

# **BRAZIL 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Brazil is a constitutional, multiparty republic. In 2010 voters chose Dilma Rousseff as president in elections widely considered free and fair. Security forces reported to civilian authorities.

The most significant human rights abuses included poor and at times life-threatening conditions in some prisons; human trafficking, especially sex trafficking of children and adolescents; and forced labor and exploitative working conditions.

Other human rights problems included unlawful killings by state police; excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; prolonged pretrial detention and inordinate delays of trials; judicial censorship of media; government corruption; violence and discrimination against women; violence against children, including sexual abuse; discrimination against indigenous persons and minorities; violence based on sexual orientation; insufficient enforcement of labor laws; and child labor in the informal sector.

The government continued to prosecute officials who committed abuses; however, an inefficient judicial process delayed justice for victims and perpetrators of human rights violations.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

The federal government or its agents did not commit politically motivated killings, but unlawful killings by state police occurred. In some cases police employed indiscriminate force. In a few cases, civilians died during large-scale police operations. Credible reports indicated that state police officials continued to be involved in revenge killings and intimidation of witnesses who testified against police.

For example, on September 11, the Sao Paulo State Secretariat for Public Security reported that police officers from the elite special operations group, ROTA, killed nine alleged drug traffickers associated with the Primeiro Comando Capital (First Capital Command - PCC), a Sao Paulo-based transnational criminal organization,

in a nighttime exchange of gunfire. At year's end the Sao Paulo's Police Internal Affairs Office was investigating the police officers for use of excessive force.

During the year Colonel Carlos Cesar Macario, deputy commanding general of military police in Goias State, and at least five other police officers were released from prison without having been tried. They were among 19 police officers in the state of Goias arrested in February 2011 for belonging to a group that allegedly had killed at least 40 persons since 1996.

Lieutenant Colonel Claudio Luiz de Oliveira, Lieutenant Daniel Benitez, and nine other members of the Rio de Janeiro military police, arrested in September 2011 for the killing of Judge Patricia Lourival Acioli, remained in detention awaiting trial. In November Judge Jefferson de Araujo Simao of the Third Criminal Court of Niteroi, Rio de Janeiro State, set a December 4 trial date for officer Sergio Costa Junior. The trial date of Junior Cesar de Medeiros, Jefferson de Araujo Miranda, and Jovanis Falcao Junior was set for January 29, 2013. The seven other defendants continued to await trial dates.

In Rio de Janeiro there were reports that both on- and off-duty police employed indiscriminate use of force. These acts often occurred in the city's approximately 1,050 favelas (poor neighborhoods or shantytowns), where an estimated 1.5 million persons lived.

The Rio de Janeiro Public Security Institute, a state government entity, reported that police killed 263 civilians in "acts of resistance" (similar to resisting arrest) in Rio de Janeiro State from January to July, compared with 409 reported during the same period in 2011.

According to the nongovernmental organization (NGO) Amnesty International, specialized Police Pacification Units (UPPs) significantly reduced violence in dozens of communities, but the NGO stated that police in Rio de Janeiro continued to depend on repressive methods and were responsible for at least 30 percent of all civilian casualties in police operations.

In June the NGO Human Rights Watch urged Rio Governor Sergio Cabral to investigate police killings and ensure that officers who use unlawful force are brought to justice. The NGO argued that the state had made little progress addressing the obstacles to police accountability that the organization first documented and raised in meetings with Cabral in 2009. The NGO's findings were based on extensive interviews with justice officials, public security experts

and favela residents, and a review of recent cases in which police appear to have executed favela residents and then falsely reported that the victims had died in exchanges of gunfire. The Public Security Secretariat noted that the specific cases cited by the organization had been investigated and that accused officers had been indicted by the Public Prosecutor's Office.

The Sao Paulo State Secretariat for Public Security reported that state military police (civil and military) killed 239 civilians in the state from January to June, compared with 252 in the same period in 2011.

Killings and other violence related to environmental activism and agrarian conflicts continued. According to the Catholic NGO Pastoral Land Commission (CPT), 29 individuals lost their lives in killings linked to land- and water-rights conflicts that occurred in remote areas in 2011, a 15 percent decrease compared with 2010. According to the CPT, eight of the victims were environmental activists. Sixteen of the killings occurred in the north, including 12 in the state of Para.

There were no developments in the May 2011 killings of Jose Claudio Ribeiro da Silva and his wife, Maria do Espirito Santo. Jose Rodrigues Moreira and Lindon Johnson Silva Rocha remained in detention in connection with the killings. A trial date had not been set by year's end.

In August, in response to a habeas corpus request, the Supreme Court ordered the release of Reginaldo Pereira Galvao, sentenced in 2011 to 30 years in prison for the 2005 murder of Catholic nun Dorothy Mae Stang. He was to remain free throughout his appeals process.

In response to the May 2011 killings of environmental activists in the states of Amazonas, Para, and Rondonia, the government constituted a task force program consisting of the armed forces, Federal Police, Highway Patrol Police, and National Security Force. In June the task force began investigating agrarian conflicts that contributed to the killings. By the end of June, task force efforts had led to 59 imprisonments and seizures of firearms, more than 33 pounds of drugs, and 191 gambling machines.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Although the constitution prohibits such treatment and provides severe legal penalties for its use, reports of torture and other cruel treatment by police and prison guards persisted.

Paraiba State military policeman Gleson Campos Pereira, arrested in the state of Pernambuco on charges of torture during the apprehension of four persons suspected of robbery in August 2011, was released on bail in January. At year's end he was awaiting trial.

### **Prison and Detention Center Conditions**

Conditions in many prisons were poor and sometimes life threatening, but many states made efforts to improve conditions. Abuse by prison guards continued to occur at many facilities. Poor working conditions and low pay for prison guards encouraged corruption.

Physical Conditions: Overcrowding was a problem. According to the National Council of Justice (CNJ), in October there were 504,848 prisoners--472,813 male and 32,035 female prisoners--incarcerated nationwide in a system designed for approximately 339,300. An estimated 26 percent of all detainees were awaiting trial. According to the Secretariat for Human Rights (SDH), in 2011 there were 19,595 juvenile prisoners (ages 12 to 18 years).

The states of Rio de Janeiro and Sao Paulo and the Federal District provided separate prison facilities for women; elsewhere, according to the Catholic Church's Penitentiary Commission, women occasionally were held with men in some facilities.

Prisoners who committed petty crimes were held with murderers. Authorities attempted to hold pretrial detainees separately from convicted prisoners, but lack of space often required holding convicted criminals in pretrial detention facilities.

The law stipulates that juveniles should not be held together in jails with adults, but this was not always respected in practice. Multiple sources reported adolescents jailed with adults in poor and crowded conditions. Insufficient capacity in juvenile detention centers was widespread. NGOs and the media in Espirito Santo State

reported on overcrowding and degraded conditions in the state's adolescent detention facilities.

Abuses continued in municipal jails and detention centers throughout the country. According to the SDH, 1,007 cases of torture were reported from February 2011 to February 2012, of which 654 were attributed to prisoners.

According to the Ministry of Justice's Penitentiary Information Integrated System, 11 inmates were killed by other inmates between January and June. In one incident, on May 5, four prisoners were killed during a riot inside the Anibal Bruno prison in Pernambuco State. According to the prison's security superintendent, the riot was a result of a fight between two rival gangs. The CNJ considered Anibal Bruno the worst prison in the country, with 4,493 prisoners in a facility designed for 1,448. Within a 20-day period in September, three adolescents died in a juvenile detention facility in Brasilia. Officials declared the cause of death was strangulation. Built to hold 162 individuals, the facility held 377 juveniles.

Prisoners had access to potable water, but sanitary conditions were often inadequate. On August 27, the national news Web site UOL published an article on the precarious sanitary and food safety conditions at Major Cesar de Oliveira and Irmaos Guido prisons in Teresina, Piaui State. For example, the report noted that prisoners received their meals in used plastic bags and were forced to eat with their hands; additionally, food waste was not collected daily, which led to insect infestations in the cells and kitchen.

HIV and tuberculosis prevalence rates in prisons were far higher than rates in the general population; unsanitary conditions facilitated the spread of disease.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing for nonviolent offenders. Prisoners and detainees had access to visitors. Human rights observers reported that some visitors complained of screening procedures that at times included invasive and unsanitary physical exams. Prisoners were permitted religious observance and could submit complaints to judicial authorities. Government policy permits prison visits by independent human rights observers, and this policy generally was followed. There also were state-level ombudsman offices and the federal SDH to monitor prison and detention center conditions.

Monitoring: The government permitted monitoring by independent nongovernmental observers, including the International Committee of the Red

Cross. During the year the CNJ concluded a countrywide study of prisons and provided reports for each inspection on its Web site. It also released a publication and details on actions taken by the CNJ to improve the prison system.

Improvements: On February 12, Sao Paulo Governor Gerardo Alckmin approved a decree barring the use of handcuffs on pregnant women in prisons. The decree followed public reports of women being forced to give birth wearing handcuffs and getting checkups without being allowed to take off their handcuffs. The Piaui State Secretariat of Justice announced in August that the maximum-security prison in Altos, with a capacity for 130 prisoners, and the Custody House facility in Teresina, with a capacity of 80 prisoners, received four million and 2.4 million reais (\$1.95 million and \$1.17 million), respectively, for renovations to their facilities. An effort to implement new policies for reform of prison health at the federal level was near completion.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and limits arrests to those caught in the act of committing a crime or arrested by order of a judicial authority; however, police at times did not respect this prohibition.

#### **Role of the Police and Security Apparatus**

The Federal Police, operating under the Ministry of Justice, is a small, primarily investigative entity and plays a minor role in routine law enforcement. Most police forces fall under the control of the states, where they are divided into two distinct units: the civil police, performing an investigative role, and the military police, charged with maintaining law and order. Despite its name, the military police does not report to the Ministry of Defense.

The law mandates that special police courts exercise jurisdiction over state military police except those charged with “willful crimes against life,” primarily homicide. The police often were responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

According to the Rio de Janeiro State Secretariat for Public Security, human rights courses were a mandatory component of training for entry-level military police officers. UPP officers for the favela pacification program received additional

human rights training. Under the pacification program, the Rio de Janeiro State Secretariat for Public Security inaugurated eight new UPPs during the year, bringing the total to 27. In July, after 19 months of control of the community, the armed forces handed over control of the favela Complexo do Alemão to UPP officers. At year's end the UPPs were responsible for patrolling approximately 150 favela areas in Rio de Janeiro State.

In Rio de Janeiro's favelas, so-called militia groups, composed of off-duty and former law enforcement officers, often 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. Human rights observers believed that such militia groups controlled up to a third of Rio's favelas.

On May 29, the Sao Paulo State Secretariat for Public Security arrested three police officers from its elite special operations group, ROTA, for allegedly torturing and killing a known drug trafficker associated with the PCC. According to State Public Security Secretary Antonio Ferreira Pinto, criminals opened fire on ROTA officers, precipitating a gun battle that left five suspected PCC traffickers dead. Witnesses claimed that police officers detained a sixth individual, whom they allegedly tortured, and shot and killed. Pinto stated that law enforcement authorities reacted swiftly and transparently by arresting the officers and providing information to the media.

Former Alagoas police officer Edgelson Ribeiro Guimaraes and 10 other members of an illegal militia group, arrested in mid-2011 for committing murders in Pernambuco and Alagoas states, were freed on bail awaiting trial, but Ribeiro Guimaraes was arrested again on August 22 for his alleged involvement in a robbery in Pernambuco. He was later released due to lack of evidence regarding the robbery; a hearing into the 2011 killings was scheduled for February 2013.

### **Arrest Procedures and Treatment While in Detention**

With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant issued by a judicial official. Officials must advise suspects 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 by police officers while being taken into custody.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. Detainees were informed promptly of the charges against them. 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 that a detainee may leave the area. Occasionally detainees were held longer than the provisional period.

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 practice the backlog in the courts often resulted in extending the period for charging defendants.

Bail was available for most crimes, and defendants facing charges for all but the most serious crimes had the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Indigent detainees had the right to a lawyer provided by the state. Detainees also were allowed prompt access to family members.

The law does not provide for a maximum period for pretrial detention, which is defined on a case-by-case basis. Time in detention before trial is subtracted from the sentence.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Although the law requires that trials be held within a set time period, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard. To reduce backlogs and waiting times, the CNJ formed several task forces to review thousands of outstanding cases. According to a CNJ report covering the 2010-11 period, the task forces reviewed 310,000 cases, resulting in the release of 24,800 prisoners and reductions in penalties or improved conditions of imprisonment for another 48,308. Progress in dealing with the backlog continued to be made during the year.

#### **Trial Procedures**

The right to a fair public trial as provided by law was generally respected. NGOs reported that in some rural regions--especially in cases involving land rights activists--the perception existed that police, prosecutors, and the judiciary were more likely to be subject 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, if so, 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 confront and question witnesses, access government-held evidence, and appeal verdicts. Defendants generally had adequate time and facilities to prepare a defense.

While the law provides for the right to counsel, the Ministry of Justice stated that 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 can bring lawsuits before the courts for human rights violations. While the justice system provides for an independent civil judiciary, courts were overburdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation.

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

Although the law prohibits such actions, NGOs reported that police conducted searches without warrants. Human rights groups, other NGOs, and the media reported incidents of police invasions in poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants.

Unlike in the previous year, there were no reports that military and police agents entered and searched residences in Complexo do Alemão, Rio de Janeiro, during the year.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the authorities generally respected these rights. The independent media were active and expressed a wide variety of views with minimal restriction, but nongovernmental criminal elements continued to subject journalists to violence because of their professional activities.

Violence and Harassment: The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press. Between January 1 and September 16, the ANJ reported 29 cases of censorship, threats, direct violence against journalists, and other forms of pressure against news organizations and professionals, including five killings, three death threats, one imprisonment, six cases of censorship, and 14 instances of verbal assault and physical battery.

There were no developments in the April 2011 killing of Luciano Leitao Pedrosa in Vitoria de Santo Antao, Pernambuco State. Pedrosa hosted the television program *Action and Citizenship* and was a harsh critic of the municipal government and local authorities in the northeast.

Censorship or Content Restrictions: The ANJ, Brazilian Association for Journalism, and Inter American Press Association regarded the most serious threat to press freedom to be the growing number of cases of judicial censorship of the media. In August Judge Elisabeth Rose Baisch of the 36th Electoral Court in Mato Grosso do Sul State, at the request of congressional candidates Reinaldo Azambuja and Alcides Bernal, banned circulation of a local newspaper containing a story on voters' intentions prior to the mayoral election in Campo Grande.

Nongovernmental Impact: At least five journalists were killed during the year for their reporting. For example, on February 9, the body of Mario Randolph Marques Lopes, along with that of his girlfriend Maria Aparecida Guimaraes, was found next to a highway in Barra do Pirai in Rio de Janeiro State. They had been abducted 22 hours previously. Lopes was editor in chief of the news Web site *Vassouras na Net* (Brooms on the Web). The most recent article published before his death accused local judges and courts of corruption. He had survived one previous attempt on his life. Police investigated all such cases.

According to the NGO Reporters Without Borders, violence against journalists leading up to municipal elections held during the year, coupled with the media's dependence "on the political authorities at the state level" and court censorship orders, contributed to a decline in press freedom.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. However, several legal and judicial rulings had the potential to threaten freedom of expression on the Internet. A continuing trend was for private individuals and official bodies to take legal action against Internet service providers and providers of online social media platforms, such as Google, Facebook, and Orkut, holding them accountable for content posted to or provided by users of the platform. Judicial rulings often resulted in the forced removal of content from the Internet.

On September 14, Judge Jander Teixeira ordered the arrest of Edmundo Luis Pinto Balthazar, head of Google Brazil, holding him responsible for a video on the social network YouTube, owned by Google, in which Campina Grande mayoral candidate Romero Rodrigues was allegedly ridiculed. Two days later Judge Miguel de Britto Lyra of the Regional Electoral Court of Paraiba overturned Judge Teixeira's decision, and Balthazar was released after being detained for a few hours.

Electoral rules approved by Congress in 2010 regulate political campaigns on the Internet. The rules prohibit candidates from buying advertising space online and restrict online campaign presences to Web sites operated by the candidate.

The International Telecommunication Union reported that 45 percent of individuals used the Internet and 38 percent of households had access to the Internet in 2011.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

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

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

#### **Protection of Refugees**

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. At the end of the year, there were approximately 4,650 refugees living in the country. From January to October, 1,168 immigrants requested refugee status.

Temporary Protection: The government provided assistance to Haitian migrants who entered the country in hope of securing employment and relief from economic conditions in Haiti. The Haitians traveled through other countries in the region and requested asylum once they entered Brazil. The government did not grant refugee status to the immigrants but provided most of the Haitians, numbering more than 4,000 persons, with humanitarian visas. The visas entitle them to receive health and social assistance, the right to work, and the right to remain for up to five years. The government also began issuing a special work visa through its consulate in Haiti for up to 1,200 persons a year to reduce pressure on Haitians to seek entry through more dangerous migration routes.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage. Military conscripts may not vote.

### **Elections and Political Participation**

Recent Elections: In the October 2010 national elections, considered free and fair, Workers' Party (PT) candidate Dilma Rousseff won a four-year term as president.

Participation of Women and Minorities: The law requires that at least 30 percent of the candidates registered by each political party be women, and most parties complied with the requirement. According to the Electoral Supreme Court, there were 3,968 female candidates in the 2010 elections, compared with 15,504 male candidates. Thirteen women were elected to the 81-member Senate and 44 women to the 513-member Chamber of Deputies. Of the 27 governors elected, two were women. There were two female Federal Supreme Court justices.

In municipal elections held during the year, 7,648 women were elected to councils (gaining 13 percent of the seats) and 663 female mayors were elected (12 percent of all mayors). There were 419,633 female council candidates, representing 32 percent of all candidates, up from 22 percent in 2008, when the previous municipal elections were held.

There were 25 Afro-Brazilians in Congress (three senators and 22 deputies). There was one Afro-Brazilian in the cabinet and one each on the Federal Supreme Court and Superior Court of Justice. Joaquim Barbosa, the only Afro-Brazilian Supreme Court justice, began a term as chief justice in November.

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

The law provides criminal penalties for official corruption. However, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption.

On October 23, the Supreme Court opened the sentencing phase of Penal Case 470, also known as the Mensalao case. Former president Luiz Inacio Lula da Silva's chief of staff, Jose Dirceu Lopes, former PT president Jose Genoino, former PT treasurer Delubio Soares, and 22 other defendants were convicted of corruption-related charges. Investigation of the Mensalao scandal began in 2005, two years

into Lula's first term, after Lula's party, the PT, was accused of buying congressional votes with a large monthly payment ("mensalao") to cement a majority among the government's broad-based coalition and win approval for PT-backed commercial projects. Of the 25 convicted defendants, 23 were sentenced to jail time but at year's end had not begun serving their sentences, pending the court's publication of the official trial record (expected early in 2013). Federal prosecutor Roberto Gurgel filed a December appeal seeking immediate imprisonment for the convicted defendants. However, Supreme Court Chief Justice Barbosa denied the appeal, noting that the defendants' passports had been ordered seized and they represented no flight risk.

The 2010 Ficha Limpa (Clean Record) law bars politicians from seeking elected office if they face corruption charges. The law went into full effect with the October municipal elections. According to press and NGO reports, the law prevented more than 865 candidates from being eligible to run or to take office.

Federal government entities such as the Federal Court of Audits, Federal Comptroller General, Public Ministry, Federal Police, judiciary, Department of Revenue and Control of Financial Activities, and Federal Treasury are responsible for fighting corruption. The agencies identified public spending as a source of financial corruption, but they had limited powers to function effectively.

Public officials are subject to financial disclosure laws, and officials generally complied with these provisions. The Office of the Comptroller General serves as the executive branch agency mandated to monitor and verify disclosures. For the legislature and judiciary, the Federal Court of Audits and the National Judicial Council, respectively, verify those branches' public employees' financial disclosure statements. The Federal Revenue Office also can provide a public employee's asset declaration if that person is under investigation for illicit enrichment. While asset declarations are not made public, federal employees' salary and payment information is posted online and can be searched by name. Such information became available on the government's transparency Web site when the new Law on Access to Public Information went into effect in June.

Public employees are subject to administrative sanctions for noncompliance. Officials subject to filing must provide their asset declarations from their tax filings annually as well at the beginning and end of their employment. Since it was the first year of the new law's implementation, the comptroller general could not yet provide information on inclusion of assets and income of spouses and dependent children.

The law provides for improved public access to unclassified government information. The list of exceptions is sufficiently narrow and includes personal information; information that affects public safety or health, national security, or international relations; and sensitive military and intelligence information. No fees are charged other than the costs of printing, copying, and mailing documentation. The government office has 20 days to respond to requests and can request an additional 10 days, for a maximum total of 30 days after receiving the request. Employees are subject to administrative sanctions for noncompliance and criminal charges if found to have fraudulently or deliberately destroyed or withheld information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal 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; for instance, the Ministry of Labor (MTE) partnered with the International Labor Organization (ILO) to formulate national strategies for combating forced and child labor.

Government Human Rights Bodies: The Chamber of Deputies and the Senate had human rights committees 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 considerably, depending on such factors as funding and outside political pressure.

In May members of the National Truth Commission, established in November 2011 to investigate alleged human rights abuses from 1946 to 1988, were appointed by President Rousseff and began their two-year mandate. Commission members met regularly and began implementation of their work plan. Their activities included public audiences in state capitals and meetings with state-level officials and counterparts in which documentation was provided to the commission for researching its report. The president mandated the commission to submit its report in mid-2014.

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

The law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, but discrimination continued against women, Afro-Brazilians, indigenous persons, and gays and lesbians.

### Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape; sentences for convictions range from six to 30 years in prison. Domestic violence remained both widespread and underreported to the authorities, due to fear of retribution, further violence, and social stigma. The law stipulates a penalty of three months to three years in prison for persons who commit domestic violence, and police generally enforced the law effectively. Official statistics regarding the number of prosecutions and convictions were not available.

The federal government continued to operate a toll-free nationwide hotline for women. In the first three months of the year, the hotline registered 388,953 calls reporting domestic violence, 32 percent higher than in the same period in 2011. Government officials attributed this higher percentage to greater awareness among women of the hotline program. According to hotline data, 58 percent of the complaints received between April 2006 and June 2011 concerned physical abuse. In November 2011 the hotline service was extended beyond the country's borders, enabling Brazilian victims of gender-based violence to call the service from Italy, Spain, and Portugal. In the first six months of the year, the service received 90 calls, resulting in 33 women receiving assistance.

On August 6, the governor of Pernambuco signed a decree creating a Technical Chamber for Combating Violence Against Women as part of the state's public security initiative. The chamber is responsible for monitoring and reporting monthly to the governor all actions taken to promote the eradication of violence against women. The governor also announced the creation of three special police units for women in the municipalities of Goiania and Vitoria de Santo Antao, in the interior of the state, and Cabo de Santo Agostinho, in the area surrounding the port of Suape.

The state of Sao Paulo has seven special courts of domestic and family violence against women. During the year the state appointed five additional judges, bringing the total number to seven. As of July the courts had 27,000 open cases, most related to threats of violence, rape, and coercion. There was no information

available on the number of prosecutions or convictions. Most offenders received counseling and psychological treatment.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape, as well as criminal prosecution assistance by investigating incidents and forwarding evidence to courts. There were also 221 reference centers and 72 temporary women's shelters operated by state and local governments. However, the Secretariat for Women's Policies reported that fewer than 10 percent of municipalities had a dedicated space for the protection and care of victims of gender-based violence.

The Third National Plan on Women's Policies was submitted to President Dilma Rousseff after the Third National Conference for Women's Policies held in December 2011. The plan's main focus is to address gender inequality through public policies that promote the economic, cultural, and political autonomy of women in order to eradicate extreme poverty and enable full participation in society. While the plan was still in the final approval stage at year's end, implementation of programs continued.

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

Congress also enhanced its Special Women's Office. Initially created in 2009 to promote the application of the Maria da Penha law to reduce domestic violence, the Special Women's Prosecutor Office undertakes surveys and studies on the situation of women, specifically pertaining to gender-based violence; works with international organizations and NGOs to share best practices; and heads a network of protection for victims of gender-based violence in conjunction with NGOs, state, and local governments.

Sexual Harassment: Sexual harassment is a criminal offense, punishable by up to two years in prison. The law encompasses sexual advances in the workplace or educational institutions and between service providers or clients. In the workplace it applies only in hierarchical situations where the harasser is of higher rank or position than the victim. The government generally enforced sexual harassment laws effectively. No official data were available on the prevalence of sexual harassment in the workplace.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception; skilled attendance at delivery; and prenatal, postpartum, and essential obstetric care generally were available. According to the 2010 UN Population Fund report, skilled health personnel attended to 97 percent of births, and the maternal mortality rate averaged 56 deaths per 100,000 live births.

Discrimination: A cabinet-level office, the Secretariat for Women's Policy, oversees a special entity charged with overseeing the legal rights of women. Women's labor force participation (75 percent) was below that of men (85 percent), and women were more likely to work in the informal sector. Although the law prohibits discrimination based on gender in employment and wages, in 2011 women received 72 percent of the labor income of men for comparable work, according to the Brazilian Institute of Geography and Statistics (IBGE).

## **Children**

Birth Registration: Citizenship is derived from birth in the country or from a parent. According to 2010 IBGE census data, there were approximately 599,000 unregistered children nationwide. Without birth certificates children cannot be vaccinated or enrolled in school. If the problem persists into adulthood, an unregistered adult cannot obtain a worker's card or receive retirement benefits.

The CNJ, in partnership with the SDH, aimed to reduce the number of such children by registering children born in maternity wards. The National Documentation of Rural Workers initiative offered assistance in obtaining identification cards, birth certificates for children born in rural areas, labor cards, and tax documents. At year's end more than 870,000 women and children had been documented through the program since 2004.

Child Abuse: Abuse and neglect of children and adolescents were problems and included rape, molestation, and impregnation of girls by family members. The SDH oversees the National Program to Confront Sexual Violence Against Children and Adolescents, which established nationwide strategies for combating child sexual abuse and best practices for treating victims.

From January to April, the SDH-operated Dial 100, a hotline that receives complaints of sexual abuse against children and adolescents, logged 34,138

complaints, compared with 19,946 during all of 2011. According to the SDH, the rise was due to increased national awareness of what constitutes sexual abuse and sexual exploitation.

Between January and November, there were 35,140 cases of sexual violence against children reported to Dial 100.

The NGO Social Service for Industry operated child protective centers in 12 state capitals. The program served 1,800 adolescents between the ages of 16 and 21 who received psychological counseling, medical attention, legal advice, and technical schooling.

According to data released in February by the National Register of Sheltered Children, there were 37,240 children and adolescents living in shelters provided by NGOs, churches, and other religious organizations throughout the country.

The Death Threat Protection Program for Children and Adolescents brought in 1,501 children and adolescents and 2,230 families in 2011, the latest period for which data were available. A majority of those shielded by the program had received death threats due to involvement in drug trafficking, and most entered the program accompanied by one or more family members. The program offered psychological counseling and technical courses to reinsert these youth into stable community situations.

Child Marriage: The minimum legal age of marriage is 21 (16 with parental or legal representative consent). According to UNICEF, 36 percent of women 20-24 years of age were married or in union before age 18.

Sexual Exploitation of Children: The law sets a minimum age for consensual sex of 14 years, with the penalty for statutory rape ranging between eight and 15 years in prison. The country was a destination for child sex tourism. Most of the major coastal cities in the northeast served as tourist destinations for the sexual exploitation of children and adolescents. While no specific laws address child sex tourism, it is punishable under other criminal offenses. According to data from the SDH, University of Brasilia, UNICEF, and the ILO, more than 100,000 children are victims of sexual exploitation each year.

In February the SDH announced a national Internet campaign against sexual abuse and sexual exploitation of children and adolescents. With a focus on prevention,

the goal of the program was to raise awareness in 19 state capitals prior to the 2012 carnival season.

The law criminalizes child pornography. The penalty for possession of child pornography is up to four years in prison and a fine. Those who produce, reproduce, or offer for sale child pornography or recruit a child to participate in a pornographic production may be imprisoned up to eight years and fined.

Although the country is not a large-scale producer of child pornography, such material was spread on social networking Web sites. The Public Ministry, Dial 100, and the NGO Safernet, in partnership with the Federal Police, registered 10,715 child pornography complaints between January 1 and July 1, compared with 19,311 complaints in the same period in 2011.

The Ministry of Tourism continued to promote its code of conduct to prevent the commercial sexual exploitation of children in the tourism industry. The Federal Highway Police and the ILO continued to disseminate awareness materials in places such as gas stations, bars, restaurants, motels, and nightclubs along highways considered areas for sexual exploitation of children and adolescents.

The Rio de Janeiro Municipal Secretariat for Social Assistance had 14 social assistance centers, all of which provided services to assist child and adolescent victims of sexual abuse and exploitation. Between January and August, the centers assisted 457 young victims, compared with 504 in the same period in 2011. Of the 457 cases, 424 were victims of sexual abuse and 33 were victims of sexual exploitation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [www.travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [www.travel.state.gov/abduction/country/country\\_3781.html](http://www.travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

According to the Jewish Federation, there were approximately 125,000 Jewish citizens, of whom approximately 65,000 were in the state of Sao Paulo and 40,000 in Rio de Janeiro State. It is illegal to write, edit, publish, or sell books that promote anti-Semitism or racism. The law enables courts to fine or imprison

anyone who displays, distributes, or broadcasts anti-Semitic materials and mandates a two- to five-year prison term.

In the city of Sao Paulo, there were isolated incidents of anti-Semitism, including physical and verbal attacks against Jewish persons, anti-Semitic graffiti, and displays of neo-Nazism.

In August Mario Frota, a Manaus city councilman, published a photographic montage of Jewish politician Isaac Tayah's face on the body of Adolf Hitler wearing a Nazi uniform. Frota later claimed that it was a "bad joke." He was penalized by the local electoral court.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, air travel and other transportation, education, and access to health care, and the federal government effectively enforced these provisions. While federal and state laws provide for access to buildings for persons with disabilities, states did not enforce them effectively.

The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, and a need for more accessibility to public transport. Children with disabilities attended school (primary, secondary, and higher education), but there existed a shortage of schools with facilities for persons with physical disabilities.

### **National/Racial/Ethnic Minorities**

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

However, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The 2010 census reported that, for the first time, white persons constituted less than half the population of 190.8 million. A total of 91.1 million persons claimed to be white, while 99.7 million identified themselves as belonging to other categories.

Afro-Brazilians continued to be underrepresented in the government, professional positions, and middle and upper classes. They experienced a higher rate of unemployment and earned average wages below those of whites in similar positions. There was also a sizeable education gap.

According to 2010 census data, 76.2 percent of inhabitants in the state of Bahia were black and 79.4 percent of the capital city of Salvador were black, yet the percentage of black persons serving in state and municipal legislatures was small. Both bodies were seeking to institute racial quotas to reverse this trend.

The Getulio Vargas Foundation survey of income inequality, released in May 2011, showed a significant decline in income inequality from 2000 to 2010. The report revealed that the income of blacks rose 43 percent over the decade, compared with 21 percent for whites.

The 2010 Racial Equality Statute continued to be controversial, due to its provision for nonquota affirmative action policies in education and employment. On April 25, the Supreme Court upheld racial quota systems at universities as constitutional. According to the National Institute for Educational Studies and Research's 2010 higher education census, 51,494 students entered universities through the quota system, including 13,903 students who entered through ethnic quotas.

On April 18, the Supreme Federal Tribunal suspended deliberations in a case questioning the constitutionality of the process by which quilombo communities (communities of descendents of escaped slaves) demarcate and receive title to their lands. There was no date set for the resumption of the case.

### **Indigenous People**

According to data from the National Indigenous Foundation (FUNAI), National Health Foundation, and 2010 census, there were approximately 896,900 indigenous persons (0.5 percent of the national population), representing 305

distinct indigenous ethnic groups and 274 languages. Almost 503,000 lived in 4,774 villages spread over 505 formally recognized indigenous lands covering 12 percent of the national territory. Approximately 99 percent of the indigenous lands are concentrated in the Amazon region.

The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. The law provides indigenous persons exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case.

The Maraiwatsede reserve in the state of Mato Grosso, home to the Xavante indigenous group, was demarcated in 1998, yet illegal, nonindigenous settlers continued to reside in the reserve. While the 1988 constitution charged the federal government with demarcating indigenous areas within five years, the government had not completed the four phases of demarcation (identification, declaration, approval, and registration). In 2011 delays in the demarcation of indigenous reserves caused violence against indigenous peoples from the Guarani-Kaiowa tribe near the town of Iguatemi, Mato Grosso do Sul. During a May 10 hearing in the federal Chamber of Deputies, an emergency return of the lands to both indigenous groups was ordered, and on November 1, a joint congressional committee visited the Guarani-Kaiowa village to inspect the conditions. Additionally, on October 30, the Third Federal Regional Court in Sao Paulo suspended an earlier order of eviction of the Guarani-Kaiowa tribe.

On July 16, the attorney general issued a decree granting authority to the federal government to make decisions regarding access to and occupation of indigenous lands when military interventions, infrastructure projects, or economic development of natural and mineral resources are deemed strategic to national security and of relevant public interest. The decree eliminates the requirement for prior consultations of indigenous groups as established by the constitution. In these cases the decree also denies indigenous peoples the ability to petition to expand their territory unless there was a legal error in the initial territorial demarcation. The environmental and human rights NGO Instituto Socioambiental noted that there were approximately 80 petitions to expand the area of indigenous territories and 54 cases underway proposing revisions of territorial boundaries because areas were not congruent with traditional occupations or were too small to guarantee survival of indigenous groups. On July 24, Attorney General Luis Inacio Adams suspended the application of the decree until September 24, requiring that FUNAI carry out public consultations with indigenous communities

during the period of suspension. However, at year's end the suspension continued in effect.

According to an October report released by the Indigenous Missionary Council, 43 indigenous persons were killed between January and October, one more than in the same period in 2011. A total of 51 indigenous persons were killed in all of 2011, and 378 suffered death threats and attempts on their lives. While official data for the number of suspects arrested in connection with the killing of indigenous persons were not available, 18 persons were arrested in July in connection with the November 2011 murder of Nisio Gomes, a tribal leader of the Guarani tribe in Mato Grosso do Sul. According to the National Committee to Combat Rural Violence, linked to the federal government, among the main causes of violence against indigenous people were illegal evictions from demarcated lands by armed ranchers and farmers, often bearing forged documents.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Federal law does not prohibit discrimination based on sexual orientation, but several states and municipalities have administrative regulations that prohibit such discrimination and provide for equal access to government services.

The NGO Bahia Gay Group reported 338 killings based on sexual orientation and gender identity during the year, compared with 266 in 2011. Fifty-six percent of the victims were gay, 37 percent transvestites, 5 percent lesbian, and 1 percent bisexual. In the first 10 months of the year, there were 68 reports of violence against lesbians, compared with 31 in all of 2011.

According to the SDH, many transgender persons and transsexuals had difficulty formally entering the labor market or study programs, because an apparent discrepancy between the photograph on an individual's labor card and the personal appearance of the individual prevented the individual from obtaining permission to work. On September 6, the state of Bahia passed a law stipulating that public employees would be recognized by their social name instead of their birth name. The federal government began a similar policy for its employees in 2009.

The SDH also implemented a National Lesbian, Gay, Bisexual, and Transgender (LGBT) Council in 2010 to combat discrimination and promote the rights of LGBT people. Fifteen civil society representatives and 15 federal government representatives make up the council and meet every two months to discuss

important issues related to the LGBT community. Meetings are open to the public and broadcast over the Internet.

### **Other Societal Violence or Discrimination**

There were no reported cases of societal violence or discrimination against persons with HIV/AIDS or other groups not mentioned above.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects freedom of association for all workers (except members of the military, uniformed police, and firefighters) but limits organizing at the enterprise level and imposes a mandatory union tax on workers and employers. The law protects the right to strike except for the armed forces, military police, and firefighters. Civil police are allowed to conduct strikes. The law prohibits antiunion discrimination, including the dismissal of employees who are candidates for, or holders of, union leadership positions, and requires employers to reinstate workers fired for union activity.

New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. The law stipulates certain restrictions, such as “unicidade” (in essence one union per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Unions that represent workers in the same geographical area and professional category may contest registration. If the objection is found to be valid, the MTE does not register the union. While a number of competing unions existed, the MTE and courts enforced unicidade in decisions regarding the registration of new unions. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade.

The law stipulates that a strike may be ruled “abusive” by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending 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 that 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 to it. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation has not been enacted.

Authorities at times did not effectively enforce laws protecting freedom of association and collective bargaining. Penalties were generally sufficient to deter violations, and labor courts enforced payments. Parties generally agreed that the courts decided cases fairly.

Freedom of association was generally respected in practice. Collective bargaining was widespread in formal sector establishments of the private sector. Worker organizations were independent of the government and political parties, and there was no government interference in union activities. Intimidation and killings of rural union organizers and their agents continued. For example, on November 18, Francisco Alves Cunha, vice president of the Union of Workers and Rural Workers of Sao Mateus, Maranhao State, was shot and killed outside his home in Sao Mateus.

Employers fired strike organizers for reasons ostensibly unrelated to strikes. Legal recourse related to retaliatory discharge, although improving, was often a protracted process. On February 16, the mayor of Fortaleza fired 10 striking members of the Fortaleza Authority of Municipal Transit, Public Services, and Citizenry and threatened to fire another 98. On March 21, the mayor acknowledged the mistake and reinstated nine of the workers.

### **b. Prohibition of Forced or Compulsory Labor**

The labor law prohibits what it calls, “slave labor,” defined as “reducing someone to a condition analogous to slavery” to include subjecting someone to forced labor as well to exploitative working conditions in general, such as long workdays, unhygienic work conditions, extremely arduous labor, and labor performed in degrading working conditions. The government took a number of actions to enforce the law, although forced labor continued to occur in a number of states. Violators of laws regarding forced labor face sentences of up to eight years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting or transporting workers or obliging them to incur debt as part of a forced labor scheme.

The National Commission to Eradicate Slave Labor coordinates government efforts to combat forced and exploitative labor and provides a forum for input from civil society. During the year the MTE reported removing 2,428 laborers from “conditions analogous to slavery” in 164 unannounced inspections of 331 properties. Additionally, the Federal Police reported that they had opened 63 forced labor investigations in 2011. The government uses the terms “slave labor” and “conditions analogous to slavery” under the broader definition of forced or poor labor conditions. It was unclear how many of these cases involved forced labor as opposed to exploitative labor conditions.

MTE’s Mobile Inspection Unit teams conducted surprise inspections of properties on which 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. Workers removed by mobile units are entitled to three months’ salary at the minimum wage. The MTE paid 4.6 million reais (\$2.25 million) in back pay from January to August. However, few specialized services were provided to these workers, and NGOs noted a high revictimization rate. The state of Mato Grosso funded a program to provide vocational training and other services to remove laborers who had been exploited.

The MTE also publishes a “dirty list” to publicly expose employers (persons or legal entities) caught using forced labor. The list is updated every six months by the MTE’s Secretariat of Labor Inspections and is available on the MTE Web site. Inclusion on the “dirty list” has serious financial consequences in that public financial institutions as well as many private banks deny credit and other services to listed individuals and companies. The list contained 410 names at the end of the year.

Efforts against forced labor were hindered by failure to impose effective penalties, the remoteness of the area where the crime typically occurred, lack of awareness of rights, delays in judicial procedure that resulted in de facto impunity for those responsible, and lack of sufficient programs to assist victims of forced labor. Accurate, nationwide statistics on prosecutions for forced labor cases were not available. In August the Pernambuco Federal Court of Justice sentenced brothers Fernando and Jose Marcos Vieira de Miranda to 95 months of prison each, plus a combined fine of 160,000 reais (\$78,000), for subjecting 101 of their employees to

exploitative conditions in sugar cane mills in Moreno, Pernambuco, in 2010. The defendants were not imprisoned, and their convictions were subject to appeal.

Efforts of the federal government were supported by a number of state initiatives, and several states have state commissions for the eradication of forced labor including Tocantins, Bahia, Rio de Janeiro, Sao Paulo, Mato Grosso do Sul, Para, Maranhao, Mato Grosso, and Rio Grande do Sul. For instance, on January 27, the Sao Paulo Secretariat of Justice held the first meeting of its State Commission for the Eradication of Forced Labor (COETRAE). The commission, created in September 2011, functions in tandem with the Sao Paulo Nucleus to Combat Trafficking in Persons. COETRAE is composed of members from the Secretariats of Justice, Labor, Agriculture, Environment, Treasury, Education, and the Public Ministry; police forces; and NGOs. The commission focuses exclusively on cases of forced labor as well as what the law terms “conditions analogous to slavery.” On July 30, the Maranhao COETRAE launched its Second State Plan to Eradicate Forced Labor. The program coordinates and encourages the efforts of public authorities and civil society representatives to combat abusive labor practices in the state of Maranhao.

Forced labor, including by children, occurred in many states, in work such as clearing forest to provide cattle pastureland, logging, raising livestock, and other agriculture activities. Forced labor often involved young men drawn from the less-developed northeastern states--Maranhao, Piaui, Tocantins, Para, 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 also involving young men principally from the northeast. Cases of forced labor were also reported in sweatshops in the city of Sao Paulo; the victims were often from neighboring countries, particularly Bolivia and Paraguay.

The CPT estimated that there were approximately 25,000 laborers working in “conditions analogous to slavery” at any given time during the year. According to the Pastoral Land Commission’s 2011 report published in May, there were a total of 230 incidents in which people were found in “conditions analogous to slavery.” States with the highest number of removed workers were Mato Grosso do Sul, Goias, Para, Maranhao, and Tocantins. The primary economic activities where forced labor was found include ranching, charcoal making, and farming. Forced labor in domestic servitude involving women and adolescents, the latter typically working with their parents, was also reported.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum working age is 16 years, and apprenticeships may begin at age 14. The law bars all minors under age 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 MTE found that between 2005 and 2010, the most recent information available, labor court judges authorized 33,000 children under 16 to engage in some of the worst forms of child labor, including construction, agriculture, and garbage scavenging, despite such decisions contravening the law.

The MTE is responsible for inspecting worksites to enforce child labor laws. Most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors remained unable to enter private homes and farms, where much of the nation's child labor occurred. NGOs asserted that fines are usually too small to serve as an effective deterrent.

The government implemented innovative programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger with state and local authorities. Through PETI, families with children seven to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school. PETI serviced more than 820,000 children in 3,500 municipalities. Also through the ministry, the Bolsa Familia program provides a monthly stipend to low-income families that keep their children up to age 17 in school and meet certain child health requirements. The Bolsa Familia served more than 13 million households nationwide. Beyond the Bolsa Familia, the government also began the Brasil Sem Miséria (Brazil without Misery) program to build on programs like the Bolsa Familia as well as to provide access to public services and to stimulate employment opportunities for the 16.2 million persons (8.5 percent of the national population) living in extreme poverty. The government also continued to partner with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.

In May the government launched the Brasil Carinhoso program, which augmented the amount of money received through the Bolsa Familia program for families with children ages six and under. The program assures that those families receive 70 reais (\$34) per family member per month through earnings and social assistance. Starting in December these monetary benefits were extended to families with children ages 15 and younger. The program also provided daycare options for families as well as access to health care in the form of vitamins and asthma medication. The Ministry of Social Development and Hunger Alleviation, Ministry of Education, Ministry of Health, and state and municipal governments implemented the program.

Nevertheless, child labor continued to be a problem. The 2011 IBGE National Household Survey, reflecting the most recent data available, showed that 4.28 million of an estimated 44 million children between the ages of five and 17 were engaged in some form of child labor. Of the minors engaged in child labor, children between the ages of five and nine made up 2 percent of the child labor population, children 10 to 14 made up 27.5 percent, and children 15 to 17 made up 70.5 percent. According to 2010 data from the MTE, the majority of the children were employed in street vending (42 percent), followed by automobile washing (10 percent), manufacturing (8 percent), and agriculture (3 percent).

According to a study released in December 2011 conducted by the daily newspaper *Folha de Sao Paulo* and based on 2010 census data, the incidence of child labor was more prevalent in the north, where one in 10 children worked, either paid or unpaid. The 2010 census reported that 132,000 children between the ages 10 and 14 were the sole providers for their families. Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas. The study also found that 95 percent of the children who worked also attended school.

According to MTE data, 5,538 children and adolescents, a significant decrease from the previous year, were found in situations that violated minimum-age laws in 6,112 unannounced inspections from January to October. A majority, 73 percent, of those found were young boys. In 2011, 7,024 inspections found 10,345 children and adolescents employed in violation of minimum-age laws.

Children worked in agriculture, including in the production of coffee, sugarcane, cotton, manioc, soybeans, rice, and tobacco. Children were also involved in raising livestock, as well as in the production of ceramics, bricks, charcoal, and footwear.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

In January the minimum wage increased to 622 reais (\$304) per month. According to 2010 IBGE data, the most recent information available, approximately 50 percent of the population had per capita incomes below the minimum wage. IBGE data also revealed that 8.5 percent of inhabitants (16.2 million) were considered "extremely poor" or earning less than 70 reais (\$34) per month.

The law limits the work week 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, and stipulates that hours worked above the weekly limit must be compensated at time-and-a-half pay; these provisions generally were enforced for all groups of workers in the formal sector.

The MTE sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction. Accidents at large construction projects for the FIFA soccer World Cup, such as stadiums and infrastructure, prompted slightly improved enforcement of safety regulations. The death of a construction worker who fell from the roof of the new stadium in Brasilia in June was followed by labor inspectors suspending work for two days to retrain workers on the project on appropriate use of mandatory safety equipment. The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employees from being fired for their committee activities.

As part of its efforts to combat forced labor, the MTE's Mobile Inspection Unit teams also addressed issues related to acceptable conditions of work such as long workdays and unsafe or unhygienic work conditions.

At the end of 2011, the MTE employed a total of 3,085 labor inspectors, up from 2,900 at the beginning of 2011. The increased number of inspections suggested that the amount of funding provided to agencies responsible for inspections was adequate. Federal police also expended funds to respond to criminal cases involving forced child labor.

On May 4, federal labor prosecutors found 90 construction workers in degrading and exhausting conditions on a worksite in Sao Jose do Rio Preto, Sao Paulo State. Workers complained that Geccom Construtora Ltda., a contractor for the federal government's affordable housing program, forced them to work 15 hours a day, withheld wages, and failed to provide adequate housing and sanitation. The MTE also cited evidence that the contractor illegally recruited the workers through informal channels from the states of Piaui and Maranhao. The MTE issued a stop-work order at the construction site pending investigations.

In August 2011 MTE investigators and Federal Police agents discovered 15 Bolivians working in two Sao Paulo clothing manufacturing shops contracted by the company AHA, a supplier for Spanish clothing retailer Zara. In December 2011 Zara signed an agreement with the MTE in which it agreed to pay 3.4 million reais (\$1.66 million) in social investments to promote the rights of migrant workers, principally from Bolivia and Peru. Sao Paulo's secretary of justice reported that Zara was complying with the terms of the agreement and had transferred funds for social programs to Sao Paulo-based NGOs, the Migrant Support Center, and the National Association of Foreigners and Immigrants in Brazil.

According to the Institute for Applied Economic Research, the percent of workers in the informal sector was approximately 35.6 percent in 2011, the most recent year for which data were available. Most unregistered workers were in the agricultural sector. Not all foreign migrant workers, informal sector workers, and unregistered workers were subject to hazardous working conditions, but these groups were at a higher risk of being subjected to such conditions or other exploitative conditions.