

Brazil 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Brazil during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on freedom of expression and media freedom, including violence or threats against journalists; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting Afro-Brazilians and Indigenous peoples; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not always take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

There were numerous reports that state-level civil and military police committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

The Rio de Janeiro Institute of Public Security reported that as of July, 651 persons died from incidents involving police violence, an 18 percent decline compared with the same period in 2022. According to the Rio de Janeiro Public Attorney's Office, as of May police conducted 612 raids in the state. Rio de Janeiro City was the focus of more than one-half of these operations. There was a persistent pattern of impunity for police operations, which often resulted in significant fatalities, accusations of excessive force, extrajudicial killings, and denial of medical care for injured criminal suspects, with accusations involving several different law enforcement entities.

In March the newspaper *O Globo* reported that a police raid conducted in the favela of Salgueiro, Niteroi, in Rio de Janeiro State, resulted in the death of 13 suspects. The raid was carried out by police officers, including from the Military Police Battalion of Special Operations and the Civil Police Coordination of Special Resources. There was no information regarding an investigation of the incident.

According to *O Globo*, on June 17, Federal Highway Police officers killed a woman while she and her husband were driving through a police checkpoint

on a highway in Rio de Janeiro State. The officer who fired the fatal shot was briefly arrested but later released.

Authorities stated the case regarding an operation in May 2022 to arrest Commando Vermelho gang members in the city of Rio de Janeiro remained open and no one had been charged or arrested. The joint operation, involving military police agents from Rio de Janeiro State's Special Operations Battalion and agents from the Special Operations Command of the Federal Highway Police, resulted in 23 deaths.

Investigations remained open, but no indictments or convictions were reported regarding the 2021 police operation in Rio de Janeiro City's Jacarezinho neighborhood. As of October, 10 of the 13 investigations into police abuses in the operation had been closed according to press reports, despite autopsy reports indicating at least four victims were shot in the back at less than three feet.

According to the São Paulo Public Security Secretariat, the number of deaths resulting from military and civil police operations in the state of São Paulo in the first semester of the year increased by 9 percent, compared with the same period in 2022. From 2020 to 2021, the total number of cases decreased by 30 percent, a result attributed by security experts in part to the use of body cameras by military police officers along with the implementation of new strategies and the use of nonlethal weapons, such as tasers.

In operations to combat criminal groups in the coastal area of Guarujá, São Paulo State, from the end of July to September 5, São Paulo military police killed 28 persons. Human rights organizations reportedly accused police of using excessive force, violating human rights, and committing extrajudicial killings. The Public Prosecutor's Office was investigating the deaths. On September 5, the São Paulo State Secretariat of Public Security, responsible for the operation, stated all deaths resulted from direct confrontations with criminals and added that two internal inquiries were underway.

On August 14, Minister of Justice and Public Security Flávio Dino announced that he had accepted the resignation of the three Federal Highway Police officers accused of asphyxiating and killing Genivaldo de Jesus Santos in Sergipe State in May 2022. The officers were to be tried for murder and torture. In September a court in Recife, Pernambuco State, authorized an indemnity of one million reais (\$200,000), to be paid to Genivaldo's son.

In July the nongovernmental organization (NGO) Brazilian Public Security Forum reported that police (including federal, state, and municipal) killed 6,429 persons nationwide in 2022, an increase of 284 persons compared with 2021. Afro-Brazilians represented 83 percent of victims. According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men.

On April 5, the NGO Forum for Justice reported that fewer than one-half of the investigations of police homicides resulted in an indictment. The study

analyzed more than 4,500 cases from 2011 to 2021, noting that 39 percent resulted in indictments, while the rest were archived due to self-defense claims or lack of evidence. The study also highlighted the length of the process, with an average of four years for charges to be filed and eight years for cases to be closed.

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, and Other Related Abuses

The constitution prohibited torture and inhuman or degrading treatment, but there were reports government officials sometimes employed such practices.

According to the newspaper *Folha de São Paulo*, on June 23, during an inspection conducted by the State Public Defender's Office in the Elias Alves da Silva Prison Unit in Itaitinga, located in Fortaleza, Ceará State, inspectors identified signs of torture techniques used against prisoners, including physical and psychological torment in which inmates were forced to balance on their heads and were then beaten when they fell. On June 26, the judge ordered the suspension of the prison's leadership for 90 days.

In February Rio de Janeiro's Court of Justice sentenced Alisson Pires Barreto, a male guard at the juvenile correctional facility DEGASE, to 43 years in prison for raping and sexually abusing two teenage girls in 2021 at his workplace in the city of Rio de Janeiro. Authorities dismissed the director and replaced all male guards with women.

Civil society organizations said impunity and a lack of accountability for security forces, particularly at the local level, was a problem. Most examples of impunity involved the military police and civil police, with some also reported to occur in the armed forces and Federal Highway Police. The law mandated that special police courts exercise jurisdiction over state military police except those charged with "willful crimes against life," primarily homicide. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

Prison and Detention Center Conditions

Prison conditions were poor and sometimes life threatening, mainly due to overcrowding and violence, according to the NGO National Security Forum. Abuse by prison guards continued, and poor working conditions and low pay for prison guards encouraged corruption, according to the NGO.

Abusive Physical Conditions: According to the National Penitentiary

Department, as of 2021 the number of incarcerated persons exceeded 204,185, which indicated that nationally the system was 45 percent above capacity, a decrease from the 67 percent recorded in 2020.

Minister Rosa Weber, president of the Federal Supreme Court, visited the Curado Prison Complex in Recife, Pernambuco State in April and noted the poor infrastructure and chaotic environment. The Pernambuco prison system had approximately 35,000 inmates in facilities designed for 14,400. The overcrowding led the Inter-American Court of Human Rights to denounce the government of Pernambuco.

Conditions in most prisons were inadequate, according to the National Security Forum. Prisoners often lacked access to potable water, adequate nutrition, clothing, and hygiene items. Rats and cockroaches infested many cells. In the Federal District's prison system, observers said problems included poor quality of food and hygiene conditions, overcrowding, lack of access to health care, and inadequate infrastructure.

Reports of abuse by prison guards continued. Prisoners convicted of petty crimes frequently were held with murderers and other violent criminals, according to the National Security Forum. 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.

According to the publication *Metropoles*, on May 12, the National Council of Justice reported 112,000 deaths in prisons between 2017 and 2021. The report concluded that diseases accounted for 62 percent of deaths. Some of the most cited diseases included heart conditions, pneumonia, and tuberculosis. The likelihood of inmates contracting tuberculosis was 30 times higher than in the general population. The study also indicated underreporting of deaths and concluded that many instances of so-called natural deaths were, in fact, the result of a long process of illness and lack of assistance.

According to the National Security Forum, prisons suffered from insufficient staffing and lack of control over inmates. Violence was rampant in prison facilities. Poor administration of the prison system contributed to the violence, as did overcrowding, the presence of gangs, and corruption, according to the National Security Forum. Media reports indicated that incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Prison riots were common occurrences, according to media reports. On January 7, the news publication *Bahia 190* reported that a clash between members of the drug faction Red Command in the Penitentiary Conjunto

Penal in the municipality of Feira de Santana, Bahia State, resulted in a riot of inmates and the death of three inmates.

Administration: Authorities monitored prison and detention center conditions and conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police were required to advise persons of their rights at the time of arrest or before taking them into custody for interrogation. The law prohibited use of force during an arrest unless the suspect attempted to escape or resisted 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, according to observers. The law

permitted provisional detention for up to five days under specified conditions during an investigation, but a judge could extend this period. Judges were also authorized to order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days was permitted if police suspected a detainee might flee the area. Defendants arrested in the act of committing a crime were required to be charged within 30 days of arrest. The law required other defendants to be charged within 45 days, although this period could 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 was extended because of court backlogs. The law did not provide for a maximum period of pretrial detention, which was decided on a case-by-case basis. Bail was available for most crimes, and defendants facing charges for all but the most serious crimes had the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Detainees who were unable to pay for legal counsel had the right to a lawyer provided by the state. Detainees had prompt access to family members. If detainees were convicted, time in detention before trial was subtracted from their sentences.

Arbitrary Arrest: On April 11, the Niteroi Court of Justice acquitted Danilo Felix Vicente de Oliveira of all charges brought against him for a 2020 armed

robbery. The victims supposedly identified him from a photograph police obtained from Facebook. This was the third instance in which robbery victims wrongfully identified him for same crime through a photograph lineup.

On June 9, the Niteroi Court of Justice in Rio de Janeiro State acquitted Luiz Carlos da Costa Justino of all charges brought against him for a 2017 car theft. He was arrested in 2020 after, according to police, the robbery victim identified Justino from a photograph lineup in the police station. According to media outlets, Justino, an adolescent at the time of the robbery, had no criminal record and therefore police should not have had access to photographs of him. Video evidence showed that at the time of the crime, Justino, an Afro-Brazilian musician, was performing at an event four miles from the crime scene.

Pretrial Detention: Lengthy pretrial detention was a problem. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime, according to the National Security Forum. According to the Ministry of Justice's National Penitentiary, in 2021 there were approximately 900,000 incarcerated persons in the country, 25 percent of whom were awaiting trial.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, and the government

generally respected judicial independence and impartiality. Local NGOs, however, argued that corruption within the judiciary, especially at the local and state levels, prevented fair trials.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the 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 susceptible to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed.

Although the law required 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. While the law provided for the right to counsel, the Ministry of Public Security stated many prisoners could not afford an attorney. The court was required to furnish a public defender or private attorney at public expense in such cases, but staffing deficits persisted in all states, according to the National Security Forum.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Authorities at times evicted persons from their places of residences or seized their properties without due process or adequate restitution, although this happened most frequently with traditional communities, such as Quilombolas (Afrodescendants of enslaved persons).

The government had no laws or mechanisms in place for Holocaust restitution, and NGOs and advocacy groups reported the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens. The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution prohibited arbitrary or unlawful interference with privacy,

family, home, or correspondence, but there were reports that the government failed to respect these prohibitions. NGOs reported that police occasionally entered homes without judicial or other appropriate authorization to conduct police operations against criminal activity. Human rights groups, other NGOs, and media reported incidents of excessive searches in poor neighborhoods during the operations. Police stopped and questioned persons and searched cars and residences without warrants.

Section 2. Respect for Civil Liberties

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

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Violence and Harassment: The broad use of social media facilitated hate speech online against journalists, citizens, and institutions, and courts were dealing with cases that took place completely online and often convicted persons who used fake names. On May 3, the NGO Reporters Without Borders reported that press freedom improved. According to the

organization, the improvement was attributed to the departure of former President Jair Bolsonaro, who verbally attacked journalists and media outlets.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: National laws prohibited politically motivated judicial censorship, but there were reports of censorship.

Libel/Slander Laws: Libel, slander, and defamation were criminal offenses. Penalties ranged from three months to two years plus a fine. The laws were enforced.

Nongovernmental Impact: Nongovernmental criminal elements at times subjected journalists to threats or violence due to the journalists' reporting on their criminal activities.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Nonetheless, according to news reports, 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 electoral law regulated political campaign activity on the internet. The law prohibited paid political advertising online and in traditional media.

During the three months prior to an election, the law also prohibited online and traditional media from promoting candidates and distributing content that deliberately caused offense to a candidate.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

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

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

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

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum

seekers, as well as other persons of concern.

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

As of June, according to UNHCR, there were more than 460,000 Venezuelan refugees and migrants in the country, the majority of whom arrived in the northern state of Roraima. According to the International Organization for Migration and UNHCR, the government continued the process of resettling Venezuelan refugees and asylum seekers and migrants, voluntarily relocating more than 100,000 individuals from the border states in the north to other states to relieve pressure on the resource-strapped state of Roraima and provide increased opportunities for education and work.

Abuse of Refugees and Asylum Seekers: NGOs reported that refugees were susceptible to human trafficking for the purposes of forced commercial sex and forced labor.

Temporary Protections: As of December 2022, UNHCR reported the

government provided temporary protection to approximately 350,000 individuals who may not have qualified as refugees.

f. Status and Treatment of Internally Displaced Persons (IDPs)

According to a report released in May by the Internal Displacement Monitoring Centre, the country had approximately 708,000 internally displaced persons, due in large part to natural disasters such as storms and floods. The government promoted the safe return and resettlement of affected persons to the areas they were forced to leave. Additionally, in 2022, 5,600 persons were displaced due to violence related to land ownership by land-grabbers and farmers, mainly in the state of Goiás.

For further information regarding internally displaced persons in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

Section 3. Freedom to Participate in the Political Process

The law provided 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

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

In 2020, the Superior Electoral Court ruled that publicly provided funds for campaign financing and advertising time on radio and television had to be divided proportionally between Black and White candidates in elections. The decision was in effect for the October 2022 elections. Electoral authorities reported instances of political parties failing to adhere to the legal requirements.

The Organization of American States Electoral Observation Mission report noted complaints regarding electoral harassment in which “business owners and other authority figures allegedly tried to influence, intimidate, or coerce employees and subordinates into voting for a particular candidate.”

Observers also noted the Federal Highway Police increased inspections of public buses in the Northeast, causing voter delays and perceived harassment. Following meetings with the electoral authority, police ended the actions, and the electoral authority declared no voters had been prevented from voting because of the actions.

Voters shared on social media anecdotal accounts that militias and drug trafficking organizations interfered in electoral processes by using violence and intimidation to manipulate votes, influence candidate lists, and limit

rival candidates' ability to access and campaign in some neighborhoods. International and national observer missions, however, did not cite any negative trends in their reports.

On June 30, the Superior Electoral Court voted to bar former President Jair Bolsonaro from elected office until following the 2030 general election after determining statements he made in July 2022 to members of the diplomatic community suggesting electoral vulnerabilities violated electoral law.

Section 4. Corruption in Government

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

Corruption: In May Rio de Janeiro's state attorney general alleged that from 2009 to 2018, Rio de Janeiro municipal Councilman Carlos Bolsonaro's chief of staff received payments of approximately two million reais (\$400,000) from six of his staff. The report stated the payments were evidence of a staffing kickback scheme within Bolsonaro's office. Investigators were investigating whether Bolsonaro, son of former President Jair Bolsonaro,

participated directly in the scheme, according to local media. Carlos Bolsonaro was already facing several civil and criminal investigations for alleged improprieties in his office dating back to 2019.

According to the publication *NSC Total*, in April Santa Catarina state police continued serving arrest and search-and-seizure warrants to mayors and other high-level public servants involved in a widespread corruption network. Police arrested 15 mayors in five months on suspicion of fraud in bidding and contracting services, which included bribes to criminal organizations and money laundering in trash collection contracts in Santa Catarina cities. The Public Ministry of Santa Catarina planned to serve municipal secretaries, businessmen, and civil servants with warrants as part of the corruption scandal.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Many domestic and international human rights groups generally operated

without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were cooperative and responsive to the views of these groups. 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: 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 independence and effectiveness varied, depending on such factors as funding and outside political pressure, according to human rights groups.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The national law criminalized rape, including spousal rape and domestic or intimate partner rape and other forms of domestic and sexual violence. The law did not criminalize so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law criminalized physical, psychological, and sexual violence against women, as well as defamation and damage to property or finances by someone with whom the survivor had a marriage, family, or

intimate relationship. The law defined femicide as homicide of a woman due to her gender, including but not limited to homicide that escalated from other forms of domestic violence, discrimination, or contempt for women. The law stipulated a sentence of 12 to 30 years in prison. The government did not enforce the law effectively.

Gender-based violence persisted and increased, according to observers. A study released on March 2 by the Brazilian Public Security Forum reported that one-third of women older than 16 suffered physical or sexual violence from partners or former partners in their lives. Also, in 2022, there was an increase in all forms of violence against women, such as beatings and threats with a knife or firearm. In 2022, more than 1,440 women were victims of femicides; 80 percent were killed by a current or former partner or a relative.

Each state secretariat for public security had police stations dedicated exclusively to addressing crimes against women. In March a police operation resulted in the arrest of more than 300 suspects accused of domestic violence in the state of Espirito Santo. State and local governments also operated reference centers and temporary women's shelters, and many states maintained domestic violence hotlines.

On International Women's Day, President Luis Inácio Lula da Silva presented a series of measures regarding women's rights. Among the measures announced were salary equivalence to promote equal pay between men

and women who performed the same function, free distribution of sanitary pads, the donation of 270 vehicles to the Maria da Penha Patrol in all states to combat gender-based violence, an 8 percent quota of the federal government workforce for women survivors of violence, and a declaration that Marielle Franco Day be commemorated every March 14 to raise awareness of political violence based on gender and race. Maria da Penha became an activist who campaigned against domestic violence because her husband tried to kill her, and she survived. Marielle Franco was an activist and a councilwoman in Rio de Janeiro who advocated against police violence; she was killed in 2018, allegedly by police.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was a criminal offense, punishable by up to two years in prison. The law included actions performed outside the workplace. Perpetrators were infrequently held accountable, according to *O Globo*.

Discrimination: The law provided for the same legal status and rights for women as for men in all circumstances. A law passed during the year required equal pay for equal work but was not yet enforced. According to the International Labor Organization, women not only earned less than men but also had difficulties entering the workplace; 78 percent of men held paid jobs, compared with 56 percent of women.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraception and postexposure prophylaxis as part of clinical management of rape. According to the UN Population Fund (UNFPA), persons in remote regions had trouble accessing reproductive health services. On March 2, a law came into effect allowing tubal ligation and vasectomy without the need for spousal consent. On April 20, President Lula sanctioned changes to the law to stipulate that emergency protective measures be immediately granted upon request. The law was not fully enforced or sufficiently funded.

The UNFPA reported that the adolescent birth rate per 1,000 girls between ages 15 to 19 averaged 53 births for the period 2003-18. The Ministry of Health reported the maternal mortality ratio was higher among Black women than among White women. Data published in 2021 by the Oswaldo Cruz Foundation found that the risk of death of pregnant Brown and Black women from COVID-19 was almost twice that of White women and noted that Black women were less likely to have gynecological and prenatal care and had to travel farther to reach a maternity ward.

In 2021, UNICEF and the UNFPA published a report on menstrual poverty experienced by girls who lived in conditions of poverty and vulnerability, sometimes without access to basic sanitation services, hygiene resources, and minimal knowledge about the body. More than 700,000 girls had no access to a bathroom or shower in their homes. More than four million girls

experienced at least one type of hygiene problem in schools, including lack of access to feminine care products and basic facilities such as toilets and soap. Nearly 200,000 of these students were completely deprived of the minimum conditions to handle menstruation at school. A study from Girl Up Brazil, a network aiming to end menstrual poverty in the country, found that one in four girls had missed school due to lack of access to feminine products.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibited the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets, and it stipulated prison terms for such acts. The government did not enforce the law effectively.

According to the Brazilian National Institute of Geography and Statistics, Black and Brown citizens represented an estimated 57 percent of the population. These populations encountered disproportionate discrimination, according to media reports such as in *Folha de São Paulo* and civil society organizations such as the National Coordination of Quilombo Articulation. They also experienced a higher rate of unemployment and earned wages below those of White persons in similar positions. In

addition, there was a sizeable education gap. Afro-Brazilians were disproportionately affected by crime and violence.

The law provided 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, according to media reports.

Many government offices maintained internal committees to validate the self-declared ethnicity claims of public service job applicants by using phenotypic criteria, assessing “Blackness” to reduce abuse of affirmative action policies and related laws. University administrators regularly conducted investigations and expelled students for fraudulently claiming to be Black or Brown to claim racial quota places in universities.

According to the General Comptroller’s Office, in the first five months of Lula’s administration, there was a 94 percent increase in the number of racism complaints against the federal government, compared with the same period in 2022.

For the first time, Quilombolas, one of the country’s traditional communities, were included in the country’s census, released in July. According to the 2022 census, Quilombolas numbered 1.3 million, corresponding to 0.65 percent of the total population. Almost 70 percent of the Quilombolas resided in the northeastern states and almost one-third

resided in the Legal Amazon region. Many Quilombolas lived in rural communities known as *quilombos* and practiced subsistence agriculture. Although Quilombolas self-identified as a distinct group, they faced many of the same obstacles as other Afro-Brazilians, including lack of access to quality education, health care, and employment.

On April 27, at the Inter-American Court of Justice, the government apologized and recognized it had violated the rights of Quilombolas by displacing them during the construction of the Alcântara Air Force Base in Maranhão State in 1983.

On August 17, prominent Quilombola leader Maria Bernadete Pacífico was killed by unidentified persons, according to media reports. In 2017, her son Fábio Gabriel Pacífico was shot and killed in Pitanga dos Palmares quilombo, in the state of Bahia. Pacífico's remaining son Jurandir Wellington alleged in a nationwide broadcast on August 19 that both his mother and brother were killed by local farmers and land speculators intent on seizing Quilombola lands.

Indigenous Peoples

The constitution acknowledged that Indigenous peoples were the original inhabitants of the country and provided for the exclusive possession of their territories and respect for their social organizations, customs, languages, beliefs, and traditional lands.

President Lula established the first Ministry of Indigenous Peoples in the country. The government also re-established the National Council for Indigenous Policy and restructured the National Foundation of Indigenous Peoples. Approximately 14 percent of the country's land area was designated as Indigenous territory. Requests to exploit mineral and water resources, including ones with energy potential, on Indigenous lands required approval by congress, in consultation with the Indigenous communities. Despite several proposals, congress passed no legislation to regulate these activities. Illegal land occupations often resulted in violence and even death, according to the annual report from Land Pastoral Commission.

According to the report *Violence Against Indigenous Peoples in Brazil*, by the Indigenous Missionary Council, between 2019 and 2022, 795 Indigenous persons were killed, most in the states of Roraima (208), Amazonas (163), and Mato Grosso do Sul (146). In 2022, the number of land invasions and conflicts increased in Indigenous territories, with 467 cases of violence against properties, 158 cases of territorial conflicts, and 309 records of land invasions, illegal exploitation of resources, and damage to property.

Violence against Indigenous peoples increased to 416 cases in 2022, almost 10 percent more than in 2021. On average, these incidences of violence rose during the four years of President Bolsonaro's administration, when cases numbered an average of 374. NGOs claimed a lack of regulation and

attempts to create new legislation or change existing legislation to promote economic development, along with impunity in cases of illegal land invasions, resulted in the illegal exploitation of natural resources.

Children

Child Abuse: The law prohibited child abuse and neglect, but the government did not enforce the law effectively. Sexual abuse against children increased, according to 2022 data from the federal government's human rights hotline, Dial 100.

On May 19, a presidential decree created a commission to address sexual violence against children and adolescents, including updating the national plan to confront sexual violence against children and adolescents. The commission also served as an advisory, research, and coordination body for the child and adolescent protection network and was responsible for developing guidelines for government action in addressing sexual violence against children and adolescents.

According to the publication *A Gazeta*, in April a girl, age 2, died in a hospital in the municipality of Guarapari, Espirito Santo State. According to the hospital, the child displayed signs that she had been raped. The father was arrested as a suspect.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 18, or 16 with parental or legal representative consent. The government did

not enforce the law effectively. The practice of early marriage was common, according to UNICEF. A study of child marriage in the northeastern states of Bahia and Maranhão found that pregnancy was the main motivation for child marriage in 15 of 44 cases.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or sexual exploitation of children and other vulnerable persons and such acts were punishable by four to 10 years in prison. The law defined sexual exploitation as child sex trafficking, sexual activity, production of child sexual abuse material, and public or private sex shows. The law set a minimum age of 14 for consensual sex, with the penalty for statutory rape ranging from eight to 15 years in prison. The government enforced the law unevenly, according to the judiciary and executive branches.

The country was a destination for child sex tourism, according to the government and media reports. While no specific laws addressed child sex tourism, it was punishable under other criminal offenses. Girls from other South American nations were also exploited in sex trafficking in the country.

The law criminalized child sexual abuse material. The creation of child sexual abuse material carried a prison sentence of up to eight years and a fine. The penalty for possession of child sexual abuse material was up to four years in prison and a fine.

Antisemitism

According to the Brazilian Israelite Federation, there were approximately 120,000 Jewish citizens in the country, of whom approximately 70,000 lived in the state of São Paulo, according to 2021 data, and 34,000 in the state of Rio de Janeiro.

The law criminalized the manufacture, sale, distribution, or broadcast of symbols, emblems, ornaments, badges, or advertising that used the swastika for purposes of publicizing Nazism. The penalty was two to five years' imprisonment. Federal judge Claudia Dadico noted that legislation on hate speech lacked clarity and therefore made it difficult to enforce the law effectively.

On April 3, Santa Catarina Civil Police arrested 10 members of a neo-Nazi cell linked to the Hammerskins, a white supremacist and neo-Nazi group founded in the United States. Police alleged the individuals were responsible for recruiting and radicalizing youth online and in person in the state of Santa Catarina, where police made two additional arrests of men involved in organized crime and neo-Nazi activities.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults.

Violence and Harassment: Violence against LGBTQI+ individuals was a concern. While such violence generally had declined since 2017, violence specifically targeting transgender individuals increased, according to Dial 100.

The Federal Public Ministry was responsible for registering reports of crimes committed based on gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime, including sex trafficking, or committing suicide.

Dial 100 registered 2,536 complaints from January to May, an increase of more than 300 percent compared with the same period in 2022. The states

of São Paulo, Rio de Janeiro, and Minas Gerais reported approximately one-half of the total registered in the country.

According to a survey by the NGO Gay Group of Bahia released on June 28, between January and June, 139 LGBTQI+ persons were victims of violent deaths. The survey recorded 256 deaths in all of 2022. Gay men and women were the main victims (48 percent), followed by transgender persons (42 percent). Half of the victims identified as Brown or Black, while White victims represented almost 12 percent.

In January a transgender woman was killed and her body dismembered in Vigário Geral neighborhood, Rio de Janeiro. The victim, a prostitute, left home to meet with a customer and disappeared. Her family discovered the customer's address, where they found the victim's body and the suspect, who escaped. Police were investigating the case.

Discrimination: The Federal Supreme Court criminalized discrimination based on sexual orientation and gender identity. Offenders faced sentences of one to three years' imprisonment and a fine, or two to five years' imprisonment and a fine if the offender disseminated the incident via social media, thereby exposing the victim. The law did not explicitly recognize LGBTQI+ couples. In 2022, the Superior Court of Justice unanimously ruled that protective measures through the Maria da Penha Law, which aimed to reduce gender-based and domestic violence, were valid for a transgender woman, the first time such a ruling had taken place.

Same-sex marriage was available; same-sex couples had the legal rights and benefits afforded to different-sex spouses, including monetary rights such as inheritance and survivor rights, and medical rights including hospital visitation and medical decision making.

NGOs cited lack of economic opportunity for LGBTQI+ persons as a concern. According to Grupo Gay da Bahia, 33 percent of companies avoided hiring LGBTQI+ employees, and 90 percent of transgender women engaged in commercial sex because they could find no employment alternative.

Transgender women often paid human traffickers for protection and daily housing fees. When unable to pay, they were beaten and starved.

Traffickers targeted 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.

On April 6, the federal government created the National Council for the Rights of Lesbian, Gay, Bisexual, Transvestite, Transgender, Queer, Intersex, Asexual, and Other Persons. The council was a reformulation of the former National Council to Combat LGBT Discrimination, eliminated at the beginning of Jair Bolsonaro's government. The responsibilities of the council included monitoring legislative proposals that had implications for the LGBTQI+ population, promoting studies and debates, supporting campaigns, proposing ways to evaluate and monitor government actions, and collaborating with the national secretariat for the rights of LGBTQI+ persons

in the elaboration of parameters for actions and policies.

Availability of Legal Gender Recognition: A presidential decree standardized the use of a person’s social name (versus the name given to the person at birth) by bodies and entities of federal public administration. In federal institutions, respect for the social name was mandatory; persons had the right to be respected by the name and gender by which they identified themselves. This also applied to health-care units and hospitals. Many of these institutions reserved a field in forms and documents intended for social names.

Individuals were able to change their gender identity marker on legal and government identification documents to align with their gender identity. There were no options available for “nonbinary/intersex/ gender nonconforming.” Individual self-identification was usually sufficient, but sometimes judges required gender-affirming surgery.

Involuntary or Coercive Medical or Psychological Practices: The Federal Council of Psychology in Brazil prohibited any professional from applying so-called conversion therapy practices to LGBTQI+ persons. Nevertheless, there were many reports of conversion attempts conducted or recommended by evangelical and Catholic churches.

A 2022 report by All Out and Instituto Matizes identified 26 types of “gay cures” in the country, divided into four categories: religious,

medical/psychological, familial, and academic. Of the 365 persons interviewed, 193 had been subjected to an attempted “gay cure.”

During the June Pride month, an evangelical pastor, André Valadão, from a church in the state of Minas Gerais, promoted “gay cure” practices through his cult entitled “God Hates Pride.” This practice and speech were common in evangelical churches. On October 12, digital influencer Karol Eller committed suicide in São Paulo, one month after she announced she would undergo a “gay cure” and that she became an evangelical. In September Eller stated in a post on social media that she had “renounced homosexual practice.”

Surgeries were commonly performed on newborns at the advice of medical doctors to “choose a gender.” There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

Persons with Disabilities

The law provided the right to education, employment, health services, public buildings, and transportation. The law prohibited discrimination against persons with physical and mental disabilities, and the federal

government generally enforced these provisions. The law required private companies with more than 100 employees to hire 2 to 5 percent of their workforce from persons with disabilities. While federal and state laws mandated access to buildings for persons with disabilities, states did not enforce them effectively, according to Grupo Globo's news media organization G1 and others.

The lack of accessible infrastructure and school resources significantly limited the ability of persons with disabilities to participate in the workforce, according to observers and advocates.

On July 7, the Brazilian Institute of Geography and Statistics reported that persons with disabilities encountered barriers to accessing studies and the job market, and when employed, they received a lower wage than persons without 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 excluded learning disabilities.

Other Societal Violence or Discrimination

Followers of Afro-Brazilian religions such as Candomblé and Umbanda faced more discrimination and violence than other religious groups, according to BBC Brasil. Although less than 2 percent of the population was affiliated

with Afro-Brazilian religions, most of the religious persecution cases registered by the human rights hotline involved victims who were practitioners of Afro-Brazilian religions.

Followers of Afro-Brazilian religions faced physical attacks on and in their places of worship and other forms religious intolerance. According to one religious leader, these attacks resulted from a mixture of religious intolerance and racism (called “religious racism” by civil society and Afro-Brazilian religious communities), systemic societal discrimination, media’s perpetuation of harmful stereotypes, and attacks by public officials and members of other religious groups against these communities.

Drug-trafficking organizations and other groups contributed to societal violence, according to media reports and observers. There was evidence these heavily armed organizations participated in vigilante justice, holding “trials” and executing persons accused of wrongdoing. A victim was typically kidnapped at gunpoint and brought before a tribunal of gang members, who then tortured and executed the victim. In Rio de Janeiro City’s favelas, the practice of police-affiliated criminal organizations, known as militias, using violence to extort payments for protection was a common occurrence, according to media reports and observers. Militia groups, often composed of off-duty and former law enforcement officers, penitentiary officials, and firefighters, reportedly took policing into their own hands. Many militia groups intimidated residents and conducted illegal activities,

such as extorting protection money and providing pirated utility services, according to media reports and observers. The groups also exploited activities related to the real estate market and the sale of drugs and arms.

Militias were the fastest growing criminal enterprise in the state of Rio de Janeiro, according to a recent study conducted by the Instituto Fogo Cruzado, in partnership with the Grupo de Estudos de Novos Ilegalismos (a group dedicated to studying new illegal practices) at the Universidade Federal Fluminense. The study showed that militias controlled an area of almost one thousand square miles, mostly in the western part of the city and the adjacent Baixada Fluminense area.

Civil society organizations and the press reported discrimination against persons with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided 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 prohibited antiunion discrimination, including the dismissal of employees who were candidates for, or holders of, union leadership positions, and it

required employers to reinstate workers fired for union activity.

New unions were required to register with the Ministry of Labor, which accepted the registration unless objections were filed by other unions. The law stipulated certain restrictions, such as *unicidade* (in essence, one union per occupational category per city), which limited freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represented workers in the same geographical area and professional category could contest another union's registration.

The law stipulated that a strike could be ruled "disruptive" by the labor court, and the union could be subjected to legal penalties if the strike violated certain conditions, such as if the union failed to notify employers at least 48 hours before the beginning of a walkout or end a strike after a labor court decision. Employers were not allowed to hire substitute workers during a legal strike or fire workers for strike-related activity, provided the strike was not ruled abusive as defined in the law.

The law obliged a union to negotiate on behalf of all registered workers in the professional category and geographical area it represented, regardless of whether an employee paid voluntary membership dues. The law included collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely. The law permitted the government to reject clauses of collective bargaining agreements that conflicted with government

policy.

Freedom of association and the right to collective bargaining were generally respected, according to observers. Collective bargaining was widespread in establishments in the private sector.

In the view of NGO experts, the government usually effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a minimum wage, which was

higher than the official poverty income level. The law limited the workweek to 44 hours and specified a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provided for paid annual vacation, prohibited excessive compulsory overtime, limited overtime to two hours per workday, and stipulated that hours worked above the monthly limit had to 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 provided for the right of domestic employees to work a maximum of eight hours per day and 44 hours per week, a minimum wage, a lunch break, social security, and severance pay.

According to *O Globo*, in March Federal Highway Police and the Labor Prosecutor's Office identified 82 persons in the state of Rio Grande do Sul working in unpaid and coerced labor harvesting rice. Those rescued included 11 children, ages 14-17, according to authorities. They were employed by BASF, a multinational company, which signed an agreement with the Ministry of Labor and Employment to compensate victims and pay fines.

Occupational Safety and Health: The Ministry of Labor set occupational safety and health (OSH) standards that were consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction, according to media reports. The law required employers to establish internal committees for

accident prevention in workplaces. The government identified unsafe conditions and responded to worker complaints, but the number of inspections conducted was lower than necessary. It also provided 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.

Wage, Hour, and OSH Enforcement: The Ministry of Labor addressed problems related to nonpayment of wages and minimum wage, excessively long workdays, and OSH work conditions. In the view of NGO experts, officials effectively enforced OSH laws. Penalties for violations included fines that varied widely depending on the nature of the violation. Penalties were in general commensurate with similar crimes such as fraud or negligence. Penalties were regularly applied against violators. The number of labor inspectors was insufficient to enforce compliance, according to the Labor Inspectors Union. Inspectors had the authority to make unannounced inspections and initiate sanctions.

According to data collected by the Brazilian Institute of Geography and Statistics, the informal sector represented almost 40 percent of the workforce. Part-time workers were covered by wage, hour, OSH, and other labor laws and inspections.

Gig workers were not considered employees, and food delivery and ride-share companies did not consider the workers who provided services through their platforms to be employees. These workers were not protected by labor laws.