

BRAZIL 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brazil is a constitutional, multi-party republic. On October 26, voters re-elected Dilma Rousseff as president in elections widely considered free and fair. Authorities maintained control over security forces.

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

Other human rights problems included excessive force and unlawful killings by state police; 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; violence and discrimination against women and girls; violence against children, including sexual abuse; social conflict between indigenous communities and private landowners that occasionally led to violence; discrimination against indigenous persons and minorities; violence and social discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; 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 perpetrators as well as survivors.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the federal government or its agents committed politically motivated killings, but unlawful killings by state police occurred. In some cases police employed indiscriminate force. In a few instances civilians died during large-scale police operations, mainly in the favelas (poor neighborhoods or shantytowns). Credible reports indicated that state police officials continued to be involved in revenge killings and intimidation of witnesses who testified against police officials. Police often were responsible for investigating charges of torture and excessive force carried out by fellow officers.

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

760 favelas, where an estimated 1.4 million persons lived, according to the 2010 census by the Brazilian Institute of Geography and Statistics (IBGE). The Rio de Janeiro Public Security Institute, a state government entity, reported that from January to April, police killed 241 civilians in “acts of resistance” (similar to resisting arrest) in Rio de Janeiro State, compared with 173 during the same period in 2013. Most of these deaths occurred while police were conducting operations against drug-trafficking gangs operating in Rio de Janeiro’s poor communities. A disproportionate number of the victims were Afro-Brazilians under 25 years of age. Nongovernmental organizations (NGOs) in Rio de Janeiro questioned whether all of the victims had truly resisted arrest, contending police continued to depend on repressive methods.

In March a woman died after being shot during a police operation in the Morro da Congonha favela in northern Rio de Janeiro. As officers drove the victim to the hospital, her body fell from the back of the police vehicle. The woman’s body was dragged along the road for hundreds of yards before officers realized what had happened. Police alleged she was shot during a confrontation between officers and drug traffickers in the favela; bystanders said there was no shootout that day and that police killed the woman. Six officers were indicted and awaiting trial at year’s end.

In June Rio de Janeiro police announced they were investigating two police officers who allegedly killed a 14-year-old after detaining the victim on robbery charges.

In February the courts began the first series of trials against 25 military police officers accused of involvement in Amarildo de Souza’s death after officers from the Police Pacification Unit (UPP) operating in the Rocinha favela brought him in for questioning in July 2013.

The 11 police officers convicted for the 2011 killing of Judge Patricia Lourival Acioli appealed their convictions and remained on the payroll of the Rio de Janeiro military police. The officers were not dismissed from their positions because the Justice Tribunal had yet to relay its findings to the appropriate authorities, according to a military police statement.

The Sao Paulo state government reported 478 persons were killed in clashes with police in the first nine months of the year, up from 240 cases from the same period in 2013.

In January police in Campinas, Sao Paulo State, announced they opened an investigation into allegations that military police officers were involved in the revenge killings of 12 individuals after a fellow police officer was found shot and killed. One of the 12 killed was 17 years old.

In February police in Mato Grosso State announced they had begun an investigation to determine if and how many military police may have been involved in the revenge killings of five individuals involved in the death of a fellow officer in the Mato Grosso military police.

In March Belo Horizonte courts sentenced two former military police officers to 23 years in prison each for the murder of a nursing assistant and his nephew.

On April 2, 15 police officers were found guilty of killing four inmates during the 1992 riot at the Sao Paulo Carandiru prison that left more than 100 inmates dead, most of whom were reportedly killed by police officers involved in the riot suppression action. This followed the 2013 conviction of 48 other officers involved in the incident.

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 occurred.

Inmates housed in a prison in Sao Paulo State said that in retaliation following a riot in January, prison guards and rapid-response police forced them to walk over broken glass, endure beatings, spend several days without clothing, eat only bread and milk, witness the destruction of their family photographs and personal effects, and fish for crackers left outside their cells.

In August Rio de Janeiro police announced they had begun investigating allegations that as many as six military police officers raped three women, including a 16-year-old, in the Rio de Janeiro community they were assigned to patrol.

From January 2011 to July 2013, the Sao Paulo police Ombudsman's Office received 122 complaints of torture, bodily harm, and mistreatment by state security forces. None of these complaints resulted in punitive actions for the actors involved in the allegations.

A Human Rights Watch report found there were more than 64 recorded cases of torture by state security forces and prison authorities within the states of Sao Paulo, Rio de Janeiro, Bahia, Espirito Santo, and Parana since 2010. In one such case in July 2013, a 16-year-old resident of the Rocinha neighborhood in Rio de Janeiro had his face shoved into a toilet full of feces, was threatened with sexual assault, and was forced to eat candle wax by military police searching for information on drug traffickers.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding was a problem. The National Justice Council (CNJ) reported that as of June the prison system contained approximately 567,000 inmates in a system designed for 357,000 persons. The largest prison populations were in Sao Paulo, Rio de Janeiro, and Minas Gerais states.

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.

Federal prisons and state detention centers in the Federal District and in the states of Sao Paulo, Pernambuco, Acre, and Amazonas faced severe overcrowding. Government data showed that correctional facilities in Sao Paulo State were 79 percent over capacity, 233 percent over capacity in Pernambuco, 173 percent over capacity in Acre, 217 percent over capacity in Amazonas, and 99 percent over capacity in the Federal District.

During the year the CNJ provided reports of prison inspections it conducted in the states of Sao Paulo, Rondonia, Rio Grande do Sul, Pernambuco, and Minas Gerais. None of the reports indicated evidence of torture and cruel, inhuman, or degrading

treatment, but several stated prisoners in some facilities believed they were at risk from other prisoners.

On August 25, a major riot occurred in a prison in the southern city of Cascavel, Parana State, when more than 1,000 inmates protested poor conditions within the prison. During the two days of rioting, five inmates were killed by other inmates--including two beheadings--and captured prison guards suffered physical abuse. Much of the prison was occupied by inmates during the riot, and 20 of the 24 wings were destroyed. To end the standoff, authorities agreed to move inmates to other prisons within the state.

Frequently prisoners who committed petty crimes were held with murderers and other violent criminals. Authorities attempted to hold pretrial detainees separately from convicted prisoners, but lack of space often required holding convicted criminals in pretrial detention facilities. Many prisons, including in the Federal District, attempted to separate violent offenders from nonviolent ones and to keep convicted drug traffickers in a wing apart from the rest of the prison population.

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

Violence was rampant in some prison facilities. The media reported that one prison death occurred every 10 days in Maranhao State, usually the result of gang fights. There were a number of uprisings in the large Pedrinhas prison complex in addition to mass escapes in January and September, with reportedly more than 100 inmates escaping. Violence from the prison gangs spilled over into the neighboring city of Sao Luis as gangs burned city buses. In September at the request of the state government, the federal government deployed troops to stabilize the area.

Poor administration of the prison system, corruption, and overcrowding were the primary criticisms of the penitentiary system in the Northeast. On September 16, Pedrinhas prison director Claudio Barcelos was arrested for accepting bribes in exchange for facilitating inmate escapes. His predecessor was arrested the year before on similar charges. According to the Maranhao State Justice and Prison Administration Secretariat, 2,200 prisoners were housed in Pedrinhas, where designed capacity is 1,770. The Anibal Bruno Prison, located in Pernambuco

State, continued to face severe overcrowding, with 6,862 prisoners in a facility designed for 1,466. Of this total, 4,448 had yet to face trial at year's end.

Since 2004 the National Penitentiary Department disbursed approximately 55 million reais (\$23.7 million) to the Maranhao State government to build seven prison buildings and increase capacity by more than 1,600 prisoners; however, the state government reportedly returned the money due to mismanagement of projects.

Prisoners had access to potable water, but sanitary conditions were often inadequate and facilitated the spread of disease. HIV and tuberculosis rates in prisons were far higher than rates for the general population. There was no information available on the adequacy of the food provided or if there were food shortages.

Administration: Recordkeeping on prisoners was adequate in most facilities. There was an online database during the year to monitor prisoners' cases and time served, but this system did not always function properly.

Authorities used alternative sentencing for nonviolent offenders. Individuals sentenced to less than eight years in prison had the option to serve in "semi-open" conditions, whereby the individual could work during the day and sleep at the prison facility at night. The CNJ found that thousands of prisoners sentenced to semi-open facilities served their sentences in "closed," or high-security, facilities.

Prisoners and detainees had access to visitors. Human rights observers reported some visitors complained of screening procedures that at times included invasive and unsanitary physical exams. On August 13, Sao Paulo state governor Geraldo Alckmin signed legislation that prohibits invasive physical exams for prison visitors, instead employing metal detectors and X-ray machines for security checks.

Prisoners could observe their religious practices and could submit complaints to judicial authorities. State-level ombudsman offices and the federal Secretariat of Human Rights (SDH) officials also monitored prison and detention center conditions.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, including the International Committee of the Red Cross and the United Nations.

Improvements: There were 11 new prisons under construction.

In February the state of Pernambuco created the Committee to Combat and Prevent Torture. Members of the committee include the Prosecutor's Office, the Judiciary, and the Bar Association, state government entities, the Regional Medical Council, and civil society groups.

In July a Sao Paulo judge ordered the removal of four directors of the Penitentiary II of Potim, Nilson Agostinho de Paula, Gustavo Henrique Costa, Adao Jose Marinho, and Jose Carlos Marcelino, who were held responsible for the physical abuse of inmates within the prison.

In July 150 inmates from Pernambuco prisons participated in the National Handcraft Business Fair (Fenearte), making handcraft products to be sold at the fair. Fenearte is the biggest handcraft fair in Latin America, with more than 300,000 visitors every year. According to the Pernambuco Office of Resocialization, this experience was an opportunity to reacclimate inmates to society, keep them occupied, and provide them with extra income through the sales of the products.

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.

On June 23, Fabio Hideki Harano and Rafael Marques Lusvarghi were arrested in Sao Paulo for possessing illegal weapons and conspiring to commit crimes while on their way to participate in a protest. A Human Rights Watch investigation into the incident found that police found no such weapons and that neither of the two was brought before a judge to have their detentions authorized. A subsequent investigation by state officials confirmed the detainees had not been in possession of illegal weapons, and they were released after 45 days, with some charges still pending.

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 the name, the military police do 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 remained a problem. Reporters raised concerns that members of the police involved in crowd control at times hid identifying tags while engaging in police actions that could be interpreted as abusive in order to limit accountability for their actions. In one instance lawyers Daniel Bira and Silvia Daskal Hirschbrush were arrested and assaulted by members of Sao Paulo’s 78th police station when they questioned police concealing their identity tags during public order operations.

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 four new UPPs during the year, for a total of 38. As of July 9, 543 UPP officers were responsible for patrolling approximately 265 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.

A variety of groups, including social movements, NGOs, and unions, protested or went on strike in the period preceding and during the 2014 FIFA World Cup. Security forces generally responded with restraint, but the media reported isolated incidents of police violence or excessive force during some of the demonstrations, particularly in Sao Paulo and Rio de Janeiro. On June 12, the human rights

minister acknowledged that some police actions had been “unnecessary.” During the World Cup, rather than using force to contain demonstrations, security forces regularly deployed sufficient personnel to significantly outnumber protesters, preventing problems before they occurred and complicating the ability of protesters to have their messages broadcast, leading some social movement groups to claim security forces had restricted their rights to speech and assembly.

In March the Inter-American Commission on Human Rights began reviewing claims that police used excessive force and violence during 2013 demonstrations. Civil society groups claimed security forces detained (in some cases illegally) more than 1,700 persons and directly or indirectly caused the deaths of 20 individuals related to the protests.

Arrest Procedures and Treatment of Detainees

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.

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

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. 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 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 were allowed prompt access to family members.

Pretrial Detention: Pretrial detention remained a serious concern. Despite constitutional protections, the United Nations estimated approximately 44 percent of the total prison population was in detention awaiting trial. The CNJ estimated the percentage to be 41 percent. Every year prison inspectors find that authorities improperly or illegally detained thousands of individuals. In some cases individuals waited years for a court to rule on the merits of their case.

e. Denial of Fair Public Trial

Independence of the Judiciary: The constitution provides for an independent judiciary, and the government generally respected judicial independence. Freedom House stated corruption within the judiciary, especially at the local and state level, remained a serious concern, and the judiciary was often subject to outside influences.

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--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 promptly informed of charges, not to be compelled to testify or confess guilt, to access government-held evidence and 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.

Although the law requires that trials be held within a set time, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard. There were millions of backlogged cases at the state, federal, and

appellate courts. For defendants and victims, it could take years for the system to hold criminal perpetrators accountable for their actions.

While the law provides for the right to counsel, the Ministry of Justice 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 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 the media reported incidents of excessive police searches in poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law and constitution provide for freedom of speech and press, and there were no reports the government failed to respect 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. Despite national laws politically motivated judicial censorship remained a problem within local-level courts. NGOs continued

to highlight instances of violence against journalists, mainly perpetrated by protesters or provocateurs in the context of massive demonstrations, but at times security forces also reportedly injured journalists during anti-rioting operations.

Violence and Harassment: The Brazilian Association of Radio and Television Broadcasters (ABERT) reported five journalists were killed before March. NGOs such as the Inter American Press Association and the National Association of Newspapers reported cases of imprisonment, aggression, censorship, and failure to respect freedom of the press.

The SDH oversees the Program to Protect Human Rights Defenders, where threatened human rights activists, including journalists, may be placed under government protection. Five states had active programs (Bahia, Minas Gerais, Espirito Santo, Pernambuco, and Rio Grande do Sul) while Rio de Janeiro, Para, and Ceara had largely inactive programs. The federal government administered a program for states that lacked state programs.

During the World Cup, Reporters without Borders, ABERT, the Committee to Protect Journalists, and the International Organization of Sports Journalists called on the government to protect journalists covering the games. Although isolated incidents of violence against journalists covering protests occurred, the National Association of Newspapers stated government efforts to protect these journalists were generally adequate.

Santiago Ilidio Andrade, a cameraman for Band TV, died on February 10 after being hit by an exploding projectile while he was covering a demonstration in Rio de Janeiro. Police apprehended two protesters and charged them with homicide soon after the incident. Authorities stated that the suspects meant to target police officers.

On August 8, media outlets reported that defamatory alterations made in 2013 to the Wikipedia pages of journalists Miriam Leitao and Carlos Alberto Sardenberg originated from a computer within the Presidential Palace. President Rousseff condemned the alterations, underscored her support for press freedom, and called for an immediate investigation. On August 12, a commission including members of the National Institute of Information Technology, Secretary General of the Presidency, and Ministry of Justice began to investigate the incident.

Censorship or Content Restrictions: The National Association of Newspapers, Brazilian Association for Investigative Journalism, and Inter American Press

Association regarded the most serious threat to press freedom to be the growing number of cases of judicial censorship. The NGOs noted the continuing trends of the media's dependence "on the political authorities at the state level" and court censorship orders. Political candidates filed 192 removal-of-content requests against numerous websites and internet companies in the period preceding the national elections. Most defamation and censorship decisions were made at the state or municipal level; however, many were overturned if they were appealed to the federal level.

In April a judge in Bahia State sentenced journalist Aguirre Talento to six months of community service for defamation. A real estate entrepreneur claimed stories published by Talento while working for *A Tarde* newspaper were intentionally meant to damage his reputation. The conviction was condemned by the Bahia State Union of Professional Journalists and the Brazilian Association of Investigative Journalism.

Nongovernmental Impact: During the year unidentified assailants killed at least two journalists, apparently for their reporting. In February gunmen killed Pedro Palma and Geolino Lopes Xavier in unrelated incidents. Both journalists were involved with investigative reporting in their respective communities.

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.

In April the country passed the Marco Civil internet law, which provides for freedom of speech, communication, and expression of thought online. It makes internet access a right that is necessary for the "exercise of citizenship" and states user privacy is inviolable except in cases of a court order. The law provides for net neutrality, meaning service providers must treat all data equally. The law also provides some liability protection for data intermediaries.

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,

and Google reported a total of 321 removal requests in the first six months of 2013. From January to June, Twitter received eight removal requests from the courts.

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

The Center of Studies on Information and Communication Technologies reported 51 percent of the population used the internet and 43 percent of households had access to the internet (not counting mobile phone access) in 2013. Only 15 percent of households in rural areas had access to the internet, compared with 48 percent of urban households.

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 the freedoms of assembly and association, and the government generally respected these rights. In Sao Paulo, however, security forces in some cases used a policy of “preventive arrests” in which hundreds of demonstrators were arrested before any violence occurred. Human rights groups raised concerns that this policy violated the demonstrators’ rights to free assembly.

Freedom of Assembly

During protests security forces used rubber bullets, pepper spray, and tear gas against violent protesters, but in general security forces respected the right to freedom of assembly of peaceful protesters, although security forces occasionally used excessive force against such protesters. After countrywide protests in 2013, the government made an effort to meet with protest group organizers to anticipate security needs. Security forces also received special training to better prepare them for protests during the World Cup.

c. Freedom of Religion

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

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 (UNHCR) 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. At the end of 2013, an estimated 5,204 refugees from approximately 80 countries were living in the country. In 2013, 5,256 immigrants requested refugee status, and 708 individuals received refugee status. It was expected that the country would play a key role in the UNHCR's Comprehensive Solutions Initiative regarding refugees in Ecuador, with the implementation of a new durable solution through an open migration policy within the framework of MERCOSUR (the Common Market of the South). The government also expressed interest in expanding the resettlement program for refugees from sub-Saharan Africa, in addition to a group of Colombians.

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 government continued to issue humanitarian visas to Haitians entering the country in search of employment. 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 increased its capacity to issue special work visas through its consulate in Haiti and other regional diplomatic missions to reduce the number of Haitians seeking entry via more dangerous migration routes.

The Mission for Peace of Sao Paulo, a Catholic organization that provides assistance to migrants and refugees, registered the arrival of 2,600 Haitian immigrants in Sao Paulo City between January and June. The immigrants entered the country through the northern state of Acre. In Sao Paulo the mission and the

local and national governments offered shelter, documentation, and help finding work. As of July, 1,600 Haitians of this group found employment.

In July at least 200 Ghanaians who came for the World Cup requested asylum. The migrants claimed they were fleeing violence and religious repression in their homeland. The government granted them permission to live and work in the country for one year while the Ministry of Justice adjudicated their requests.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage. Military conscripts may not vote.

Elections and Political Participation

Recent Elections: In national elections held during the year, Dilma Rousseff won a four-year term as president. Observers considered the elections free and fair.

Participation of Women and Minorities: The law requires that at least 30 percent of the candidates registered by each political party be women. Most parties did not comply with the law and did not face penalties. According to the Supreme Electoral Court, there were 7,410 female candidates in the elections held during the year, compared with 17,507 male candidates. Five women were elected to join the six sitting female senators in the 81-member Senate and 51 women to the 513-member Chamber of Deputies. Of the 27 governors elected, one was a woman. Two of the 11 Federal Supreme Court justices were women.

In local elections held in 2012, a total of 7,648 women were elected to municipal 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.

There were 44 Afro-Brazilians in Congress (one senator and 43 deputies) and one Afro-Brazilian each in the cabinet, Federal Supreme Court, and Superior Court of Justice. Joaquim Barbosa, the only Afro-Brazilian Supreme Court justice, began a two-year term as chief justice in 2012, ending with his retirement in August. Indigenous people's participation in politics was mostly limited to the local level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. Laws enacted during the year create civil penalties for corruption committed by Brazilians or Brazilian entities overseas. The government did not always implement the law effectively, however, and there were numerous reports of government corruption.

Corruption: A 2013 law creates civil and administrative penalties for national entities and legal persons that attempt to bribe foreign officials or engage in corrupt practices in Brazil or abroad. Individuals found to have engaged in such acts are prohibited from bidding on government contracts. The law took effect in January, but some news reports indicated authorities had difficulty enforcing it. There were numerous reports of government corruption throughout the year.

According to press reports, approximately 200 of the 594 members of Congress have had criminal cases before the Supreme Court, many for alleged acts of corruption.

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.

In March the Federal Police announced it broke up a large money laundering operation involving the parastatal corporation Petrobras, certain private companies, and some members of Congress and the executive branch. The investigation continued at year's end and had thus far led to the arrest of financier Alberto Yousseff and former Petrobras director Paulo Roberto Costa.

In June the Tribunal Court of Audits announced it found evidence of irregular or illegal activity tied to 6,600 public officials and forwarded this information to the top electoral court for review. By law public officials found guilty of certain crimes by an appeals court may not run for office for a period of eight years. In July the electoral court ruled almost 200 of these individuals were ineligible to run for office.

In September, 22 police officers from the 14th Battalion in Bangu, within the city of Rio de Janeiro, were arrested on corruption charges. An investigation found local businesses were forced to pay senior police officers to avoid being charged

with legal infractions. The officers found guilty in the case faced two to six years in prison, including Colonel Alexandre Fontenelle Ribeiro, chief of Rio de Janeiro's military police special operations.

Financial Disclosure: 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. The Federal Court of Audits and the CNJ, respectively, verify financial disclosure statements of employees in the judiciary and legislature. The Federal Revenue Office also may 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' salaries and payment information are posted online and can be searched by name.

Public Access to Information: The law provides for 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. The only fees charged are the costs of printing, copying, and mailing documentation. The government has 20 days to respond to requests and can request an additional 10 days, for a maximum of 30 days, after receiving the request.

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 partnered with the International Labor Organization (ILO) to formulate national strategies for combating forced and child labor.

Government Human Rights Bodies: The Secretariat for Human Rights is a ministerial-level office under the presidency. The secretariat has jurisdiction over issues regarding persons with disabilities, LGBT persons, the elderly, children, and government representation in international and regional human rights forums in conjunction with the Ministry of External Relations. 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.

The National Truth Commission, established in 2011, continued its investigations into alleged human rights abuses committed from 1964 to 1988. Commission members met regularly to discuss progress on their specific areas of research. The armed forces were generally uncooperative in aiding the commission with uncovering abuses by military units during the dictatorship. The commission presented its final report in December.

The Sao Paulo State Truth Commission, which investigates alleged human rights abuses committed under the military dictatorship between 1964 and 1985, reported the investigation of 187 cases of deaths and disappearances since its creation in 2012. In December the commission closed its work and issued a partial report, which presents recommendations for legislative and judicial reform, in addition to greater memorialization of victims of the dictatorship. The authors of the report called for stronger human rights training for police officers and the military.

In 2013 Pernambuco State's Truth Commission, in its first year of existence, reported the investigation of 51 cases of deaths and disappearances dating back to the military government. In two of these cases--including the case of Father Antonio Henrique, whose body was found with signs of torture in 1969--the commission reached a provisional finding that the deaths were politically motivated. The commission put together a database with more than 70,000 pages of documents, most of which were digitalized. The state of Alagoas also created a truth commission to investigate disappearances and death cases during the military regime.

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 and girls, Afro-Brazilians, indigenous persons, and LGBT persons.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape; penalties range from six to 30 years in prison. Intimate partner violence remained

both widespread and underreported to 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 violence against an intimate partner.

The federal government continued to operate a toll-free nationwide hotline for women to report instances of intimate partner violence. Beginning in March the hotline had the authority to mobilize military police units to respond to such reports and to follow up regarding the status of the case. In the first half of 2013, the hotline registered 37,582 calls reporting domestic violence. According to hotline data, 55 percent of the complaints of violence received between January and June 2013 concerned physical abuse. An international hotline service enabled Brazilian survivors of gender-based violence to call in from Italy, Spain, and Portugal. In the first six months of 2013, the international service provided assistance to 31 women abroad.

The “Women, Living Without Violence” program initiated in 2013 to increase the capacity of the violence hotline, to provide more public health-care options for women, and construct women’s centers throughout the country continued to make progress. By the end of the year, four states had set aside land for women’s centers, and construction began on the centers in Brasilia, Campo Grande, and Victoria.

Almost half of the women killed in the state of Pernambuco in 2013 were victims of intimate partner violence. According to the State Secretariat of Social Defense, there were 108 cases in 2013 and 38 cases of intimate partner violence that resulted in deaths in the first two months of the year. Despite an overall 40 percent reduction in the number of violence against women cases from 2006 to 2012 in Pernambuco, 2013 saw an increase of 24 percent compared with 2012.

The Prosecutor’s Office in the state of Pernambuco began to use software to gather data on cases of violence against women to be used in the creation of public policies.

In March, 116 municipalities in Bahia signed an agreement to collaborate on combatting violence against women in the state. They pledged to improve enforcement of the domestic violence (Maria da Penha) law and to expand services available to women in at-risk situations, among other actions.

In July the Rio de Janeiro State Secretariat of Social Assistance and the private company that holds the concession to run the state’s commuter trains organized a

project entitled “Purple Road” to combat gender-based violence. By the end of the year, plans called for Rio de Janeiro’s train stations to include computer terminals providing information to survivors. Some train stations were scheduled also to receive special women’s assistance centers to host police booths, clinics, child-care facilities, and vocational courses.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women. The 366 stations provided psychological counseling, temporary shelter, and hospital treatment for survivors of intimate partner violence, including rape, as well as criminal prosecution assistance by investigating incidents and forwarding evidence to courts. There were also 223 reference centers and 77 temporary women’s shelters operated by state and local governments. The IBGE reported 8.2 percent of municipalities had a dedicated space for the protection and care of survivors of gender-based violence.

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

The Special Offices of Women’s Promotion in both the Senate and the Chamber of Deputies were active in promoting women’s political participation. The offices conduct surveys and studies on the situation of women, specifically pertaining to gender-based violence; work with international organizations and NGOs to share best practices; and head a network of protection for survivors of gender-based violence in conjunction with NGOs, state, and local governments.

A study on gender-based violence published by the Institute for Applied Economic Research reported that between 2009 and 2011, the country registered nearly six femicides for every 100,000 women. The states of Espirito Santo, Bahia, and Alagoas had the highest levels of femicide, with 11 deaths per 100,000 women. The study also compared data on femicide before and after the 2006 passage of the Maria da Penha law to reduce domestic violence and found femicide rates had remained stable since 2001.

Female Genital Mutilation/Cutting (FGM/C): While there is no law which prohibits Female Genital Mutilation, the practice is virtually nonexistent in the country.

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. No official data were available on the prevalence of sexual harassment in the workplace, but in a survey conducted by the Sao Paulo Secretary's Union, 25 percent of secretaries in the state claimed to have been sexually harassed by their supervisors.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; to have access to the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence.

Discrimination: The cabinet-level Secretariat for Women's Policies supervises 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, the IBGE reported in 2011 women received 72 percent of the income of men for comparable work.

Children

Birth Registration: Citizenship is derived from birth in the country or from a parent. According to 2010 IBGE census data, there were approximately 600,000 unregistered children under the age of 10 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. From 2004 to the end of 2012, more than 920,600 women and children were documented through the program.

Child Abuse: Abuse and neglect of children and adolescents were problems and included rape, molestation, and impregnation of girls by family members. The SDH oversaw 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.

In 2013 the SDH-operated Dial 100, a hotline for complaints of human rights abuses, logged 124,079 complaints of children's rights violations, compared with 130,029 in 2012. According to the SDH, the reduction in complaints did not necessarily correlate to a reduction in the incidence of abuse.

In June a law banning corporal punishment that causes "physical suffering or injury" to children went into effect. Parents who violate the law could face an official warning, counseling, or other measures deemed appropriate by a community child safety board.

The NGO Social Service for Industry operated youth protective centers in 22 cities in 18 states. The program served 3.9 million youths between the ages of 16 and 21, who received psychological counseling, medical attention, legal advice, and technical schooling.

According to data released by the National Register of Sheltered Children and the Public Ministry, there were approximately 45,600 children and adolescents living in 4,029 shelters provided by NGOs, churches, and other religious organizations throughout the country. The Public Ministry released data in 2013 claiming one-third of the sheltered children exceeded the two years they were allowed by law to reside in shelters and 86 percent of children in shelters had families they could rejoin after two years.

The Death Threat Protection Program for Children and Adolescents shielded 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 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. The Index of Youth Homicides produced by the SDH and the UN Children's Fund (UNICEF) reported homicides accounted for 45 percent of the deaths of adolescents between 12 and 18 years of age.

Early and Forced Marriage: The legal minimum age of marriage is 18 (age 16 with parental or legal representative consent). According to UNICEF approximately 36 percent of women 20 to 24 years of age were married or in a union before age 18.

Female Genital Mutilation/Cutting (FGM/C): There is no law prohibiting FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The law sets a minimum age of 14 for consensual sex, with the penalty for statutory rape ranging from eight to 15 years in prison. The country was a destination for child sex tourism. Several major coastal cities in the Northeast served as tourist destinations for the sexual exploitation of children and adolescents. Additionally reports indicated sexual exploitation of children and adolescents increased around major construction projects. 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 ILO, more than 100,000 children were victims of sexual exploitation each year. During the World Cup from June 12 to July 13, the SDH reported 2,465 cases of child sexual exploitation, compared with 1,982 during the same period in 2013.

The law defines sexual exploitation as prostitution of children, sexual activity, production of child pornography, and public or private sex shows. In May the sexual exploitation of children, adolescents, and other vulnerable persons became a “heinous crime” punishable by four to 10 years in prison.

The SDH continued its 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 prior to the annual carnival season and the World Cup. As a part of its prevention efforts, the SDH partnered with UNICEF to launch a mobile phone application allowing users to register complaints of sexual and physical abuse against children and adolescents and to find the nearest police stations, protection councils, and other organizations that help to combat violence against children in major cities.

State authorities launched the campaign “All for one team, for a World Cup without abuse or sexual exploitation.”

The law criminalizes child pornography. The penalty for possession of child pornography is up to four years in prison and a fine. Although the country is not a large-scale producer of child pornography, such material was disseminated on social networking websites. The Federal Police conducted 1,441 investigations into crimes involving child pornography between January 2013 and May.

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

sexual exploitation of children and adolescents. Despite these efforts a 2013 Federal Highway Police study found 1,776 hotspots for child prostitution, mainly at major highway intersections close to urban areas. The study also found that from 2006 to 2013, authorities removed 3,812 children and adolescents from these hotspots and took 1,662 individuals into custody for crimes against minors; it was unclear how many of these children or individuals were involved in commercial 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 travel.state.gov/content/childabduction/english/legal/compliance.html as well as country-specific information at travel.state.gov/content/childabduction/english/country/brazil.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.

According to a study conducted by the State University of Campinas (Sao Paulo), neo-Nazi groups that traditionally operated in the southern states of Rio Grande do Sul, Santa Catarina, and Parana grew in the past decade in the Federal District and Minas Gerais State. The study estimated there were approximately 105,000 neo-Nazis in the three southern states and 29,000 in Sao Paulo State.

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 in employment, air travel and other transportation, education, and access to health care, and the federal government generally enforced these

provisions. An estimated 10 percent of the population had some form of disability. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively. A 1991 federal law requires private companies with more than 100 employees to hire persons with disabilities at a minimum level of 2 to 5 percent of their workforce, but authorities did not effectively enforce this quota.

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 and up-to-date orthotics and prosthetics, scarcity of affordable housing with special adaptations, and a need for greater accessibility to public transport. Children with disabilities attended school (primary, secondary, and higher education), but there existed a shortage of schools with support for such persons. The absence of accessible infrastructure and schools had a significant impact within the workforce, however, and only an estimated 6 percent of the population with disabilities participated in the workforce.

The government improved access for persons with disabilities in its infrastructure development and in retrofitting public sports venues to prepare for sporting events such as the World Cup and the 2016 Paralympics 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 stipulates prison terms for such acts. The 2010 census reported that for the first time white persons constituted less than half the population of 202.6 million, since approximately 52 percent of the population identified themselves as belonging to categories other than white. Despite laws and a high representation within the general population, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

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. Afro-Brazilians were

disproportionately affected by crime, and black males were twice as likely as their white counterparts to be homicide victims.

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 racial quota systems at universities as constitutional, and a quotas law went into effect that gave the 59 federal universities four years to provide that half of the students of their incoming classes be from public schools, which generally served poorer students. Between 2001 and 2011, college attendance rates increased from 10 percent to 36 percent for black and mixed-race students ages 18 to 24.

Starting in June the law requires 20 percent of federal public administration positions be filled by Afro-Brazilians. The states of Rio de Janeiro, Rio Grande do Sul, Parana, and Mato Grosso do Sul all have similar laws for local public administration positions.

Indigenous People

According to data from the National Indigenous Foundation (FUNAI) and the 2010 census, there were approximately 818,000 indigenous persons (0.4 percent of the national population), representing 305 distinct indigenous ethnic groups and speaking 274 languages. Approximately 517,000 lived in 585 formally recognized indigenous zones, covering 13 percent of the national territory.

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. After consulting with the tribes involved, Congress must approve each request to exploit mineral and water resources, including ones with energy potential, on indigenous lands. The law grants indigenous tribes rights to a portion of the profit resulting from mining. According to the constitution, all aboveground and underground minerals as well as hydroelectric-power potential belong to the government. The construction of the Belo Monte Dam, one of the country's largest, led to frequent conflicts with nearby indigenous communities during initial phases of construction due to concerns of displacement of local communities and the impact on the local environment. Despite changes to construction plans to make the project less disruptive to local populations, human rights groups continued to express concerns that most of the requirements for indigenous consultation remained unmet. Other hydroelectric projects impacting indigenous communities faced similar challenges.

Various indigenous peoples continued to protest the slow pace of land demarcations throughout the year. On May 27, approximately 1,500 members of indigenous communities demonstrated in Brasilia against development plans for the World Cup that they argued would reduce their traditional reserves. Some of the demonstrators were armed with traditional weapons, and one police officer was injured by an arrow during the demonstration. A May 29 meeting between Justice Minister Jose Eduardo Cardozo and various indigenous leaders ended without a final resolution on controversial demarcations. The Ministry of Justice arbitrates land disputes and ultimately demarcates indigenous lands. Officials at FUNAI, which operates under the ministry, stated the federal government had intentionally stalled land demarcations in areas of conflict.

In August the president of FUNAI testified there was an increase in requests by indigenous groups for assistance. Illegal logging, drug trafficking, and mining, as well as changes in the environment from large infrastructure projects, were forcing indigenous tribes to move to new areas or making their demarcated indigenous territories smaller than originally established by law.

According to a July report released by the Indigenous Missionary Council, 53 indigenous persons were killed in 2013, seven fewer than in 2012. Instances of suicide grew in 2013 with 56 indigenous people taking their own lives versus 23 in 2012. Mato Grosso do Sul State continued to lead in both indicators with 32 total homicides and 50 suicides. Most of the violence against indigenous people in Mato Grosso do Sul involved the Guarani-Kaiowa people and was connected to contentious land demarcation disputes. The Indigenous Missionary Council attributed violence toward the Guarani-Kaiowa peoples to the continued expansion of land used for agriculture and cattle ranching as well as delays in the demarcation of Guarani-Kaiowa land.

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. Social discrimination remained a problem, especially against the transgender population. Violence against LGBT individuals remained a serious concern.

In 2013 the SDH released its *Second Annual Report on Homophobic Violence*, which stated that in 2012 there were 315 LGBT-related homicides, compared with 278 in 2011. The NGO Rainbow Group considered the SDH report more accurate than information in other annual reports on homophobic violence because of its use of government data as well as media reports.

According to the SDH, many transgender individuals had difficulty entering the formal labor market or study programs due to an apparent discrepancy between the photograph and name on an individual's labor card and an individual's personal appearance and "social name," which prevented some from obtaining permission to work.

Within Sao Paulo City there are two centers dedicated to supporting "victims of homophobia" that provide social support and inform victims of their rights under the law. A third center was under construction. The city government also has a program that allocates paid internships for transgender students in City Hall to improve their future career prospects and involvement in public service.

The National LGBT Council, created in 2010 to combat discrimination and promote the rights of LGBT persons, continued to meet every two months. Meetings were open to the public and broadcast over the internet.

In April Rio de Janeiro's state-run program "Rio without Homophobia" provided 430 civil police officers with training on the rights of LGBT persons.

On May 17, the Recife NGO Instituto PAPAI launched a nation-wide campaign to support LGBT youth. PAPAI organized a video contest among public high school students to increase participation in the campaign. The videos were to be posted on the website and the winner announced in November.

In June in the city of Sao Paulo, 56 private companies participated in the Forum of Companies and LGBT Rights, an organization created to discuss the best practices to reduce discrimination and promote LGBT rights in working places.

Waldir Pires Bittencourt, an openly LGBT candidate for the Chamber of Deputies in Amapa State, was attacked by assailants who shouted homophobic slurs during the attack. The victim stated that in the weeks prior to the attack he faced a number of death threats through social media and by telephone.

HIV and AIDS Social Stigma

In June discrimination against persons with HIV/AIDS became illegal and is punishable by up to four years in prison and a fine. While there were no reported cases of societal violence or discrimination against persons with HIV/AIDS, crimes against groups at high risk for HIV infection were common.

Other Societal Violence or Discrimination

Violence connected to environmental activism and agrarian conflicts continued. According to the Catholic NGO Pastoral Land Commission, 34 individuals lost their lives in killings linked to land- and water-rights conflicts that occurred in remote areas in 2013, a slight decrease from 2012. Fourteen of the killings occurred in the North, including six in the state of Para. The NGO Global Witness reported 448 environmental and land activists were killed in the country between 2002 and 2013.

In January a Minas Gerais state court sentenced the murderers of five landless movement activists in 2004 to 102 years in prison. The crime also left 12 persons injured. In 2013 the landowner who ordered the crime was sentenced to 115 years in prison.

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 to collectively bargain with some restrictions, and the right to strike. The law limits organizing at the enterprise level and imposes a mandatory union tax on workers and employers. The law does not allow the armed forces, military police, or firefighters to strike. 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 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 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 Ministry of Labor does not register the union. While a number of competing unions existed, the ministry 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 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 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. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation had yet to be enacted by year’s end.

Authorities at times did not effectively enforce laws protecting freedom of association and collective bargaining. Penalties under the law ranging from 10 reais to 1,000 reais (\$4.31 to \$431) were generally sufficient to deter violations, and labor courts enforced payments. Improving legal recourse through the courts was often a protracted process, however, particularly in cases related to retaliatory discharge.

Freedom of association and the right to collective bargaining were generally respected. Collective bargaining was widespread in formal sector establishments of the private sector. Worker organizations were independent of the government and political parties. Intimidation and killings of rural union organizers and their agents continued. For example, on August 13, Lucia do Nascimento, a former president of the Rural Workers’ Union in rural Mato Grosso State, was killed by an a person linked to the owner of the land where she and other rural workers lived.

Employers fired strike organizers for reasons ostensibly unrelated to strikes. In June, 42 members of the São Paulo metro workers union were fired for alleged

vandalism and misconduct. Most of the fired employees were subsequently reinstated.

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,” including 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. Imprisonment for violations of forced labor laws is up to eight years in prison but was often not sufficient to deter violations. 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 coordinated government efforts to combat forced and exploitative labor and provided a forum for input from civil society. During 2013, the latest year for which such data were available, the Ministry of Labor reported removing 2,063 laborers from “conditions analogous to slavery” in 179 unannounced inspections of 300 properties. 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 degrading labor conditions.

The Ministry of Labor’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 were entitled to three months’ salary at the minimum wage. The Ministry of Labor ordered employers to pay approximately eight million reais (\$3.5 million) in back pay in 2013. Few specialized services were provided to these workers, and NGOs noted a high revictimization rate.

The Ministry of Labor also published a “dirty list” to expose publicly employers (persons or legal entities) caught using forced labor. The list was updated every six months by the ministry’s Secretariat of Labor Inspections and was available on the ministry’s website. Inclusion on the “dirty list” had serious financial

consequences in that public financial institutions as well as many private banks denied credit and other services to listed individuals and companies. As of July the list contained 609 names.

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. Media outlets reported that from 2010 to 2013, none of the 469 forced labor cases brought to trial resulted in a definitive judgment or penalty, which the Federal Public Ministry attributed to delays in the judicial system.

Efforts of the federal government were supported by a number of state initiatives, and several states had state commissions for the eradication of forced labor, including Tocantins, Goias, Ceara, Rondonia, Bahia, Rio de Janeiro, Sao Paulo, Mato Grosso do Sul, Para, Maranhao, Mato Grosso, and Rio Grande do Sul. The Sao Paulo State Commission for the Eradication of Forced Labor (COETRAE) met regularly during the year under the coordination of the Secretariat of Justice. The commission, created in 2011, functioned in tandem with the Sao Paulo Nucleus to Combat Trafficking in Persons. During the year COETRAE registered 269 cases of forced labor within Sao Paulo State, although no there were no convictions by December.

Forced labor, including forced child labor, occurred in many states, in work such as clearing forests to provide cattle pastureland, logging, charcoal production, raising livestock, and other agricultural activities (also see section 7.c.). 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 principally from the Northeast. 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 and China. In March labor inspectors removed 19 Peruvian workers from a sweatshop in Sao Paulo where they worked long hours in a debt bondage scheme.

The coordinator of the National Campaign to Combat Slave Labor (linked to the Public Ministry of Labor) estimated there were between 20,000 and 50,000 laborers working in “conditions analogous to slavery” at any given time during the year. According to the Pastoral Land Commission’s 2013 report published in

April, there were 141 incidents in which persons were found in “conditions analogous to slavery.” States with the highest number of removed workers were Mato Grosso do Sul, Ceara, Para, Sao Paulo, Bahia, and Tocantins. The primary economic activities where forced labor was found in 2013 included construction, livestock raising, and the garment sector. Forced labor in domestic servitude involving women and children was also reported.

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 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 Ministry of Labor is responsible for inspecting worksites to enforce child labor laws. Penalties for violations range from 402 reais to 1,891 reais (\$173 to \$815), doubling for a second violation and tripling for a third, and 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 the media. According to Ministry of Labor data, 2,437 children and adolescents were found in situations that violated minimum age laws in 4,526 unannounced inspections from January to July. A majority, 81 percent of those found, were young boys. In 2013 a total of 8,339 inspections discovered 7,432 children and adolescents employed in violation of minimum age laws. Labor inspectors remained unable to enter private homes and farms, where much of the nation’s child labor occurred.

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 received 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 provided a monthly stipend to low-income families that kept their children up to age 17 in

school and met certain child health requirements. The Bolsa Familia served more than 14.1 million households nationwide. Beyond the Bolsa Familia, the government operated the Brasil Sem Miséria (Brazil without Misery) and Brasil Carinhoso (Caring Brazil) programs to build on programs such as the Bolsa Familia as well as to provide access to public services and to stimulate employment opportunities. The government also continued to partner with the ILO in projects to eradicate child labor in the state of Mato Grosso. The Federal Police also expended funds to respond to criminal cases involving forced child labor.

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, more than 250,000 of whom were domestic workers. 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 Ministry of Labor, 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 conducted by the daily newspaper *Folha de São 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 in paid or unpaid jobs. The 2010 census reported 132,000 children between ages 10 and 14 were the sole providers for their families. Approximately one-half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than one-half of child laborers worked in rural areas. The study also found that 95 percent of the children who worked also attended school.

Children worked in agriculture, including in raising livestock and in the production of cashews, coffee, sugarcane, cotton, manioc, pineapple, sisal, soybeans, rice, and tobacco. Children were also involved in the production of ceramics, bricks, charcoal, and footwear. Forced child labor occurred in many states, most markedly in work such as raising cattle and clearing forest to provide pastureland. Children were also subjected to commercial sexual exploitation (see section 6, Children).

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 or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, and sexual orientation or gender identity, and HIV-positive status or other communicable diseases. The government generally enforced these laws and regulations, although discrimination in employment and occupation continued to occur with respect to women, persons with disabilities, and transgender individuals (see section 6).

e. Acceptable Conditions of Work

In January the national minimum wage increased to 724 reais (\$310) per month. According to 2010 IBGE data, the most recent information available, the per capita income of approximately 50 percent of workers was below the minimum wage. IBGE data also revealed 8.5 percent of workers (16.2 million) were considered “extremely poor” or earning less than 70 reais (\$30) 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, 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.

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.

As part of its efforts to combat forced labor, the Ministry of Labor’s Mobile Inspection Unit teams also addressed problems related to acceptable conditions of

work such as long workdays and unsafe or unhygienic work conditions. At the beginning of the year, the ministry employed a total of 2,719 labor inspectors, down from 2,995 at the end of 2013. Penalties for violations included 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.

In May labor inspectors removed 185 workers from a major mining operation in Minas Gerais State. Of the workers removed, 67 had been employed by a multinational mining company. According to the inspectors' report, drivers routinely worked for 18 hours a day, and many workers amassed 200 hours of overtime a month. The company had unsuccessfully petitioned the Ministry of Labor to allow workers at the mining site to work for 58 hours a week for five months in 2013.

In July labor inspectors in Sao Paulo state removed 107 workers from five coffee farms where they were forced to work in unsanitary conditions. In August a food company was ordered to pay a fine of one million reais (\$431,000) for keeping workers in degrading conditions--including excessive work and unsanitary living conditions--on a company farm in the state of Parana. The company claimed an outsourced company was responsible and planned to appeal the decision.

Irregularities in the work conditions of Bolivian immigrants working in the garment industry continued, principally in the city of Sao Paulo. In May labor inspectors removed six Bolivian immigrant workers from degrading work conditions in a factory producing clothes for the M. Officer clothing brand. The company responded that the factory in question was run by a third-party contractor.

According to IBGE data, there were approximately 44.2 million persons in the informal sector in 2011, the most recent year for which data were available. The Institute for Applied Economic Research noted a steady decline in informal labor in recent years, however. Unregistered workers tended to be either young or elderly and worked primarily 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 exploitative conditions.

In 2013 there were approximately 724,000 workplace accidents and 2,731 workplace fatalities. In June one worker was killed and two others were injured during the construction of a monorail near Congonhas Airport in Sao Paulo.