

BRAZIL 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Brazil is a constitutional, multiparty republic governed by a democratically elected government. In 2018 voters chose the president, the vice president, and the bicameral national legislature in elections that international observers reported were free and fair.

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

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

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

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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 numerous reports that state police committed unlawful killings. In some cases police employed indiscriminate force. The nongovernmental organization (NGO) Brazilian Public Security Forum reported police killed 5,804 civilians in 2019, compared with 6,160 civilians in 2018. Rio de Janeiro State was responsible for 30 percent of the national total, despite representing just 8 percent of the population. Those killed included criminal suspects, civilians, and narcotics traffickers who engaged in violence against police. Accordingly, the extent of unlawful police killings was difficult to determine. The Federal Public Ministry and Federal Prosecutor's Office investigate whether security force killings are justifiable and pursue prosecutions.

In the city of Rio de Janeiro, most deaths occurred while police were conducting operations against narcotics trafficking gangs in the more than 1,000 informal housing settlements (*favelas*), where an estimated 1.3 million persons lived. NGOs in Rio de Janeiro questioned whether all of the victims actually resisted arrest, as police had reported, and alleged that police often employed unnecessary force.

On May 18, 14-year-old Joao Pedro Matos Pinto sought shelter in his home in Rio de Janeiro State's municipality of Sao Goncalo as a police helicopter circled above his neighborhood of Salgueiro, searching for a suspect. According to the autopsy report and witness testimonies, police raided Joao Pedro's home and shot him in the back dozens of times. During the joint operation of the Federal Police and Civil Police Coordination of Special Resources Unit, authorities said they mistook the teenager for the suspect. The Federal Public Ministry initiated a public civil inquiry to investigate the participation of federal agents in the case. In addition to the Civil Police's Homicide Division and Internal Affairs Unit, the state and federal public prosecutor's offices were also investigating the case. As of August no one had been indicted or arrested.

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The number of deaths resulting from military and civil police operations in the state of Sao Paulo from January to April grew 31 percent, compared with the same period in 2019. The figures for the four-month period included a spike in deaths in April, with military and civil police reporting 119 officer-involved deaths in the state, a 53-percent increase from April 2019. According to the Sao Paulo state government, military police reported 218 deaths resulting from street operations from January to April.

In Santa Catarina, in the first six months of the year, police killed one person every three days. After pandemic-induced social distancing measures began on March 16, the lethality of military police interventions increased by 85 percent, according to data from the Public Security Secretariat of Santa Catarina. Victims' families contested police accounts of self-defense, reporting extrajudicial executions and police alteration of crime scenes to match their story.

In the state of Rio Grande do Sul in June, Angolan citizen Gilberto Almeida traveled to his friend Dorildes Laurindo's house in Cachoeirinha, a suburb of Porto Alegre. Almeida and Laurindo requested a ride through a ride-sharing app. Unbeknownst to them, the driver was a fugitive with a history of drug trafficking. Police gave chase while Almeida and Laurindo were passengers. The driver stopped the car, fled, and was arrested. Officers from the Rio Grande do Sul 17th Military Police Battalion in Gravataí fired 35 times, hitting both Almeida and Laurindo multiple times when they got out of the car. Both were taken to the hospital, where Laurindo died of her wounds. Upon discharge from the hospital, Almeida was taken to the Gravataí police station and then to Canoas State Penitentiary for 12 days before being released by court order.

As of August, Rio de Janeiro's Public Prosecutor's Office continued investigating the case of a 2019 operation by two military police units--BOPE and the Battalion to Repress Conflicts (CHOQUE)--in the Santa Teresa neighborhood of the city of Rio de Janeiro. The operation resulted in the deaths of 15 persons. Military police reported all of the victims were criminals; however, human rights organizations claimed the victims offered no resistance and that many were shot in the back. An investigation by Rio de Janeiro's military police concluded that evidence was insufficient to prove that any crimes were committed. In November 2019 the Civil

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Police Homicide Division recommended that the case be closed and that none of the investigated police officers be held accountable for the killings.

According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men. The Brazilian Public Security Forum reported that almost 75 percent of the persons killed by police in 2019 were black. As of August a trial date had not been set for the army soldiers from Deodoro's (a neighborhood located in western Rio de Janeiro City) 1st Infantry Motorized Battalion, who killed black musician Evaldo Rosa dos Santos and injured two others in April 2019. Nine of the accused were released on bail in May 2019. According to a survey of cases between 2015 and 2017 at the Superior Military Court involving military personnel, 70 percent were either dismissed or resulted in no punishment.

Verbal and physical attacks on politicians and candidates were common. A survey from NGOs Terra de Direitos and Justica Global found 327 cases of political violence, including murder, threats, physical violence, and arrests of politicians or candidates between 2016 and September 2020. A majority of the violence--92 percent--targeted politicians and candidates at the municipal level. As of September 1, at least two candidate or incumbent city councilors, elected mayors or vice mayors, were killed each month of the year. In 63 percent of the cases, authorities had not identified any suspects. In September, Federal Deputy Taliria Petrone appealed to the United Nations for protection from multiple death threats she had received, saying Rio de Janeiro State and the federal government were failing to offer appropriate protections.

According to the aforementioned survey, as of September 1, a total of 27 politicians and candidates had been killed or attacked, and a record 32 killings of politicians and candidates in 2019. In Rio de Janeiro State alone, nine sitting and former politicians were killed in 2019. In March police arrested two former police officers, Ronnie Lessa and Elcio Vieira de Queiroz, in connection with the 2018 killing of a gay, black, Rio de Janeiro city council member and human rights activist, Marielle Franco, and her driver. A preliminary trial began in June 2019 at the Fourth Criminal Court in Rio de Janeiro. As of August police had not identified who ordered the crime, and no trial date had been set for the two accused.

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The NGO Global Witness reported 23 social, human rights, and environmental activists were killed in 2019, leading it to classify the country as “extremely lethal” for activists. In March media reported that police officers from the Ninth Military Police Battalion of Uberlandia, Minas Gerais, killed human rights and land rights activist Daniquel Oliveira with a shot to the back of his head. Oliveira was a leader of the Landless Workers Movement. According to police, Oliveira shot at the officers, and they returned fire to defend themselves. According to other Landless Workers Movement activists, Oliveira was unarmed. Police initiated an internal investigation, and the Public Ministry of Minas Gerais interviewed witnesses regarding the killing.

b. Disappearance

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

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

The constitution prohibits torture and inhuman or degrading treatment, but there were reports government officials sometimes employed such practices. The law mandates that special police courts exercise jurisdiction over state military police except those charged with “willful crimes against life,” primarily homicide.

Impunity for security forces was a problem. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

According to the National Council of the Public Ministry, in 2019 there were 2,676 cases of guards and other personnel inflicting bodily harm on prisoners, compared with 3,261 cases in 2018.

In May residents of the Favela do Acari in the city of Rio de Janeiro reported that Iago Cesar dos Reis Gonzaga was tortured and killed during an operation in the community led by CHOQUE and BOPE. The victim’s family corroborated the residents’ report, saying that unidentified police officers tortured, abducted, and killed Iago. The 39th Police Precinct in Pavuna was investigating the case.

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On July 12, a television channel broadcasted mobile phone video recordings of a police officer from the 50th Sao Paulo Metropolitan Military Police Battalion holding a black woman on the ground by stepping on her neck. The video was filmed in May in Sao Paulo during a public disturbance call. The woman sustained a fractured leg injury during the incident, and the two officers involved were suspended from duty and were under investigation for misconduct. The police officer who held the woman on the ground was indicted for abuse of authority.

There were reports of sexual assault committed by police. According to *Globo* news outlet, in August security cameras showed a Rio de Janeiro State military police officer inside the building of the victim who accused him of rape. The victim reported that the officer had been in the building a week before the incident responding to a domestic disturbance call. The officer returned to her building, identifying himself to the doorman as the one who had responded to the earlier call and saying that he needed to talk with the victim. The doormen allowed him to enter the building, and according to the victim, the officer entered her apartment and raped her. The state military police were investigating the case. The officer was suspended from field duties.

In January a military court provisionally released the two military police officers from the 37th and 40th Sao Paulo Metropolitan Military Police Battalions suspected of raping a woman in Praia Grande, Sao Paulo, in June 2019. As of August 10, no verdict had been issued. The two officers were not allowed to resume duties in the field.

In March the Military Prosecutor's Office opened an investigation into the torture accusations against federal military officers from Vila Militar's First Army Division, but as of August no officer had been charged. In 2018 the press reported claims that the officers tortured 10 male residents of Rio de Janeiro. As of March all 10 men had been released after one year and four months in detention.

In July, four military police officers from the Itajai Military Police Battalion were convicted of torture and received sentences ranging from three to 10 years, in an operation that took place in 2011 in Itajai, Santa Catarina. The agents entered a house to investigate a drug trafficking complaint and attacked three suspects--two men and a woman--with punches, kicks, and electrical stun gun shots. The final

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report indicated officers fired 33 shots at the three suspects and three other persons, including two children.

Impunity for security forces was a problem. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. Delays in the special military police courts allowed many cases to expire due to statutes of limitation. Local NGOs, however, argued that corruption within the judiciary, especially at the local and state levels, was a concern and alleged that impunity for crimes committed by security forces was common. According to a survey of cases involving military personnel between 2015 and 2017 at the Superior Military Court, 70 percent were either dismissed or resulted in no punishment. There was a 26-percent increase, however, in arrests of military police officers in the state of Sao Paulo between January and May, compared with the same period in 2019. Most of the 86 arrests during the year were for homicide, corruption, drug trafficking, and assault.

Prison and Detention Center Conditions

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

Physical Conditions: According to the National Penitentiary Department, as of December 2019, the average overall occupation rate in prisons was 170 percent of the designed capacity. The northern region of the country experienced the worst overcrowding, with three times more prisoners than the intended capacity. The southern state of Parana reported a shortage of 12,500 spaces for inmates in correctional facilities and provisional centers within the metropolitan area of Curitiba as a result of a 334-percent increase in the number of arrests in the first four months of the year. Much of the overcrowding was due to the imprisonment of pretrial detainees. A February survey by the news portal *G1* showed that 31 percent of detainees were being held without a conviction, a drop from 36 percent in 2019.

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A June report by the NGO Mechanism to Prevent Torture highlighted that prisons in all 26 states and the Federal District faced overcrowding and shortages in water (some facilities had water available for only two hours per day), personal hygiene products, and proper medical care. Prison populations endured frequent outbreaks of diseases such as tuberculosis and suffered from high rates of sexually transmitted diseases such as syphilis and HIV. Letters from detainees to the Pastoral Carceraria, a prison-monitoring NGO connected to the Catholic Church, reported a lack of guarantee of rights such as education, recreation, and contact with family and lawyers due to COVID-19 restrictions imposed by prison authorities.

Reports of abuse by prison guards continued. In March 2019 the national daily newspaper *Folha de S. Paulo* reported that the Sao Paulo Penitentiary Administration Secretary's Ombudsman's Office received 73 reports of torture in correctional facilities in the state of Sao Paulo in the first two months of 2019, of which 66 were related to the Provisional Detention Center of Osasco, in the metropolitan area of Sao Paulo. Reports mentioned long punishment in isolated cells, lack of access to health care, and psychological torture. The center was operating at 50 percent beyond designed capacity.

Police arrested one person in Fortaleza, Ceara State, who was allegedly responsible for the January 2019 prison riots that resulted in the Ministry of Justice authorizing a federal intervention taskforce to enter the state's prisons. The National Mechanism for the Prevention and Combat of Torture investigated reports of abuse and reported in October 2019 that prison guards systematically broke prisoners' fingers as a way to immobilize them. The National Penitentiary Department denied the findings of torture, stating prisoners were injured in the violent riots and received medical treatment.

General prison conditions were poor. There was a lack of potable water, inadequate nutrition, food contamination, rat and cockroach infestations, damp and dark cells, a lack of clothing and hygiene items, and poor sanitation. According to a March report from the Ministry of Health, prisoners were 35 times more likely to contract tuberculosis, compared with the general public. One NGO, the Rio de Janeiro Mechanism for Torture Prevention, asserted that injured inmates were denied medication and proper medical treatment.

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

Prisons suffered from insufficient staffing and lack of control over inmates. Violence was rampant in prison facilities. According to the National Penitentiary Department, 188 prisoners were killed while in custody in 2019. In addition to poor administration of the prison system, overcrowding, the presence of gangs, and corruption contributed to violence. Media reports indicated incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Prison riots were common occurrences. In April approximately 100 minors rioted in the juvenile detention center Dom Bosco in Ilha do Governador, Rio de Janeiro City, after authorities suspended family visits due to the COVID-19 pandemic. Inmates set fire to mattresses, broke doors, and injured two guards.

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

Due to COVID-19, Sao Paulo State penitentiaries implemented restrictive visitation policies. Beginning in March visits to inmates in the states of Santa Catarina and Rio Grande do Sul were suspended. In April, Santa Catarina implemented virtual visits. In Rio Grande do Sul, almost 3,000 inmates belonging to high-risk groups for COVID-19 were released from prison to house arrest and electronic monitoring.

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

Improvements: Ceara State prison officials took steps to reduce overcrowding by building new prisons, including a maximum-security prison inaugurated in February, reforming existing prisons to accommodate 5,000 more prisoners, and maximizing the use of parole programs. The state banned cell phones and televisions in prisons, increased the use of videoconferences so that prisoners had access to lawyers, and provided expanded access to educational courses.

In October a new law established Santa Catarina State's policy for the rehabilitation of formerly incarcerated persons. The law guarantees support and promotes social inclusion for formerly incarcerated persons, assists them in entering the labor market, develops educational and professional qualification programs, and provides incentives to companies that provide jobs to this vulnerable population.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. The law permits provisional detention

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for up to five days under specified conditions during an investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days is permitted if police suspect a detainee may flee the area. Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In cases involving heinous crimes, torture, drug trafficking, and terrorism, pretrial detention could last 30 days with the option to extend for an additional 30 days. Often the period for charging defendants had to be extended because of court backlogs. The law does not provide for a maximum period of pretrial detention, which is decided on a case-by-case basis. Bail was available for most crimes, and defendants facing charges for all but the most serious crimes have the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Indigent detainees have the right to a lawyer provided by the state. Detainees had prompt access to family members. If detainees are convicted, time in detention before trial is subtracted from their sentences.

Arbitrary Arrest: On September 2, civil police officers from the Rio de Janeiro 76th Police Station arrested Luiz Carlos da Costa Justino for a 2017 car theft. According to police, the robbery victim identified Justino from a photograph lineup in the police station. According to media outlets, Justino, who was an adolescent at the time of the robbery, did not have a criminal record and therefore police should not have had access to any photographs of him. Video evidence showed that at the time of the crime, Justino, an Afro-Brazilian musician with the Grota String Orchestra in Niteroi, was performing in an event at a bakery located four miles from the crime scene. Justino was released after five days. As of October the public prosecutor's office of Rio de Janeiro was reviewing Justino's petition for revocation of the arrest.

Pretrial Detention: According to the Ministry of Justice's National Penitentiary Department, 30 percent of prisoners nationwide were in pretrial detention. A study conducted by the National Penitentiary Department in 2018 found more than half of pretrial detainees in 17 states had been held in pretrial detention for more than 90 days. The study found that 100 percent of pretrial detainees in Sergipe State, 91

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percent in Alagoas State, 84 percent in Parana State, and 74 percent in Amazonas State had been held for more than 90 days.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Local NGOs, however, argued that corruption within the judiciary, especially at the local and state levels, was a concern and alleged that impunity for crimes committed by security forces was common.

Trial Procedures

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

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

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

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Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Property Restitution

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

For additional information, the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, can be found at <https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

The Ministry of Justice's Secretariat of Integrated Operations (SEOPI) provided information on individuals identified as antifascists to other law enforcement agencies. The press leaked a SEOPI dossier with the names, photographs, and social media activity of at least 579 individuals nationwide, including police officers, university professors, and former secretaries of public security and human rights. On August 3, the Minister of Justice fired the head of SEOPI and initiated an internal investigation into the matter. On August 20, the Supreme Court determined the monitoring had been illegal.

In October the president signed a decree compelling all federal bodies to share most of the data they hold on citizens, from health records to biometric information, and consolidate it into a single database. Officials argued this would consolidate information and facilitate citizen's access to government services. There was no debate or public consultations before the decree was signed, and critics warned that the concentration of data could be used to violate personal privacy and other civil liberties. The database was to include biographic information, health information, and biometric data, such as facial profiles, voice, iris and retina scans, and prints of digits and palms.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

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

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Violence and Harassment: Journalists were sometimes killed or subjected to harassment, physical attacks, and threats as a result of their reporting. In May journalist Leonardo Pinheiro was killed while conducting an interview in Araruama in Rio de Janeiro State. As of October authorities had not identified any suspects or motives.

As in previous years, the most serious physical attacks were reported in relation to local reporting, such as the case of television news presenter Alex Mendes Braga, who in July was forced off the road in Manaus, Amazonas State, physically attacked, and threatened in apparent retaliation for his recent coverage of suspected fraud at a local hospital.

Multiple journalists were subjected to verbal assault, including when unmasked private individuals yelled in their faces following the onset of COVID-19. The most high-profile incident took place outside the presidential palace in Brasilia, leading a coalition of civil society organizations to file a civil suit against the government for failing to protect journalists there. As of August multiple major outlets had stopped sending journalists to cover events outside the palace, and the palace had taken additional measures to keep journalists separated from civilians gathered outside.

According to Reporters without Borders, President Jair Bolsonaro criticized the press 53 times, verbally or via social media, during the first half of the year. Multiple news outlets reported that on August 23, President Bolsonaro verbally lashed out at an *O Globo* reporter, who questioned him about deposits made by former aide Fabricio Queiroz to his wife, Michelle Bolsonaro.

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

In June, two journalists from the local newspaper *Em Questao* in Alegrete, Rio Grande do Sul, were beaten by two military police officers after one of the reporters attempted to photograph an army truck outside the city police station. The officers forbade the reporter from taking photographs, seized his cell phone,

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and kicked and handcuffed him. After an investigation, in August civil police referred the two officers for prosecution for aggression and abuse of authority.

Censorship or Content Restrictions: National laws prohibit politically motivated judicial censorship, but there were reports of judicial censorship. On July 30, a Federal Supreme Court justice ordered Facebook and Twitter to block multiple accounts for having disseminated “fake news.”

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

Internet Freedom

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

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

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

Academic Freedom and Cultural Events

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

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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 June an officer from CHOQUE pointed a rifle at unarmed demonstrator Jorge Hudson during a Black Lives Matter protest in front of the Rio de Janeiro governor's official residence. Although the crowd of protesters was peaceful, military police responded with rubber bullets and tear gas to disperse the public. The military police spokesperson announced a few days later that the police officer involved in the incident had been punished administratively.

c. Freedom of Religion

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

d. Freedom of Movement

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The governmental National Committee for Refugees cooperated with the Office of the UN Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing official documents, protection, and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

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

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

As of August there were more than 264,600 Venezuelan refugees and migrants in the country, many of whom arrived in the northern state of Roraima. The country had already officially recognized more than 46,000 of these Venezuelans as refugees. The government continued the process of “interiorization” of Venezuelan refugees and asylum seekers, moving them from the border to other states to relieve pressure on the resource-strapped state of Roraima and provide increased opportunities for education and work.

In 2019 Rio Grande do Sul became the first state to implement a Central American refugee resettlement program with federal government resources. After presenting evidence they had been persecuted by gangs in their home countries, 28 individuals were resettled. The Antonio Vieira Association, a Jesuit organization, was responsible for carrying out the resettlement.

Employment: The interiorization program also provided economic opportunities for resettled Venezuelans by placing them in economic hubs in larger cities. In partnership with the EU, UNHCR released the results of a 2019 survey of 366 resettled Venezuelan families who found improvements in economic status, housing, and education after resettlement. More than 77 percent were employed within weeks of their resettlement, as opposed to only 7 percent beforehand. Within six to eight weeks of their resettlement, the incomes of Venezuelan migrants across all education levels had increased. Prior to resettlement, 60 percent of those interviewed had been in a shelter and 3 percent had been homeless. Four months after being interiorized, no migrants lived on the street and

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only 5 percent were in shelters, while the majority (74 percent) were living in rental homes. All Venezuelan families had at least one child in school after resettlement, as opposed to only 65 percent of families beforehand.

Resettled Venezuelans seeking employment reported difficulty obtaining Brazilian accreditation for foreign academic degrees and professional licenses, restricting their ability to work. Civil society organizations raised concerns that business closures due to COVID-19 disproportionately affected migrants and refugees, many of whom depended on informal jobs or work in the service sector.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In national elections held in 2018, citizens chose former federal deputy Jair Bolsonaro as president and elected 54 senators and 513 federal deputies to the national legislature and multiple governors and state legislators to state governments. National observers and media considered the elections free and fair.

Political Parties and Political Participation: On August 5, the Porto Alegre city council opened an impeachment process against Mayor Nelson Marchezan Jr. for allegedly using 3.1 million reais (R\$) (\$570,000) from the municipal health fund to pay for advertising, including in national newspapers, contrary to the rules established in a decree for the application of resources. The mayor claimed the rules did not apply because the city council explicitly approved the use of funds for safety orientations regarding COVID-19. Proponents of impeachment claimed, however, the advertisements highlighted Marchezan's response to the pandemic and thus were self-promotional for his re-election campaign.

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

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On August 25, the Superior Electoral Court decided that the division of publicly provided funds for campaign financing and advertising time on radio and television must be divided proportionally between black and white candidates in elections. For example, if 20 percent of a party's candidates are black, at least 20 percent of its publicly provided campaign funding must be used in support of those black candidates. The decision, scheduled to take effect in 2022, was made in response to calls from Afro-Brazilian activists.

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

Section 4. Corruption and Lack of Transparency in Government

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

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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 in addition to the investigation, indictment, and conviction of politicians across the political class. Information gained through collaboration and plea bargains with suspects launched many new investigations. During the year prosecutors filed 128 new complaints and issued 61 arrest warrants.

Superior Court of Justice Minister Benedito Goncalves removed Rio de Janeiro governor Witzel from office on August 28 for an initial period of 180 days on charges of corruption, money laundering, and obstruction of justice related to his role in a criminal organization that oversaw fraudulent expenditures and contracting in the state's COVID-19 response. The court decision came amid a separate and ongoing impeachment process led by the state legislative assembly against the governor. The August 28 ruling led to arrests of high-profile individuals including, among others, former Rio de Janeiro state secretary of economic development Lucas Tristao, pastor (and president of the Social Christian Party) Everaldo Dias Pereira, and business owner Mario Peixoto. The corruption scandal also led to the arrests of Deputy Health Secretary Gabriell Neves in May and former Rio de Janeiro health secretary Edmar Santos in July. As of August 17, Neves remained in detention, while Santos had been released based on his cooperation with the investigation of Governor Witzel. As of August, Rio de Janeiro's public ministry was also investigating the nonprofit health organization Institute of Basic and Advanced Health Services (IABAS). Rio de Janeiro State contracted IABAS to build and manage seven of the state's nine COVID-19 field hospitals. The noncompetitive-bid contracts under investigation included purchases of ventilators, medical masks, and rapid diagnostic tests believed to be valued, collectively, at more than \$200 million.

On July 29, Sao Paulo senator Jose Serra was indicted for corruption and money laundering by the Federal Court of Justice. On July 30, the Electoral Court of Sao Paulo indicted former governor Geraldo Alckmin for electoral crimes, corruption, and money laundering. Alckmin had allegedly received R\$10 million (\$1.8 million) for his 2010 and 2014 gubernatorial campaigns.

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

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

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

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

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

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

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape. In addition, the Maria da Penha Law criminalizes physical, psychological, and sexual violence against women, as well as defamation and damage to property or finances by someone with whom the victim has a marriage, family, or intimate relationship. The law defines femicide as homicide of a woman due to her gender that could include domestic violence, discrimination, or contempt for women, and it stipulates a sentence of 12 to 30 years. According to NGOs and official data, there were 1,326 femicides in 2019, compared with 1,026 in 2018. According to the NGO Brazilian Public Security Forum, law enforcement identified 946 femicides in 2018. According to the National Council of Justice, courts imposed sentences in 287 cases of femicide in 2018.

According to NGOs and public security data, domestic violence was widespread. According to the *13th Public Safety Yearbook* released annually by the Brazilian Public Security Forum, there were 66,000 cases of rape in 2018. Due to underreporting, the actual number of cases was likely much higher. In cases of femicide, the killer was a partner or former partner of the victim 89 percent of the time. In July, Santa Catarina Military Police sergeant Regiane Terezinha Miranda was killed by her former husband, who then took his own life. Miranda led the Catarina Network for the Protection of Women, a program designed to prevent and combat domestic violence.

Prolonged stress and economic uncertainty resulting from the pandemic led to an increase in gender-based violence. A May Brazilian Public Security Forum report showed an average 22-percent increase in femicides in 12 states. The absolute number of femicides in these states increased from 117 in March and April 2019 to 143 in March and April 2020.

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

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the status of the case. The government distributed more electronic ankle monitors and panic button devices as a result of a technical cooperation agreement signed between the Ministry of Women, Family, and Human Rights and the Ministry of Justice in March 2019. Following implementation of the agreement, the sum of ankle monitors (to monitor abusers sentenced to house arrest or to alert police when abusers under a restraining order violate minimum distance requirements) and panic-button devices (to facilitate police notification that a victim is being threatened) increased from 12,727 to 14,786. The agreement also expanded the training and counseling services for abusers from 22 groups and 340 participants to 61 groups and 816 participants nationwide.

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

NGO and public security representatives claimed that culturally domestic violence was often viewed as a private matter. Oftentimes bystanders either did not report cases of violence or waited until it was too late. The Brazilian Public Security Forum reported a 431-percent increase in tweets between February and April during the peak of pandemic-related stay-at-home orders, from neighbors witnessing domestic violence. For example, in July, Fabricio David Jorge killed his wife Pollyana de Moura and then killed himself in their apartment in the Federal District. According to media reports, several neighbors heard screams coming from their apartment but did not report the disturbance to authorities.

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

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state of Rio Grande do Sul found 40 percent of femicide victims had previously sought police protection.

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

Sexual assault and rape of minors was widespread. From 2017 to 2018, 64 percent of rapes involved a “vulnerable” victim, defined as a person younger than age 14, or who is considered physically, mentally, and therefore legally incapable of consenting to sexual intercourse.

In March police arrested a rideshare driver suspected of raping a 13-year-old boy in February in the Botafogo neighborhood of Rio de Janeiro City.

Sexual Harassment: Sexual harassment is a criminal offense, punishable by up to two years in prison, but it was seldom pursued. A law effective in 2018 broadens the definition of sexual harassment to include actions performed outside the workplace. NGOs reported sexual harassment was a serious concern, and perpetrators were infrequently held accountable. A 2019 study conducted by research institutes Patricia Galvao and Locomotiva with support from Uber found that 97 percent of women had experienced sexual harassment on public transportation, in taxis, or while using a rideshare application.

In August a regional labor court judge in Minas Gerais ordered a supervisor to pay an indemnity of R\$5,000 (\$900) to an employee he had sexually harassed and then dismissed after working for three months with the company.

Sexual harassment was also prevalent at public events such as concerts and during Carnival street festivals. Police departments throughout the country distributed rape whistles and informed Carnival goers of the women-only police stations and the sexual assault hotline during the annual celebrations. According to a February survey from the Brazilian Institute of Public Opinion and Statistics, 48 percent of women who attended Carnival events said they suffered some form of sexual harassment during the celebrations. According to public servants and NGOs, the increased awareness and success of national campaigns such as “No means No” led to an increase in reports of sexual harassment during the festivals.

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Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination, coercion, and violence; however, abortion remains illegal except in limited circumstances with court approval. According to the UN Population Fund (UNFPA), individuals in remote regions experienced difficulty accessing reproductive health services, a continuing problem in those regions hit hard by the COVID-19 pandemic. Some local authorities curbed sexual and reproductive services not deemed essential during the pandemic. According to 2018 UNFPA statistics, 77 percent of women of reproductive age had their need for family planning satisfied with modern methods. Human Rights Watch reported that the government provided sexual and reproductive health services for survivors of sexual violence.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for the same legal status and rights for women as for men in all circumstances. The government did not enforce the law effectively. According to government statistics, women earned an average 79.5 percent of the wages earned by men. According to the Observatory on Workplace Equality, black women earned 55 percent of the wages earned by white men.

Children

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

Child Abuse: The law prohibits child abuse and negligence, but enforcement was often ineffective, and abuse was widespread. The national human rights hotline received 86,800 complaints of violations of the rights of children and adolescents in 2019, an increase of almost 14 percent compared with 2018.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18 (or 16 with parental or legal representative consent). The practice of early

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marriage was common. A study of child marriage in the northeastern states of Bahia and Maranhao found that pregnancy was the main motivation for child marriage in 15 of 44 cases. According to a 2020 UNICEF report, 26 percent of women between the ages of 20 and 24 were married by age 18.

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

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

The law criminalizes child pornography. The creation of child pornography carries a prison sentence of up to eight years and a fine. The penalty for possession of child pornography is up to four years in prison and a fine. On February 18, a nationwide operation coordinated by the Ministry of Justice and carried out by state civil police forces resulted in the arrests of 41 individuals for the possession and distribution of material depicting child sexual exploitation.

Displaced Children: According to a 2019 Human Rights Watch report, 529 unaccompanied Venezuelan children and adolescents crossed the border into Brazil between May and November 2019. Another 2,133 arrived without a parent, accompanied by another adult, often an extended family member. According to civil society contacts, some of these minors were at risk of being trafficked or sexually exploited. In one case an adolescent arrived with a much older man she claimed was her boyfriend, but further questioning revealed she had met him on her journey. Authorities alerted child protective services to take guardianship of the minor.

Local child protection services offices act as legal guardians so unaccompanied adolescents can go to school and obtain identification papers to access the public

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health system. In some areas, however, they could not accommodate the influx of children. State shelters in Roraima, the state where a majority of migrants entered the country, could house a maximum of 15 adolescent boys and 13 adolescent girls. According to a 2019 Human Rights Watch report, some unaccompanied children ended up living on the streets, where they may be particularly vulnerable to abuse or recruitment by criminal gangs.

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

Anti-Semitism

According to the Jewish Federation, there were approximately 125,000 Jewish citizens, of whom approximately 65,000 lived in the state of Sao Paulo and 29,000 in the state of Rio de Janeiro.

In February, three men assaulted a Jewish man on the street in rural Sao Paulo State. The men shouted anti-Semitic offenses during the assault and cut the victim's kippah (head covering) with a pocketknife. As of August police were investigating the case but had not identified the attackers.

Prominent Jewish organizations publicly noted their outrage at what they considered anti-Semitic comments made by high-level government officials. In May former minister of education Abraham Weintraub, who is of Jewish heritage, compared a Federal Police operation against fake news to Kristallnacht. Multiple Jewish organizations condemned the comparison, and the Israeli embassy in Brasilia posted on Twitter, "There has been an increase in the use of the Holocaust in public speeches, in a way that belittles its memory and this tragedy that happened to the Jewish people."

A global survey released in June by the Anti-Defamation League indicated that the percentage of Brazilians who harbored some anti-Jewish sentiment had grown from 19 percent in 2019 to 26 percent in 2020. A survey from the Henry Sobel Human Rights Observatory found that acts of intolerance and anti-Semitic attitudes

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were increasingly common in society and politics. The organization recorded 30 such acts during the first six months of the year, compared with 26 in all of 2019. There were 349 active neo-Nazi organizations, according to anthropologist Adriana Magalhaes Dias at the Sao Paulo State University of Campinas. The largest concentrations were in the states of Sao Paulo, with 102 groups; Parana, with 74; and Santa Catarina, with 69.

Neo-Nazi groups maintained an active presence online. In May, Safernet, an NGO that promotes human rights on social networks and monitors radical websites, reported the creation of 204 new pages of neo-Nazi content in the country, compared with 42 new pages in May 2019.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, and the federal government generally enforced these provisions. While federal and state laws mandate access to buildings for persons with disabilities, states did not enforce them effectively. The law requires private companies with more than 100 employees to hire 2 to 5 percent of their workforce from persons with disabilities. According to the 2010 census, only 1 percent of those with disabilities were employed.

The Inclusion of Persons with Disabilities Act, a legal framework on the rights of persons with disabilities, seeks to promote greater accessibility through expanded federal oversight of the City Statute (a law intended to foster the safety and well-being of urban citizens, among other objectives). The act also includes harsher criminal penalties for conviction of discrimination based on disability and inclusive health services with provision of services near residences and rural areas. As of October the National Council of Justice reported 3,834 new cases of discrimination based on disability and 1,918 other cases in some phase of the appeal process.

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The National Council for the Rights of Persons with Disabilities and the National Council for the Rights of the Elderly have primary responsibility for promoting the rights of persons with disabilities. The lack of accessible infrastructure and school resources significantly limited the ability of persons with disabilities to participate in the workforce. In September, President Bolsonaro signed a decree creating the National Special Education Policy to facilitate parents placing their children with disabilities in specialized schools without having to try nonspecialized schools first. Some critics claimed the policy could result in fewer schooling options for children with disabilities.

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

Members of National/Racial/Ethnic Minority Groups

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

In a June 19 decision, Judge Ines Zarpelon repeated three times in her written decision that defendant Natan Paz was surely a member of a criminal group due to his Afro-Brazilian race. The judge sentenced him to 14 years and two months in prison for larceny, robbery, and organized crime, consistent with other sentences for similar crimes. Paz's attorney stated he would appeal the decision, and the National Council of Justice and state bar association requested an investigation of

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the judge by the Curitiba court and the state Public Ministry. On September 28, the Internal Affairs Office of the state court in Parana dismissed the complaint, noting that the judge's reference to the defendant's race had been taken out of context and that the defendant's sentence was a result of his crimes, not the color of his skin. After the killing of George Floyd in the United States, the country saw widespread Black Lives Matter activism targeted at not only ending police violence against Afro-Brazilians but also raising awareness of pervasive systemic racism in many aspects of society, including the criminal justice system.

Controversial deaths of Afro-Brazilians in Recife and Rio de Janeiro, albeit not at the hands of police, indicated that protests in those cities included a broader message against overall systemic racism in society, according to NGO observers. In Recife a wealthy and well-connected white woman required her Afro-Brazilian housekeeper to report to work despite the housekeeper reportedly not being able to find childcare for her five-year-old son due to COVID-19 closures. The white employer allegedly offered to babysit the toddler but then allowed him to enter an elevator alone and ride to a high floor, from which he subsequently fell to his death. The employer faced a manslaughter charge but was free on bail. Some believed she was treated leniently because of her political connections to local authorities, creating "die-ins" and street protests in the northeastern region of the country. In Rio de Janeiro protests began after the city reported that its first death from COVID-19 was an Afro-Brazilian housekeeper working in the home of a white employer who had recently returned from travel abroad, carrying the virus unknowingly, and had required the housekeeper to report to work. Both cases produced debate on social media regarding pervasive economic racism in the country and the failure of the criminal justice system to treat all citizens equally.

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

Many government offices created internal committees to validate the self-declared ethnicity claims of public-service job applicants by using phenotypic criteria, assessing "blackness" in an attempt to reduce abuse of affirmative action policies and related laws. University administrators regularly conducted investigations and

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expelled students for fraudulently claiming to be black or brown to claim racial quota spots in universities. In July the University of Brasilia revoked the diplomas of two students and expelled another 15 on suspicion of fraud in accessing racial quotas. Statistics showed university racial-quota policies were beginning to have a positive impact on educational outcomes for Afro-Brazilians. For example, the University of Brasilia reported in August that almost 49 percent of its students were black or brown, up from 10 percent in 2003.

In Rio Grande do Sul, many virtual classes and presentations with themes involving blackness, women, and LGBTI rights fell victim to “Zoom-bombing” by hate groups. Aggressors typically joined the group video calls and interrupted the presentations with messages of a sexual, racist, or homophobic nature. The Federal Police was investigating four cases in Santa Maria, Santo Angelo, and Porto Alegre, all in Rio Grande do Sul State.

Followers of Afro-Brazilian religions such as Candomble and Umbanda faced more discrimination and violence than any other faith-based group. Although less than 2 percent of the population followed Afro-Brazilian religions, a majority of the religious persecution cases registered by the human rights hotline involved victims who were practitioners of Afro-Brazilian religions.

On July 31, a Sao Paulo court awarded custody of a 12-year-old girl to her maternal Christian grandmother, removing the girl from her mother, who had supported her daughter’s choice to practice the Afro-Brazilian religion of Candomble. The grandmother filed for custody alleging the child faced physical and psychological harm after she shaved her head for a Candomble religious ceremony. Although court documents were not publicly available due to the minor status of the child, media reported that authorities had found no evidence of physical or psychological harm and that the girl had said Candomble was her religion of choice. On August 14, the court returned the girl’s custody to her mother and requested further police investigation.

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

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against these communities. On June 9, armed men invaded one of Bahia State's oldest Candomble temples and destroyed several sacred objects. Media identified the invaders as employees of Grupo Penha packaging company. Representatives of the company denied any wrongdoing but claimed the temple was located on company-owned land.

Indigenous People

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

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

In May the government launched the second phase of Operation Green Brazil to eradicate forest fires and deter criminal activity by making arrests, issuing fines, and confiscating illegally logged wood. Nevertheless, NGOs claimed the lack of regulation along with impunity in cases of illegal land invasions resulted in illegal exploitation of natural resources. The NGO Instituto Socioambiental (ISA) reported there were more than 20,000 miners illegally extracting gold from the Yanomami indigenous lands in Roraima State. According to a report released by the NGO Indigenous Missionary Council (CIMI) in 2020, there were 256 cases of illegal invasions and exploitation of natural resources on 151 indigenous territories in 23 states in 2019. A 2019 Human Rights Watch report specifically detailed illegal deforestation in the Amazon. The report concluded that illegal deforestation in the Brazilian Amazon region was driven largely by criminal networks that had the logistical capacity to coordinate large-scale extraction, processing, and sale of timber, while deploying armed men to protect their interests. The report documented 28 killings--most of them since 2015--in which evidence indicated the

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perpetrators were engaged in illegal deforestation and the victims were targeted because they opposed these criminal activities. Victims included environmental enforcement officials, members of indigenous communities, or others who denounced illegal logging to authorities.

Illegal land invasions often resulted in violence and even death. According to the CIMI report, there were 113 killings of indigenous persons in 2019, compared with 135 such cases in 2018. The killing of indigenous leader and environmental and human rights defender Zezico Rodrigues in March in Arame, Maranhao, was the fifth such killing of an indigenous Guajajara in as many months. Rodrigues worked as director of the indigenous School Education Center and fought environmental crimes. According to indigenous leaders in the region, he reportedly received death threats and formally complained to FUNAI and the Federal Police.

According to FUNAI, the federal government established rules for providing financial compensation in cases of companies that won development contracts affecting indigenous lands. Illegal logging, drug trafficking, and mining, as well as changes in the environment caused by large infrastructure projects, forced indigenous tribes to move to new areas or make their demarcated indigenous territories smaller than established by law. Various indigenous groups protested the slow pace of land demarcations. In a case that lasted more than 30 years, in 2018 a court ordered the return of 20,000 acres of land to the Pankararu indigenous community in the municipalities of Tacaratu, Petrolandia, and Jatoba in the state of Pernambuco. As a result, the Federal Public Ministry instituted an administrative procedure to coordinate federal actions and prevent conflicts. It received reports of invaders cutting down trees, breaking fences, destroying gardens, and threatening members of the Pankararu community.

NGOs and indigenous people's organizations reported higher mortality rates among members of indigenous groups due to COVID-19 than the Ministry of Health reported. According to the Institute for Environmental Research in the Amazon and the NGO Coordination of the Indigenous Organizations in the Brazilian Amazon, the mortality rate due to COVID-19 among indigenous persons on June 24 in the Amazon was 6.8 percent. In comparison, as of June 27, the ministry reported mortality rates due to COVID-19 averaged 4.3 percent, and in

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the northern region, where most indigenous groups lived, only 3.7 percent. Some of this discrepancy may have been due to differences in how mortality was calculated based on all indigenous persons or only those who live in indigenous territories. Many indigenous persons expressed concern that the virus, with its higher risk to older, vulnerable populations, could erase their cultural heritage by decimating an entire generation of elders. The Munduruku people, with land in the states of Amazonas and Para, reported losing seven elders between ages 60 and 86 to COVID-19. According to multiple media reports, indigenous leaders believed exposure from outside, specifically miners and loggers, and increased air pollution (due to machinery and burning deforested land) had caused aggravated respiratory health and put an already vulnerable population at higher risk of contracting COVID-19.

In July a federal court ordered the federal government to expel the estimated 20,000 illegal gold miners from Yanomami Indigenous territory to protect them from the COVID-19 spread. The Ministry of Health, FUNAI, and the Ministry of Defense sent medical missions and more than 350 tons of health supplies to indigenous territories, including more than \$40 million in medical supplies to the state of Amazonas, where most indigenous groups lived. Additionally, the Health Ministry, together with state governments and FUNAI, opened five new hospital wings in the states of Para, Amapa, and Amazonas exclusively for treating indigenous COVID-19 patients. On July 8, President Bolsonaro passed a law creating an emergency action plan to support COVID-19 prevention and treatment for indigenous and other traditional populations. The plan addresses basic hygiene and medical needs. Indigenous leaders made public statements emphasizing that very few of these resources had been delivered to their communities and argued that resource scarcity resulting from the COVID-19 crisis remained a concern.

The Quilombola population--descendants of escaped African slaves--was estimated to include 6,000 communities and five million individuals, although the government had no official statistics. The constitution recognizes Quilombola land ownership rights. Nearly 3,000 communities were registered, but fewer than 140 had been granted land titles by the government.

Quilombola representatives and partner organizations reported that members of these communities suffered higher mortality rates due to COVID-19 than the rest

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of the country's population. According to a partnership between the NGOs ISA and National Coordination for the Articulation of Quilombola Communities (CONAQ), the mortality rate due to COVID-19 in Quilombola communities as of June was 7.6 percent. In comparison, as of June 27, the Ministry of Health reported mortality rates due to COVID-19 in the entire country averaging 4.3 percent, and in the northern region, where a majority of indigenous peoples lived, 3.7 percent.

Quilombola communities faced systemic challenges such as endemic poverty, racism, violence, and threats against leaders and women, as well as limited access to essential resources and public policies. According to CONAQ, black populations had a higher rate of diseases that further aggravated the effects of COVID-19, such as diabetes and high blood pressure. The precarious access to water in many territories was a cause for concern, as it also hindered the hygiene conditions necessary to prevent the spread of the virus. Civil society leaders also cited concerns about food insecurity in Quilombola communities. The communities claimed that health officials were not conducting sufficient contact tracing or testing there, compared with the general population.

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

Violence against LGBTI individuals was a serious concern. The Federal Public Ministry is responsible for registering reports of crimes committed on the basis of gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime or committing suicide. According to the NGO Grupo Gay da Bahia, the risk for a transgender person of being killed was 17 times greater than for a gay person. According to the National Association of Transvestites and Transsexuals in Brazil, in partnership with the Brazilian Institute of Trans Education, 124 transgender men and women were killed in 2019, compared with 163 in 2018. Police arrested suspects in only 9 percent of the cases. According to some civil society leaders, underreporting of crimes was rampant, because many LGBTI persons were afraid they might experience discrimination or violence while seeking services from law enforcement authorities.

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In May transgender woman Vick Santos was found strangled and burned in Itu, Sao Paulo. In July, Douglas Jose Goncalves and his wife, Natasha Oliveira, confessed to the crime. Goncalves told police he strangled Santos in self-defense during an altercation. He and Oliveira then burned Santos' body in an effort to destroy forensic evidence. Both were arrested and were awaiting trial.

On July 26, two teenagers in Bahia stoned Guilherme de Souza and then took his unconscious body to an abandoned house, which they set ablaze. A few hours after the crime was committed, police arrested the suspects, one of whom confessed that he had premeditated the crime because he was offended when the victim, who was homosexual, had flirted with him.

No specific law prohibits discrimination against LGBTI persons in essential goods and services such as health care. In June 2019, however, the Supreme Court criminalized discrimination based on sexual orientation and gender identity. Offenders face sentences of one to three years' imprisonment and a fine, or two to five years' imprisonment and a fine if there is widespread media coverage of the incident.

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

According to some LGBTI leaders, the COVID-19 pandemic severely limited the LGBTI population's access to public health and mental health resources, and many were in abusive domestic situations with families that did not support them. According to some civil society sources, LGBTI workers, who were more likely to work in the informal economy, lost their jobs at a much higher rate than the general population during the pandemic.

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HIV and AIDS Social Stigma

Discrimination against persons with HIV or AIDS is punishable by up to four years in prison and a fine. On May 8, the Supreme Court overturned a Ministry of Health and National Health Surveillance Agency regulation that barred men who had sex with other men from giving blood for 12 months, ending any waiting time.

Civil society organizations and the press reported discrimination against persons with HIV or AIDS. According to one LGBTI activist, although the government provided affordable HIV treatment through the National Institute of Infectious Diseases, many HIV-positive persons did not access the service because they were unaware of its existence or did not understand the bureaucracy required to participate in the program.

Other Societal Violence or Discrimination

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

On July 16, Sao Paulo police arrested six men suspected of being part of the so-called criminal court of the militia group PCC. They were suspected of committing serial killings at the behest of the faction in the southern region of the capital. According to media reports, police believed the suspects killed four persons and buried them in unmarked graves.

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

In March members of a drug trafficking gang that controlled the Cidade de Deus favela in the city of Rio de Janeiro ordered residents to remain indoors after 8 p.m.,

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in an attempt to prevent the spread of COVID-19. They posted a video on social media saying, “anyone found walking around outside would be punished.” The gang told residents that they had imposed the curfew “because nobody was taking [coronavirus] seriously.” In areas controlled by militia groups such as Praca Seca, in the western part of the city, militia members also prohibited small bars in the area to operate and informed residents they were to remain indoors.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

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The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. A 2017 law includes new collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely.

Freedom of association and the right to collective bargaining were generally respected. Collective bargaining was widespread in establishments in the private sector. Worker organizations were independent of the government and political parties. In the view of expert NGOs working in this field, the government usually effectively enforced applicable laws and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

b. Prohibition of Forced or Compulsory Labor

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

Many individuals in slave labor, as defined by the country’s law, were victims of human trafficking for the purpose of labor exploitation. The government took actions to enforce the law, although forced labor occurred in a number of states. Violations of forced labor laws are punishable by up to eight years in prison, but this was often not sufficient to deter violations. The law also provides penalties for various crimes related to forced labor, such as illegal recruiting or transporting workers or imposing onerous debt burdens as a condition of employment. Every six months the Ministry of Economy publishes a “dirty list” of companies found to have employed forced labor. In April the updated list included 41 new companies and owners from a range of sectors such as coffee, mining, and fishing boats. The list is used by public and private banks to conduct risk assessments, and inclusion on the list prevents companies from receiving loans from state-owned financial institutions. The Labor Prosecutor’s Office, in partnership with the International Labor Organization (ILO), maintained an online platform that identified hotspots for forced labor. In July the Labor Prosecutor’s Office announced it would start

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publishing a separate list of individuals and corporate entities convicted of trafficking in persons and slave labor.

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

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

Media also reported cases of forced labor of domestic workers in wealthy urban households. In June authorities discovered a 61-year-old woman working as a domestic servant under forced labor conditions for a wealthy family in a rich Sao Paulo neighborhood. According to media reports, she had worked without the proper salary, and at times for no salary, for the family since 1998. After several media outlets reported the female employer was an Avon executive, the cosmetic company fired her and posted on social media that they would provide housing for the victim, who would also receive unemployment insurance from the government. The accused couple was arrested and then released on bail. All of their bank accounts and assets were frozen.

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In 2019 authorities conducted 45 labor inspections and identified 1,054 victims of slave labor, including 20 child victims of slave labor, compared with 44 labor inspections, and the identification of 1,745 victims of slave labor, including 28 child victims of slave labor in 2018. Officials issued administrative penalties to 106 employers guilty of slave labor, compared with 100 employers in 2018. Between January and June, labor inspectors in the state of Ceara received 26 complaints involving child labor, a 62-percent increase from the same period in 2019. In the view of expert NGOs working in this field, penalties for slave labor were not commensurate with those for other analogous serious crimes, such as kidnapping.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

On June 28, a superior court decided that the years worked in child labor in rural areas would be counted towards the minimum needed to receive retirement benefits. The court highlighted that although child labor is illegal, it would be unfair to not count the years worked in such harmful conditions.

The Ministry of Economy's Special Mobile Inspection Group is responsible for inspecting worksites to enforce child labor laws. Penalties were insufficient to deter violations. Most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and media. Due to legal restrictions, labor inspectors remained unable to enter private homes and farms,

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where much of the child labor allegedly occurred. The government did not always effectively enforce the law. In the view of expert NGOs working in this field, penalties for slave labor were not commensurate with those for other analogous serious crimes, such as kidnapping. Between March and May, when most states were under mandatory social distancing measures, labor inspectors uncovered 63 cases of child labor, compared with 176 during the same period in 2019. On June 3, labor authorities used hip-hop music to raise awareness about child labor during a national campaign to address the concern that the COVID-19 pandemic and economic consequences could push more adolescents into exploitative work situations. Rappers Emicida and Drik Barbosa performed the campaign's theme song, which was shared in a weekly podcast and in 12 social media videos about child slavery.

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination on the basis of race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age, language, and sexual orientation or gender identity. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Discrimination against individuals who are HIV positive or suffer from other communicable diseases is also prohibited. The government generally enforced the laws and regulations, although discrimination in employment occurred with respect to Afro-Brazilians, women, persons with disabilities, indigenous persons, and transgender individuals. The Ministry of Economy implemented rules to integrate promotion of racial equality in its programs, including requiring race be included in data for programs financed by the ministry. According to the ILO, women not only earned less than men but also had difficulties entering the workplace: 78 percent of men held paid jobs, compared with 56 percent of women. Although the law prohibits gender discrimination in pay, professional training, working hours, occupations, tasks, and career advancement, according to NGO representatives, the law was rarely enforced, and discrimination existed.

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e. Acceptable Conditions of Work

The law provides for a minimum wage. The minimum wage was greater than the official poverty income level. According to the Brazilian Institute of Geography and Statistics, however, in 2018 the per capita income of approximately 60 percent of workers was below the minimum wage. The Ministry of Economy verified enforcement of minimum wage laws as part of regular labor inspections. Penalties alone were not sufficient to deter violations.

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

The Ministry of Economy sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction. The law requires employers to establish internal committees for accident prevention in workplaces. It also provides for the protection of employees from being fired for their committee activities. Workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment, although those in forced labor situations without access to transportation were particularly vulnerable to situations that endangered their health and safety. In the view of expert NGOs working in this field, officials enforced occupational safety and health (OSH) laws. Penalties for violations of OSH laws were commensurate with those for crimes, such as negligence. Inspectors have the authority to make unannounced inspections and initiate sanctions.

The Ministry of Economy addressed problems related to acceptable conditions of work such as long workdays and unsafe or unhygienic work conditions. Penalties for violations include fines that vary widely depending on the nature of the

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violation. Fines were generally enforced and were sometimes sufficient to deter violations. The National Labor Inspection School held various virtual training sessions for labor inspectors throughout the year. The number of labor inspectors was insufficient to deter violations.