI and the Federal Police.

On February 12, state troopers shot indigenous leader Isaac Tembe in Alto Rio Guama, Para State. According to media reports, Tembe, a leader of the Tenetehara people, was hunting with community members in an area near the Alto Rio Guama when military police officers shot at them. Tembe was killed as the group tried to escape into the woods. According to the Para State Department of Public Security, police were called to investigate cattle theft in the region and, upon arrival at the scene, they heard shots and returned fire in self-defense. According to the local indigenous population, Tembe did not have a gun. The Federal Public Ministry and an internal affairs office from the military police were investigating, but the indigenous group requested the case be federalized due to potential bias by local police and courts.

As of August there were 568 areas of land claimed by indigenous peoples in different stages of the demarcation process: 441 were fully approved and officially recognized and 127 remained under review. Various indigenous groups protested the slow pace of land demarcations. As of October no indigenous lands had been approved under the Bolsonaro administration, aligning with his pledge when he entered office to not increase indigenous land designations.

Throughout the year indigenous groups protested in Brasilia and in state capitals to protect their ancestral lands. In June an estimated 500 to 850 members of indigenous groups protested in Brasilia to demand that Congress cease consideration of a bill that proposes additional requirements and barriers for demarcation of indigenous lands. Protesters broke down security barriers placed to prevent entry into the federal Chamber of Deputies due the pandemic, and chamber security forces responded with tear and pepper gas, while the protesters allegedly shot arrows at the security guards. According to the indigenous groups, security forces also fired rubber bullets, an accusation the chamber denied. Three officers and at least three protesters were wounded and referred to local hospitals. The chamber's vote on the bill in its Constitution and Justice Committee was postponed

until June 23, when it was approved. The bill requires approval in the chamber before moving on to the Senate.

As of November the STF continued to review a case that analyzes the “cutoff date for land claims” thesis, which holds that indigenous peoples can only claim lands on which they were present on October 5, 1988, the day the constitution was promulgated. The decision will set precedent, impacting already completed, ongoing, and future land demarcation processes. On August 22, 6,000 indigenous leaders and supporters camped on Brasilia’s main mall for several days to bring attention to the case and call on the STF to rule against the case. Members of Congress said they would continue with their bill seeking similar timebound requirements irrespective of the STF decision.

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. Nearly 3,000 communities were registered, but fewer than 140 had been granted land titles by the government.

Quilombola representatives and partner organizations reported that members of these communities suffered higher mortality rates due to COVID-19 than the rest of the country’s population. According to a partnership between the NGOs ISA and National Coordination for the Articulation of Quilombola Communities (CONAQ), the case mortality rate due to COVID-19 in quilombola communities as of August 18 was 5.3 percent. In comparison, as of August the Ministry of Health reported case mortality rates due to COVID-19 in the entire country averaging 2.8 percent and in the northern region, where most indigenous peoples lived, 2.5 percent. As of September 3, the Ministry of Health estimated that 36 percent of quilombolas had been fully vaccinated. Although the government provided quilombola individuals with priority status, in some cases local municipalities did not recognize their priority status or local vaccination sites were not certified, according to research by CONAQ.

Quilombola communities faced systemic challenges such as endemic poverty, racism, violence, threats against women, and threats against community leaders, as well as limited access to essential resources and public policies. According to

CONAQ, Black populations had a higher rate of diseases that further aggravated the effects of COVID-19, such as diabetes and high blood pressure. The precarious access to water in many territories was a cause for concern, as it also hindered hygiene practices. Civil society leaders also cited concerns about food insecurity in quilombola communities. The communities claimed that health officials did not conduct sufficient contact tracing or testing there, compared with the general population.

## **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, many children did not have birth certificates.

**Child Abuse:** The law prohibits child abuse and negligence, but enforcement was often ineffective, and abuse was widespread. According to data from the National Human Rights Ombudsman, in the first six months of the year, the country registered 47,416 reports of crimes against children and adolescents, compared with 53,525 in the first half of 2020. Of these, 121 were from mistreatment, and 52 were from sexual abuse, such as rape or harassment. The total number of reports in 2020 was 124,839 – a 47 percent increase over 2019 – and experts suspected that pandemic closures resulted in significant underreporting.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18 (or 16 with parental or legal representative consent). 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 a 2020 UNICEF report, 26 percent of women between the ages of 20 and 24 were married 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.

The Alagoas state government invested in campaigns to raise public awareness of the increase of sexual abuse of children and adolescents, largely within the same family, during the pandemic. From January to March, 211 cases of child sexual abuse were registered in the state, an increase from 186 during the same period in 2020.

In Maranhao State, the Department of Health Care for Children and Adolescents carried out a campaign with the theme “You report it, we take care of it” to improve assistance for victims of child sexual abuse. The state registered 99 cases of pregnant children younger than age 14 in 2019 and again in 2020.

The country was a destination for child sex tourism. 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. In June the Ministry of Justice coordinated Brazil’s participation, carried out by state civil police forces, in an international operation to combat crimes of child sexual abuse and exploitation on the internet. The operation carried out 176 search and seizure warrants in 18 states and five countries and resulted in the arrests of 39 individuals in Brazil.

**Displaced Children:** According to UNICEF, in 2020 refugee support organizations identified more than 1,577 unaccompanied Venezuelan children and adolescents in Pacaraima, Roraima State, and in the first three months of the year the number reached 1,071. According to civil society contacts, some of these minors were at risk of being trafficked or sexually exploited. Local child protection services offices act as legal guardians so unaccompanied adolescents can go to school and obtain identification papers to access the public health system. In some areas, however, they could not accommodate the influx of children. State shelters in Roraima, the state where most migrants entered the

country, could house a maximum of 15 adolescent boys and 13 adolescent girls. According to a 2019 Human Rights Watch report, some unaccompanied children ended up living on the streets, where they may be particularly vulnerable to abuse or recruitment by criminal gangs.

**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 Brazilian Israelite Federation, there were approximately 120,000 Jewish citizens in the country, of whom approximately 65,000 lived in the state of Sao Paulo and 34,000 in the state of Rio de Janeiro. By law it is a crime to manufacture, sell, distribute, or broadcast symbols, emblems, ornaments, badges, or advertising that use the swastika for purposes of publicizing Nazism, and it provides for a penalty of two to five years of imprisonment.

In 2020 the number of inquiries opened by the Federal Police to investigate pro-Nazi activity increased, with the highest growth in the states of Sao Paulo and Rio de Janeiro. According to press reports, in 2019 there were 69 investigations opened for the crime and 110 in 2020. In the first five months of 2021, 36 cases were opened. Federal Police data did not include the states of Mato Grosso do Sul, Rondonia, and Tocantins.

A global survey released in June 2020 by the Anti-Defamation League indicated that the percentage of Brazilians who harbored some anti-Jewish sentiment had grown from 19 percent in 2019 to 26 percent in 2020.

In June, after a six-year process, a federal court in Sao Paulo indicted a man for pro-Nazi and pro-Hitler propaganda on a Russian social network. The defendant was already serving community service sentences for two earlier crimes similar in nature.

In March the Jewish community filed a complaint against Roberto Jefferson, leader



of the Brazilian Labor Party, for a social media post in which Jefferson claimed Jews sacrificed children. From 2020 to May 2021, neo-Nazi cells grew from 349 to 530, according to anthropologist Adriana Magalhaes Dias at the Sao Paulo State University of Campinas. The groups were most prevalent in the south and southeast regions of the country, with 301 and 193 groups identified, respectively. Cells were also mapped in the Midwest (18) and Northeast (13) regions.

Neo-Nazi groups maintained an active presence online. The Safernet Brasil platform, an NGO that promotes human rights on social networks and monitors radical websites, recorded an increase of complaints about content in support of Nazism on the networks. The year 2020 marked a record for new pages (1,659) of neo-Nazi content and also for the largest number of pages removed from the internet because of illegal pro-Nazi content.

## **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 law requires private companies with more than 100 employees to hire 2 to 5 percent of their workforce from persons with disabilities. According to the 2010 census, only 1 percent of those with disabilities were employed.

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 school resources significantly limited the ability of persons with disabilities to participate in the workforce. Data released by the Brazilian Institute of Geography and Statistics in August revealed that individuals with a disability were less likely to complete education at all levels. More than half of individuals with a disability, 67 percent, had no education or incomplete primary education, compared with 31 percent of those with no disability. Similarly, only 16 percent of persons with disabilities completed high school, compared with 37 percent of persons without disabilities. Five percent of the disabled population older than age 18 had a complete higher education, while 17 percent of those without disabilities did.

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.

### **HIV and AIDS Social Stigma**

Discrimination against persons with HIV or 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 or AIDS. According to one LGBTQI+ activist, although the government provided affordable HIV treatment through the National Institute of Infectious Diseases, many HIV-positive persons did not access the service because they were unaware of its existence or did not understand the bureaucracy required to participate in the program.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Violence against LGBTQI+ individuals was a serious concern. While violence against LGBTQI+ individuals generally had declined yearly since 2017, violence specifically targeting transgender individuals increased. The Federal Public Ministry is responsible for registering reports of crimes committed based on gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime or committing suicide.

According to a July report by the National Association of Travestis and Transsexuals, based on reports from LGBTQI+ organizations across the country, 80 transgender individuals were killed in the first six months of the year. The largest number of cases occurred in the states of Bahia, Ceara, Minas Gerais, Rio de Janeiro, and Sao Paulo. Victims were mostly Afro-Brazilians younger than age 35. In 2019 and 2020, there were 124 and 175 killings of transgender persons, respectively. According to some civil society leaders, underreporting of crimes was likely because many LGBTQI+ persons were afraid they might experience discrimination or violence while seeking services from law enforcement authorities.

On June 24, a 17-year-old youth killed Roberta Nascimento da Silva, a homeless transgender woman, in Recife – the fourth transgender woman killed in Pernambuco State within one month. The teenager threw alcohol on the woman while she slept on the street and set her on fire. Police apprehended the assailant and charged him with an “infractional act” (because the act was committed by a minor) analogous to attempted aggravated homicide. The teenager was being provisionally held in juvenile detention awaiting sentencing. Authorities did not confirm if the case would be registered as a homophobic or transphobic crime, but Recife Mayor Joao Campos expressed regret at the transgender woman’s death and stated the city would seek to expand services to the LGBTQI+ population with a new shelter to be named in Roberta’s honor.

In July, four men convicted of the murder of Emanuelle Muniz, a transgender woman, were issued prison sentences of up to 35 years for rape, murder, and robbery. The assailants, who remained in prison following their apprehensions in 2017, received substantial prison sentences, ranging from 26 to 35 years.

No specific law prohibits discrimination against LGBTQI+ persons in essential goods and services such as health care. In 2019, however, the STF criminalized discrimination based on sexual orientation and gender identity. Offenders face sentences of one to three years’ imprisonment and a fine, or two to five years’ imprisonment and a fine if the offender disseminates the incident via social media thereby exposing the victim. In October the Regional Federal Court of Rio de Janeiro instructed the armed forces to recognize the social name of transgender military personnel and prohibited compulsory removal of service members for

“transsexualism.”

In the Northeast there was an effort to raise civil society awareness against homophobia; to train civil and military police to provide more humanized care to the victims of violence; and to implement reference centers for legal, psychological, and social assistance to the LGBTQI+ community. The Recife Municipal Reference Center offered specialized services with a qualified team of psychologists, social workers, and lawyers for LGBTQI+ individuals.

NGOs cited lack of economic opportunity for LGBTQI+ persons as a concern. According to the NGO Grupo Gay da Bahia, 33 percent of companies avoided hiring LGBTQI+ employees, and 90 percent of transgender women engaged in prostitution because they could find no employment alternative. Transgender women often paid human traffickers for protection and daily housing fees. When they were unable to pay, they were beaten, starved, and forced into commercial sex. Traffickers exploited transgender women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they were unable to repay the cost of the procedure.

According to some LGBTQI+ leaders, the COVID-19 pandemic severely limited the LGBTQI+ population’s access to public health and mental health resources, and many were in abusive domestic situations with families that did not support them. According to some civil society sources, LGBTQI+ workers, who were more likely to work in the informal economy, lost their jobs at a much higher rate than the general population during the pandemic. In the states of Pernambuco, Paraíba, and Ceará, several donation campaigns were carried out to assist vulnerable LGBTQI+ populations, including donation of food baskets, hygiene kits, and clothes.

## **Other Societal Violence or Discrimination**

Followers of Afro-Brazilian religions such as Candomblé and Umbanda faced more discrimination and violence than any other faith-based group. Although less than 2 percent of the population professed Afro-Brazilian religions, most of the religious persecution cases registered by the human rights hotline involved victims who were practitioners of Afro-Brazilian religions. In July, Rio de Janeiro State

began allowing complaints of religious intolerance or discrimination to be reported to the Military Police's 190 hotline. Victims can already report incidents to the Civil Police, but local experts claimed the new channel was more easily accessible and familiar.

Followers of Afro-Brazilian religions faced physical attacks on their places of worship. According to one religious leader, these attacks resulted from a mixture of religious intolerance and racism, systemic societal discrimination, media's perpetuation of harmful stereotypes, and attacks by public and religious officials against these communities.

In the state of Maranhao, temples of Afro-Brazilian religions suffered increasing physical attacks and damages despite military police presence in affected neighborhoods. According to the State Secretariat for Racial Equality, in Maranhao's capital city of Sao Luis, one temple was attacked four times in two months. African-based religious institutions, representatives who fight religious intolerance, the public defender, the state prosecutor, and the state's lawyers' association met on July 14 to discuss strategies to end these attacks.

In June, during a search for suspected serial killer Lazaro Barbosa, police officers repeatedly invaded at least 10 Afro-Brazilian temples in Goias State. In a complaint filed by religious leaders, police allegedly used violent entry, pointed weapons at the heads of those present, and examined cell phones and computers without a court order.

On March 3, Sao Paulo Governor Joao Doria approved the State Law of Religious Freedom that regulates the constitutional principle of free exercise of faith and establishes fines of up to R\$87,000 (\$15,600) for proven cases of disturbance of religious ceremonies and cults, vandalization of sacred symbols, and discrimination in schools, such as the prohibition of religious attire.

On February 6, Magno Gomes Lucio vandalized a Candomble temple in Jacarepagua, Western Rio de Janeiro. He reportedly yelled at the neighborhood residents – at least some of whom were members of the temple in the process of celebrating the Yemanja religious holiday – that he hated “*macumbeiros*” (practitioners of Afro-Brazilian religions) and that he did not like the idea of

having them as neighbors. As of August the Civil Police was investigating the case to assess if the incident represented religious intolerance. The aggressor had not been arrested.

In June the Bahia State Court of Justice convicted Edneide Santos de Jesus, a member of the Casa de Oracao Evangelical Church, sentencing her to court-ordered community services for repeated verbal abuse of adherents of a traditional Candomble temple in Camacari, Bahia. The defendant had repeatedly verbally abused the Candomble followers and spread rock salt in front of the temple to “cast out demons.” The ruling by the court was the first of its kind in the state’s history.

Drug trafficking organizations and other groups contributed to societal violence. There was evidence that these heavily armed 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 Rio de Janeiro’s favelas, the practice of police-affiliated criminal organizations, known as militias, using violence to extort payments for protection was a common occurrence. Militia groups, often composed of off-duty and former law enforcement officers, penitentiary officials, and firefighters, 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.

Militias controlled an estimated 25 percent of Rio de Janeiro City’s neighborhoods; drug trafficking organizations controlled an estimated 35 percent; 32 percent of neighborhoods were in dispute; and 8 percent had no reported presence of either militias or drug trafficking organizations, according to a study conducted by the Federal Fluminense University and University of Sao Paulo, in partnership with Disque Denuncia, Fogo Cruzado, and Pista News. Law enforcement sources confirmed that militia groups were routinely involved in human rights violations, extrajudicial killings, and economic exploitation of vulnerable population groups.

On June 10, Civil Police in the city of Rio de Janeiro killed Wellington da Silva Braga, leader of the Bonde do Ecko, a leading militia group and one of the city’s

most notorious criminal organizations. Its activities included running clandestine pharmacies, extorting businesses for “protection,” interfering in electoral campaigns, and offering a variety of black-market services such as water delivery, gasoline distribution, public transport, and television services.

Between July 25 and July 31, in the southern Mato Grosso do Sul city of Ponta Pora and in its Paraguayan neighbor city, Pedro Juan Caballero, six persons were killed with characteristics of an execution-style murder. In each case the criminals called themselves Frontier Vigilantes. The two cities were the main base of organized crime on the border, and police cited a possible link between the homicides and the criminal organization First Command of the Capital. The state government of Mato Grosso do Sul reported 51 similar executions from the beginning of the year through July.

In January, two rival militia groups competing to control the Gardenia Azul community, a Jacarepagua neighborhood in the North Zone of Rio de Janeiro, began charging “security fees” ranging from R\$50 to R\$150 (\$9 to \$27) per week from all residents. According to residents’ reports, the heavily armed militia members wore hoods to disguise themselves while destroying residential and commercial security cameras throughout the neighborhood.

In February media outlets reported that rival drug trafficking gangs contending for power in Sao Joao de Meriti, in the Baixada Fluminense area of Rio de Janeiro, imposed a curfew on residents. The press also reported that regular shootouts between the same criminal groups had resulted in lethal wounds among some bystanders.

## **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 that 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, and it includes 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. In the view of expert NGOs working in this field, the government usually effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

## **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 forced labor. 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 publishes a "dirty list" of companies found to have employed forced labor. Although fewer names were included during the year due to COVID-related processing delays, in April the updated list included 19 new companies and owners from a range of sectors such as cattle ranching and livestock, agriculture, mining, and construction; in October an additional 13 entities were added, including a retired attorney, a former mayor, and a construction service company. Public and private banks use the list 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. 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, salt industries, mining, raising livestock, and other agricultural activities. Forced labor often involved young men, notably Afro-Brazilian 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, such as Venezuela, Bolivia, and Paraguay, while others came from Haiti, South Korea, and China.

Media also reported cases of forced labor of domestic workers in wealthy urban households. In November 2020 the Public Ministry rescued 48-year-old Madalena Gordiano from domestic servitude 38 years after she began working for a Minas Gerais family as a child. The victim was exploited by a university professor and his family, working from 2 a.m. until 8 p.m. daily without a salary, benefits, or days off. Later, in her twenties, she was forced to marry an elderly relative of the employer with a pension, which was taken by her employers after his death. Although the total amount due to the victim was calculated to be R\$2.2 million (\$394,000), at a July virtual regional labor court hearing, she accepted an offer of R\$690,100 (\$124,000) to be fulfilled by the transfer of the family's apartment to her, the purchase of a new car, and an additional R\$20,000 (\$3,600). The victim was also to receive the monthly pension to which she is entitled through the marriage, worth R\$8,400 (\$1,500) per month. The agreement was the largest individual agreement made to a person rescued from slave labor. The victim filed administrative and criminal proceedings against other family members, which the Federal Public Ministry was investigating.

During the first six months of the year, labor inspectors rescued 772 victims of slave labor – 80 percent of the previous year's total. In 2020 authorities conducted 266 labor inspections and identified 942 victims of labor exploitation, compared with 280 labor inspections and the identification of 1,130 victims of labor exploitation in 2019. According to expert NGOs working in this field, penalties for slave labor were not commensurate with those for other analogous serious crimes such as kidnapping. A study published in 2020 by the Slave Labor and Trafficking in Persons Clinic of the Federal University of Minas Gerais showed that only 4.2 percent of those accused were held criminally responsible for the crime of subjecting workers to contemporary slavery.

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 prohibits all of the worst forms of child labor. The definitions of crimes involving child sex trafficking require the use of threats, violence, coercion, fraud, or abuse, which does not meet international standards. The minimum working age is 16, but 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 always effectively enforce the law.

In 2020 labor inspectors found situations of child labor during 279 investigations, involving 810 children. According to data collected by UNICEF in Sao Paulo among vulnerable families, child labor worsened during the pandemic. UNICEF conducted a survey of data on the income and work situation of 52,744 vulnerable families from different regions of Sao Paulo who received donations from the organization and its partners. The data collected from April to July 2020 identified a 26 percent increase in child labor when comparing May and July.

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 based on race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age, language, and sexual orientation or gender identity. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. 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, working hours, occupations, tasks, and career advancement, according to NGO representatives, the law was rarely enforced, and discrimination existed.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** 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, however, in 2019 approximately 60 percent of workers had incomes below the minimum wage. 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 per day and 44 hours per week, a minimum wage, a lunch break, social security, and severance pay.

In July a labor inspection at a coffee farm in Minas Gerais State found that farm owners were illegally deducting nearly one-third of workers' wages to cover the cost of the machinery workers use to harvest coffee beans, which should have been provided to workers for free under the law. The farm owners signed an agreement with the Labor Prosecution Service and the Public Defender's Office agreeing to

pay the deductions back to the 19 affected workers, along with an additional R\$2,000 (\$350) payment to each worker for moral damages.

**Occupational Safety and Health:** The Ministry of Economy sets occupational, health, and safety (OSH) 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. In the view of expert NGOs working in this field, officials enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes, such as negligence. Inspectors have the authority to make unannounced inspections and initiate sanctions.

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 virtual training sessions for labor inspectors throughout the year. The number of labor inspectors was insufficient to deter violations. During the year the Ministry of Economy launched an online database to monitor workplace accidents nationwide.

**Informal Sector:** According to data collected by the Brazilian Institute of Geography and Statistics as a part of its August Continuous National Household Survey, 37 million Brazilians participated in the informal sector, representing 41 percent of the employed population. Although workers in the informal sector enjoyed some labor protections, including minimum wage, hour limitations, and OSH laws and workplace inspections, they lacked access to unemployment insurance and social safety nets.