

BRAZIL 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brazil is a constitutional, multiparty republic. In 2014 voters re-elected Dilma Rousseff as president in elections widely considered free and fair. In August 2016 Rousseff was impeached, and the vice president, Michel Temer, assumed the presidency as required by the constitution.

Civilian authorities at times did not maintain effective control over security forces.

The most significant human rights issues included arbitrary deprivation of life and other unlawful killings; poor and sometimes life-threatening prison conditions; violence against and harassment of journalists and other communicators; official corruption at the highest levels of government; societal violence against indigenous populations; societal violence against lesbian, gay, bisexual, transgender, and intersex persons; killings of human rights defenders; and forced labor.

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

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

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

There were no reports the federal government or its agents committed politically motivated killings, but unlawful killings by state police were reported. In some cases police employed indiscriminate force. The extent of the problem was difficult to determine, since comprehensive, reliable statistics on unlawful police killings were not available. Official statistics showed police killed numerous civilians but did not specify which cases may have been unlawful. For instance, the Rio de Janeiro Public Security Institute, a state government entity, reported that from January to June, police killed 581 civilians in “acts of resistance” (similar to resisting arrest) in Rio de Janeiro State. Most of the deaths occurred while police were conducting operations against narcotics trafficking gangs in the city of Rio de Janeiro’s approximately 760 favelas (poor neighborhoods or shantytowns), where an estimated 1.4 million persons lived. A disproportionate number of the victims were Afro-Brazilians under age 25. Nongovernmental organizations (NGOs) in

Rio de Janeiro questioned whether all of the victims actually resisted arrest, contending police employed repressive methods.

On March 30, two military police officers were shown on a cell phone video summarily executing two suspects after a clash between police and armed criminals in Acari, a poor neighborhood on the outskirts of Rio de Janeiro, despite the alleged criminals being wounded. The two officers--Fabio de Barros Dias and David Gomes Centeio of the 41st Military Police Battalion of Irajá--were released from preventive detention in April because the judge deemed that they had been cooperating with investigators and did not pose a public threat. They were awaiting trial.

According to the Sao Paulo State Secretariat of Public Security, on- and off-duty military and civil police officers were responsible for 459 deaths in the state in the first half of the year, which was the highest number in the last 14 years. The 2016 total was 856 deaths and was the third consecutive year in which police killings increased over the previous year. The state secretariat recorded the deaths as “reactions or opposition to police intervention.” Of the 856 extrajudicial killings, military police were responsible for the vast majority (95.6 percent). According to civil society organizations, the victims of police violence in Sao Paulo State were overwhelmingly black youth.

On May 12, the Inter-American Court of Human Rights found Brazil responsible for failing to guarantee justice for the victims of the “Nova Brasilia massacres,” which included the deaths of 26 citizens between October 1994 and May 1995 in raids carried out by Rio de Janeiro’s police forces. The court ordered authorities to reopen an investigation into the killings, publish an annual report containing statistics on the number of deaths as a result of police intervention throughout the country, and develop and implement policies for reducing police killings.

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 such treatment and provides severe legal penalties for conviction of its use. On May 23, 900 state-level police officers raided a Sao Paulo neighborhood known as “Cracolândia,” arresting 38 alleged drug traffickers

and demolishing several houses associated with trafficking. Human rights groups accused the state government of excessive use of force against residents and called for the government to treat drug addicts as victims instead of criminals.

Prison and Detention Center Conditions

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

Physical Conditions: Endemic overcrowding was a problem. According to the Ministry of Justice and Citizenship, as of November 2016, the prison population was 711,463 prisoners (including house arrests); the official capacity of the prison system was 393,953 prisoners at the beginning of the year. According to Human Rights Watch, women were often held in women's wings of men's prisons, and women's prisons sometimes employed male guards. Female inmates complained of verbal and sexual harassment by male guards as well as lack of access to medical care, particularly prenatal and postnatal care.

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 jailed with adults in poor and crowded conditions. In many juvenile detention centers, the number of inmates greatly exceeded capacity.

Violence was rampant in several prison facilities in the Northeast. In addition to overcrowding, poor administration of the prison system, the presence of gangs, and corruption contributed to violence within the penitentiary system. On January 1, in the privately run Anisio Jobim Penitentiary complex in Manaus, the capital of Amazonas State, conflict between the Amazonas-based Familia do Norte and Sao Paulo's Primeiro Comando Capital criminal organizations ended with 56 prisoners killed by decapitation and burning.

Prisons suffered from insufficient staffing and lack of control over the prison population. Some prisons had a ratio of one guard on duty for every 200-300

prisoners, making it impossible to exercise control in the prisons. During a January riot at Alcacuz Prison in the state of Rio Grande do Norte, officials waited until daylight to enter the prison. In the meantime inmates climbed on to the prison's roof bearing flags alluding to criminal factions and armed with sticks, stones, and knives.

According to data from the Ministry of Health, prisoners were 28 times more likely to contract tuberculosis, compared with the general public. A study of 58 prisons in the Rio de Janeiro penitentiary system conducted by the leading domestic web content company Universo Online found that, from January 2015 to August 2017, 14 times more deaths occurred as the result of treatable illnesses than from killings. During this period 517 prisoners died from treatable illnesses such as tuberculosis, leprosy, and skin infections, compared with 37 prisoner homicides.

During the year the Ministry of Justice's National Mechanism for Preventing and Combatting Torture published the results of visits made in 2016 to 23 prisons in six states. The report noted the "shocking" growth of the size of the prison population with no resultant increase in the capacity of the prison system, lack of potable water for drinking and bathing, inadequate nutrition, rat and cockroach infestations, damp and dark cells, and beatings of inmates.

Administration: State-level ombudsman offices and the federal Secretariat of Human Rights monitored prison and detention center conditions and investigated credible allegations of inhuman conditions. 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.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, including the International Committee of the Red Cross, United Nations, and Organization of American States as well as local organizations, such as Mechanism for Torture Prevention and Global Justice. In July the president of the Supreme Court visited the Curado prison in Pernambuco State as part of a new nationwide initiative to investigate and improve the use of federal funds allocated for prison reform.

Improvements: In June officials reported a drop in the homicide rate at the Pedrinhas complex in the state of Maranhao from 17 deaths in 2014 to three in the first six months of year, attributing this to the implementation of reforms such as incarcerating rival gang leaders in separate facilities.

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 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/her arrest or detention in court.

Role of the Police and Security Apparatus

The federal police force, operating under the Ministry of Justice and Citizenship, is a small, primarily investigative entity and plays a minor role in routine law enforcement. Most police forces are under the control of the states. There are two distinct units within the state police forces: the civil police, which performs an investigative role, and the military police, which is 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. 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.

Civilian authorities generally maintained effective control over security forces, and the government has mechanisms in place to investigate and punish abuse and corruption; however, impunity and a lack of accountability for security forces was a problem. According to the Ombudsman’s Office of the Sao Paulo Military Police, of the approximately 10,000 police abuse complaints under consideration, the investigations of just 2 percent had been concluded.

In Rio de Janeiro’s favelas, so-called militia groups composed of off-duty and former law enforcement officers reportedly 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.

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. Officers for the state’s favela pacification program received additional human rights training.

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. 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 a detainee may flee the area. The law does not provide for a maximum period for pretrial detention, which is decided on a case-by-case basis. If detainees are convicted, time in detention before trial is subtracted from their sentences. 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. Often the period for charging defendants had to be extended because of court backlogs. 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 also had prompt access to family members.

Pretrial Detention: As of February prisons held 221,054 persons in preventive detention and awaiting trial, representing one-third of all prison inmates, according to the National Council of Justice. In a press conference with Amazonas state authorities early in the year, former minister of justice Alexandre de Moraes noted that 44 percent of the country's prison population was in pretrial detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Local NGOs, however, cited that corruption within the judiciary, especially at the local and state levels, remained a concern.

Trial Procedures

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

After an arrest a judge reviews the case, determines whether it should proceed, and assigns the case to a state prosecutor, who decides whether to issue an indictment. Juries hear cases involving capital crimes; judges try those accused of lesser crimes. Defendants enjoy a presumption of innocence and have the right to be present at their trial, to be promptly informed of charges, not to be compelled to testify or confess guilt, to confront and question adverse witnesses, to present their own witnesses and evidence, and to appeal verdicts. Defendants generally had adequate time and facilities to prepare a defense but did 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 Justice and Citizenship stated many prisoners could not afford an attorney. The court must furnish a public defender or private attorney at public expense in such cases, but staffing deficits persisted in all states.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may submit lawsuits before the courts for human rights violations. While the justice system provides for an independent civil judiciary, courts were burdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. Independent media were active and expressed a wide variety of views with minimal restriction, but nongovernmental criminal elements subjected journalists to violence because of their professional activities. Despite national laws prohibiting politically motivated judicial censorship, some local-level courts engaged in judicial censorship. In instances of violence perpetrated by protesters or provocateurs during massive demonstrations, at times security forces injured journalists during crowd-control operations.

Violence and Harassment: Journalists were sometimes subject to harassment and physical attacks as a result of their reporting. The Brazilian Association of Radio and Television recorded 174 acts of violence against journalists in 2016, compared with 116 cases in 2015. Law enforcement personnel perpetrated the majority of the attacks during protests related to the 2016 impeachment of former president Dilma Rousseff. According to a report by the international NGO Article 19 on violations of freedom of expression published in May, in 2016 there were 31 “serious violations against communicators,” which included four killings, five homicide attempts, and 22 death threats. Communicators encompassed journalists, bloggers, radio broadcasters, and owners of media outlets. Sao Paulo was the state that registered the most violations (16 percent), while the Northeast was the region with the most violations (45 percent). Public authorities such as politicians and law enforcement officials perpetrated 77 percent of the violations, and police did not open investigations in 39 percent of the cases.

In September, Roseli Ferreira Pimentel, the mayor of Santa Luzia--part of metropolitan Belo Horizonte, the capital of Minas Gerais State--was arrested for ordering the killing of Mauricio Campos Rosa, owner of the newspaper *O Grito*, in August 2016. According to a local radio station, the motive was likely related to Rosa's journalistic investigations into corruption involving city councilors and a cooperative responsible for garbage collection. Police arrested Pimentel after discovering that she had diverted 20,000 reais (\$6,190) from public funds to pay the perpetrators.

Although there were no reported deaths of journalists in the first half of the year, journalists and bloggers continued to be the victims of serious threats. On March 3, the car of journalist Rodrigo Lima was set on fire outside the offices of the newspaper *Diario da Regiao*, in Sao Jose do Rio Preto, Sao Paulo State. On March 24, police searched the home of blogger Carlos Eduardo Cairo Guimaraes and seized his laptop, his cell phone, and his wife's cell phone in an effort to identify the sources of a February story in which he wrote that police would question former president Luiz Inacio Lula da Silva as part of a corruption investigation.

Censorship or Content Restrictions: President Temer and his wife Marcela were accused of censorship when Marcela Temer's lawyers filed an injunction ordering the national daily newspapers *O Globo* and *Folha de Sao Paulo* to remove articles about a person found guilty in October 2016 of blackmailing Marcela Temer following the hacking of her cell phone. Her lawyers argued the articles violated her privacy. On February 13, a judge in Brasilia granted a judicial order that required removal of the articles and prohibited any further publication of material about the case. The Brazilian Association of Investigative Journalism, National Association of Magazine Editors, Brazilian Association of Radio and Television, National Association of Newspapers, and Brazilian Press Association called the ruling censorship. Both newspapers appealed the decision; on February 15, an appeals court overturned the injunction against *Folha de Sao Paulo*. In June Marcela Temer's lawyers dropped the legal case against both newspapers.

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.

The 2014 landmark Marco Civil law--considered an internet “bill of rights”--enshrines net neutrality and freedom of expression online and provides for the inviolability and secrecy of user communications online, permitting exceptions only by court order. Nevertheless, several legal and judicial rulings citing Marco Civil had the potential to threaten freedom of expression on the internet.

Anonymous speech is explicitly excluded from constitutional protection, which left little privacy protection for those who used the internet anonymously through a pseudonym. Police and prosecutors may obtain data pursuant to three main statutes: the Wiretapping Act, Secrecy of Financial Data Act, and Money Laundering Act.

Private individuals and official bodies took legal action against internet service providers and providers of online social media platforms, such as Google and Facebook, holding them accountable for content posted to or provided by users of the platform. In June WhatsApp cofounder Brian Acton participated in a two-day hearing held by the Supreme Court on the constitutionality of judicial suspensions in 2016 of WhatsApp and the possibility of retrieving encrypted data related to criminal investigations. As of October no date had been set for trials related to these matters.

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.

According to CGI.br, the country’s internet management committee, 60 percent of households had access to the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom 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. In May approximately 35,000 antigovernment protesters marched in Brasilia, starting a fire inside the Ministry of Agriculture and damaging other ministerial buildings. Protesters clashed with police, who fired tear gas and rubber bullets, resulting in injuries to approximately 50 protesters. On May 24, President Temer, citing the police's inability to contain the demonstrations, deployed federal troops to restore order in the capital. Temer revoked the deployment the next day.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The National Committee for Refugees 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. By law refugees are provided official documentation, access to legal protection, and access to public services. In May President Temer signed a new migration law, replacing the Foreigner Statue of 1980; the new law was to go into effect in November. Conditions for granting and maintaining asylum under the new law are to be delineated through the regulation process, which was scheduled to be completed by November.

In 2016 a significantly increasing number of Venezuelan economic migrants, asylum seekers, and refugees began arriving in Roraima State in the north. As of August the government had registered 14,400 official requests for asylum from Venezuelans, and 100-150 new applicants were appearing daily.

Temporary Protection: In March the National Immigration Council issued a decree allowing Venezuelans who enter the country via a land border to apply for a two-year residency permit. According to the Federal Police, as of the beginning of November, 2,700 Venezuelans had submitted requests for temporary residence status.

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 2014, Dilma Rousseff won a second four-year term as president. Observers considered the elections free and fair. In August 2016 congress impeached Rousseff for violating budget laws, and Vice President Michel Temer assumed the presidency as required by the constitution. In October 2016 voters participated in nationwide municipal elections widely considered free and fair.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials and stipulates civil penalties for corruption committed by Brazilians or Brazilian entities overseas, but the government did not always implement the law effectively. There were numerous reports of government corruption, and delays in judicial proceedings against persons accused of corruption often resulted in de facto impunity for those responsible. In response to a series of high-profile corruption investigations, millions of citizens participated in anticorruption street protests throughout the country.

Corruption: The investigation of the Petrobras state oil company embezzlement scandal (Operation Carwash, or “Lava Jato”), which began in 2014, continued and led to arrests and convictions of money launderers and major construction contractors, and also to the investigation, indictment, and conviction of politicians across the political class. Information gained through collaboration and plea bargains with suspects launched a widening net of new investigations. In

September federal investigators executed more than 100 search warrants and froze 8.75 billion reais (\$2.7 billion) in four of the largest state-run pension funds. As of July courts had handed down 116 convictions, including the first-instance conviction of former president Luiz Inacio Lula da Silva, who appealed and was free while awaiting a hearing.

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

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

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.

Government Human Rights Bodies: In February President Temer re-established the Ministry of Human Rights. The ministry assumed leadership over the Secretariat of Women's Policies, Secretariat of Human Rights, and Secretariat of Policies for the Promotion of Racial Equality, which then acting president Temer created in May 2016 as part of the Ministry of Justice and Citizenship. Some local human rights organizations were critical of the new ministry's work, stating their long-time contacts had been removed, many positions were unfilled, and the role of civil society in policy discussions had been severely reduced.

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, depending on such factors as funding and outside political pressure.

A National Council for Human Rights, composed of 22 members--11 from various government agencies and 11 from civil society--met regularly. Other councils using this mixed government and civil society model included the National LGBT Council, National Council for Religious Freedom, National Council for Racial

Equality Policies, National Council for Rights of Children and Adolescents, and National Council for Refugees.

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

Women

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

The federal government maintained a toll-free nationwide hotline for women to report instances of intimate partner violence. Hotline operators have the authority to mobilize military police units to respond to such reports and follow up regarding the status of the case. In 2016 the hotline received 1,133,345 calls reporting domestic violence, a 51 percent increase over 2015.

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.

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

Sexual Harassment: Sexual harassment is a criminal offense, punishable by up to two years in prison. NGOs reported that sexual harassment was a serious concern.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men. According to the recruitment agency Catho, women received 70 percent of the amount men received for equal work in 2016.

Children

Birth Registration: Citizenship is derived from birth in the country or from a parent. The National Council of Justice, in partnership with the Secretariat of Human Rights (SDH), acted to reduce the number of children without birth certificates by registering children born in maternity wards.

Child Abuse: Abuse and neglect of children and adolescents were problems. For additional information on this topic see www.unicef.org/protection/.

Early and Forced Marriage: The legal minimum age of marriage is 18 (16 with parental or legal representative consent). According to 2016 data from UNICEF, 11 percent of women ages 20-24 were married before age 15, and 36 percent of women ages 20-24 were married before 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 law sets a minimum age of 14 for consensual sex, with the penalty for conviction of statutory rape ranging from eight to 15 years in prison.

While no specific laws address child sex tourism, it is punishable under other criminal offenses. The country was a destination for child sex tourism.

The law criminalizes child pornography. The penalty for conviction of possession of child pornography is up to four years in prison and a fine.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

According to the Jewish Federation, there were approximately 120,000 Jewish citizens, of whom approximately 50,000 were in the state of Sao Paulo and 25,000 in Rio de Janeiro State.

Several leaders of the Jewish and interfaith communities stated overt anti-Semitism was limited. Neo-Nazi groups operated in the southern states of Rio Grande do Sul, Santa Catarina, and Parana.

In June vandals spray-painted a swastika inside a Star of David on the entrance wall of the Brazilian Israelite Club in Rio de Janeiro. Police opened an investigation into the incident.

In July, Congressman Darcisio Perondi criticized the introduction of charges against President Temer for passive corruption as “an apology for Nazism and Fascism.” Perondi later issued an apology for his comments.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

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

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

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

Civil society organizations acknowledged that 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. The government improved access for persons with disabilities in its infrastructure development and in retrofitting public sports venues to hold sporting events such as the 2016 Paralympic Games.

National/Racial/Ethnic Minorities

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

Approximately 52 percent of the population identified themselves as belonging to categories other than white. Despite this high representation within the general population, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

Afro-Brazilians were 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. Afro-Brazilians were disproportionately affected by crime.

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

In 2016 the Ministry of Planning established a requirement for government ministries to set up internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, essentially assessing “blackness” in an attempt to reduce abuse of affirmative action policy and related laws. Universities also set up race evaluation committees.

Indigenous People

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

distinct indigenous ethnic groups and speaking 274 distinct languages. The law grants the indigenous population broad protection of their cultural patrimony, exclusive use of their traditional lands, and exclusive beneficial use of their territory. Congress must consult with the tribes involved when considering requests to exploit mineral and water resources, including ones with energy potential, on indigenous lands. (According to the constitution, all aboveground and underground minerals as well as hydroelectric-power potential belong to the government.) Human rights groups expressed concerns that most of the requirements for indigenous consultation were not met.

Illegal logging, drug trafficking, and mining, as well as changes in the environment caused by large infrastructure projects, forced indigenous tribes to move to new areas or make their demarcated indigenous territories smaller than established by law.

According to FUNAI, the federal government established rules for providing financial compensation following the occupation in good faith of indigenous areas, as in the cases of companies that won development contracts affecting indigenous lands. Various indigenous groups protested the slow pace of land demarcations.

In Maranhao State on April 30, ranchers attacked and injured at least 13 members of the Gamela indigenous group who were occupying land they claimed was stolen from them during the 2013 Terra Legal program. In September reports appeared that a group of illegal miners bragged about killing a group of indigenous persons from an uncontacted tribe in August when they accidentally encountered the group near the border with Colombia and Peru. Federal prosecutors opened an investigation, the second such investigation into a reported killing of uncontacted indigenous persons during the year.

Acts of Violence, Discrimination, and Other Abuses 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 criminal code states offenses subject to criminal prosecution fall under federal statutes, leaving hate crimes subject to administrative, not criminal penalties. Sao Paulo was the only state to codify punishments for hate-motivated violence and speech against lesbian, gay, bisexual, transsexual, and intersex (LGBTI) individuals. In the state of Rio de Janeiro, the law penalizes commercial establishments that

discriminate on grounds of sexual orientation. In Brasilia the law penalizes both individuals and businesses for discrimination against LGBTI persons. In both Rio de Janeiro and Brasilia, sanctions vary from warnings and fines to the temporary suspension or termination of a business license.

In September a federal court judge, Waldemar Claudio de Carvalho, ruled that homosexuality could be considered a disease. His ruling authorized psychologists to treat homosexuality with sexual orientation conversion therapies.

Social discrimination, especially against the transgender population, remained a problem. Violence against LGBTI individuals was a serious concern. According to the local NGO Gay Group of Bahia, 117 LGBTI persons were killed in the first trimester of the year. In February in Fortaleza, Ceara State, a transgender woman, Dandara dos Santos, was taken from her home, beaten, and then shot in the face before being bludgeoned to death. Authorities arrested five individuals; as of October their trial was pending.

The National LGBT Council, composed of representatives from civil society and government agencies, combatted discrimination and promoted the rights of LGBT persons. Meetings were open to the public and broadcast over the internet. During LGBT Pride Day on June 27, the Ministry of Human Rights launched a civic education campaign that used print, television, and radio messages to highlight the importance of respect for LGBT persons.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

According to the Catholic NGOs Pastoral Land Commission and Global Witness, rural violence, death threats, and killings of environmentalists continued to take place. On May 24, local police in Pau D'Arco, in the northern state of Para, while carrying out an eviction order, shot and killed 10 rural workers who were members of the League of Poor Campesinos, a group of landless activists and families seeking agrarian reform in the area. Media reported the police claimed they shot in self-defense. Authorities arrested 13 military and civil police officers allegedly

involved in the case while an investigation was underway. In August a substitute judge released the 13 police officers.

The Brazilian Committee of Human Rights Defenders and Amnesty International reported 58 killings of human rights defenders between January and August. The Pastoral Land Commission reported a total of 61 killings of human rights defenders in land conflicts in all of 2016 and 1,079 violent conflicts related to land disputes in 2016, the most since the NGO began tracking data in 1985.

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, uniformed police, and firefighters), the right with some restrictions to bargain collectively, and the right to strike. The law limits organizing at the enterprise level. By law the armed forces, military police, or firefighters may not strike. In April the Supreme Court ruled against the right of civil police to strike, stating that all public security organs are prohibited from striking, including civil police, military police, federal police, fire brigades, railway police, and highway police. Civil police filed a grievance with the International Labor Organization. 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 Labor, which accepts the registration unless objections are filed by other unions. The law stipulates certain restrictions, such as “unicidade” (in essence one union per occupational category per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represent workers in the same geographical area and professional category may contest registration.

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

The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. Labor Law 13.467 of July includes collective bargaining changes, such as the ability to negotiate remuneration for the commute to and from work, working remotely, and a flexible hours schedule.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits “slave labor,” defined as “reducing someone to a condition analogous to slavery,” including subjecting someone to forced labor, debt bondage, exhausting work hours, and labor performed in degrading working conditions. On October 13, Minister of Labor Ronaldo Nogueira issued a decree that would narrow the definition of slave labor, set new conditions for labor inspections, and modify rules regarding publication of the “Dirty List.” On October 24, Supreme Court Justice Rosa Weber issued a preliminary stay blocking implementation pending a formal hearing. The decree would greatly tighten the definition of slave labor, no longer considering severely degrading work conditions and excessive work hours as slave labor as long as workers are technically allowed the freedom to leave their job site. The new decree would also politicize and weaken the Dirty List of companies that use slave labor, which was reinstated in March after a three-year legal battle. The Ministry of Labor released an updated Dirty List on October 27 and was working with the attorney general to amend the decree to assure it is in compliance with all federal laws and regulations.

While not all individuals in slave labor, as defined by the country’s law, were victims of human trafficking for the purpose of labor exploitation, many were. The government took a number of 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.

The National Commission to Eradicate Slave Labor coordinated government efforts to combat forced and exploitative labor and provide a forum for input from civil society actors. The commission's members included representatives from 10 government agencies or ministries--including Human Rights, Justice, Federal Police, Agriculture, Labor, and Environment--and 20 civil society groups. The International Labor Organization was also a member.

The Ministry of Labor's Mobile Inspection Unit teams conducted impromptu 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. Labor inspectors and prosecutors, however, could apply only civil penalties; consequently, many cases were not criminally prosecuted. Workers removed by mobile units were entitled to three months' salary at the minimum wage.

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

In April civil police and the Public Ministry of Labor rescued 31 workers on the premises of the Chinese multinational company Cofco Agri, the largest rescue of forced laborers in Mato Grosso State since 2009. The ministry fined the company, which manufactures agricultural products, two million reais (\$619,000) for failing to provide potable water and subjecting laborers to unhealthy, overcrowded accommodation. Of the 31 rescued laborers, four were from Maranhao State and the remaining 27 from Mato Grosso.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum working age is 16, 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.

According to the Ministry of Labor, in the last two decades, the number of underage working children declined from eight million to 2.7 million. The cases that remained were the most difficult to identify because they often took place in inaccessible rural areas or within a family home.

The Ministry of Labor is responsible for inspecting worksites to enforce child labor laws. Penalties for violations range from 402 reais to 1,891 reais (\$125 to \$585), doubling for a second violation and tripling for a third, and were generally enforced; however, observers asserted fines were usually too small to serve as an effective deterrent. 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 occurred.

In May a study published by Abrinq Foundation, a Sao Paulo-based entity devoted to the protection of children's rights, found that 3.3 million children and adolescents (ages five-17) were in a situation of child labor. The Ministry of Labor's National Committee for the Eradication of Child Labor continued to implement the country's National Plan to Combat Child Labor and maintained a database on the worst forms of child labor occurring in the country.

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination on the basis of race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age,

language, and sexual orientation or gender identity. Discrimination against individuals who are HIV positive or suffer from other communicable diseases is also prohibited. The government generally enforced the laws and regulations, although discrimination in employment occurred with respect to Afro-Brazilians, women, persons with disabilities, indigenous persons, and transgender individuals. The Ministry of Labor implemented rules to integrate promotion of racial equality in its programs, including requiring that race be included in data for programs financed by the ministry, including unemployment insurance.

e. Acceptable Conditions of Work

In January the national minimum wage increased to 937 reais (\$290) per month. According to 2016 IBGE data, the per capita income of approximately 40 percent of workers was below the minimum wage. IBGE data also revealed 6.8 percent of workers (12.9 million) were considered “extremely poor” or earning less than 70 reais (\$22) per month.

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 workers to an eight-hour workday, a maximum of 44 hours’ work per week, a minimum wage, a lunch break, social security, and severance pay. According to the IBGE, 33.3 million persons were employed in the formal sector as of May. The IBGE also reported that between July and September, there were 22.9 million persons working in the informal economy, an increase of 5 percent, compared with the same period in 2016.

The Ministry of Labor sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction. The law requires employers to establish internal committees for accident prevention in workplaces. It also provides for the protection of employees from being fired for their committee activities. Workers could generally 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 August the Sao Paulo Federal Court took criminal action against the clothing store Gregory for subjecting Bolivian employees to workdays of 14-17 hours and paying three reais (\$0.93) per clothing item produced.

The Ministry of Labor addressed problems related to acceptable conditions of work such as long workdays and unsafe or unhygienic work conditions. Penalties for violations include fines that varied widely depending on the nature of the violation; the fines were generally enforced and were sometimes sufficient to deter violations. The National Labor Inspection School held various training sessions for labor inspectors throughout the year. The Ministry of Labor reported the number of labor inspectors (2,500) in the country was insufficient to enforce full compliance nationwide. Inspections continued to take place despite reduced funding, leading to fewer inspectors and inspections.

The Digital Observatory of Healthy and Labor Safety reported that in the period 2012-16, almost 45,000 laborers suffered a workplace injury.