

BRAZIL

EXECUTIVE SUMMARY

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

The most significant human rights abuses included substandard prison conditions; human trafficking, especially sex trafficking of children and adolescents; and forced labor.

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

The government continued to prosecute officials who committed abuses; however, lengthy appeals in the judiciary for some human rights violators remained a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

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

On February 15, authorities arrested 19 police officers in the central state of Goias for belonging to a group that allegedly had killed at least 40 persons since 1996. The officers claimed they targeted adult male criminals, although women and children were among the dead. Among those arrested was the deputy commanding general of the state's military police, Colonel Carlos Cezar Macario.

On August 11, gunmen ambushed and killed Judge Patricia Lourival Acioli in Niteroi, Rio de Janeiro State. Acioli was known for taking a hard line against corrupt police officers. On September 27, authorities arrested Lieutenant Colonel Claudio Luiz de Oliveira, Lieutenant Daniel Benitez, and six other members of the Rio de Janeiro military police on charges of planning and participating in the killing.

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

According to the nongovernmental organization (NGO) Amnesty International, specialized Police Pacification Units (Unidades Policia Pacificadora, or UPPs) significantly reduced violence in a dozen communities, but the NGO stated that police in Rio de Janeiro continued to depend on repressive methods and were responsible for at least 30 percent of all civilian casualties in UPP operations. The NGO claimed Rio police killed 471 persons from January to October in "acts of resistance," similar to resisting arrest. The Rio de Janeiro State Public Safety Institute, a governmental organization, corroborated this number.

The Sao Paulo State Secretariat for Public Security reported that state police (civil and military) killed 354 civilians in the state from January to September, compared with 392 in the same period in 2010.

At year's end there were no developments in the April 2010 killing of at least 23 persons by a group of approximately five military police officers on the coast of Sao Paulo State, reportedly in retaliation for the killing of a fellow officer.

Killings and other violence related to environmental activism and agrarian conflicts continued. Between May 21 and June 1, five community leaders with connections to environmental activism were killed. On May 24, rubber tapper Jose Claudio Ribeiro da Silva and his wife, Maria do Espirito Santo, were shot and killed near their home in the Amazon region of Para State. In addition to being union leaders, both were active environmentalists and reported illegal logging to authorities. The couple had received several death threats. On September 18, police arrested Jose Rodrigues Moreira and Lindon Johnson Silva Rocha in connection with the killings. At year's end both were in detention awaiting trial.

According to the Catholic NGO Pastoral Land Commission, 1,855 environmental activists received death threats between 2000 and 2010, and 42 were subsequently killed. Of 1,588 killings linked to land conflicts that occurred in remote areas of the Amazon between 1995 and October 2011, 91 went to trial, resulting in 21 convictions. On October 27, the National Council of Justice and the Para State Justice Tribunal formed a task force to accelerate judgments of pending cases related to land conflict killings.

On September 6, a four-judge panel of the First Criminal Chamber of the Para State Court of Justice upheld the sentence of Reginaldo Pereira Galvao, convicted of the 2005 murder of Catholic nun Dorothy Mae Stang and sentenced to 30 years in prison. Galvao, who had remained free while awaiting the outcome of the appeal, turned himself in and began serving his sentence.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

On August 2, Paraiba state military policeman Gleson Campos Pereira was arrested in the state of Pernambuco on charges of torturing four persons, two of whom were minors. At year's end there were no new developments.

In March Rio de Janeiro became the first state to establish a committee to prevent and combat torture. The committee is composed of 16 members--eight from the state government and eight from civil society. The committee provided an overview of torture to the UN Subcommittee on Prevention of Torture during the UN group's September visit. Also in September the subcommittee inspected various prisons and detention centers for evidence of torture by police officers.

Prison and Detention Center Conditions

Conditions in many prisons were poor and sometimes life threatening, but many states made efforts to improve conditions. Abuse by prison guards continued to

occur at many facilities. The Catholic Church's Penitentiary Commission, linked to the country's National Conference of Bishops, reported 25 cases of torture in prisons and police stations from January through the end of March, compared with 70 in all of 2010. Poor working conditions and low pay for prison guards encouraged corruption.

According to the Ministry of Justice's Penitentiary Information Integrated System (InfoPen), 84 deaths occurred inside prisons between January and June, of which 11 were of a criminal nature.

Prisoners had access to potable water, but sanitary conditions were often inadequate. Prisoners who committed petty crimes were held with murderers. Overcrowding was a problem. According to the National Council of Justice (CNJ), in August there were 471,528 prisoners incarcerated in a prison system designed for approximately 333,000. According to a local NGO and official data, 44 percent of all detainees were awaiting trial.

In August the CNJ reported that the Anibal Bruno prison in Recife held 4,900 prisoners in a facility designed for 1,400. On September 9, five prisoners were killed in gang-related violence in the Serra Azul prison in Sao Paulo State; at the time of the killings, there were 1,530 prisoners in a facility with a capacity of 730.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. Abuses continued in municipal jails and detention centers throughout the country.

The state of Rio de Janeiro took steps to address torture and other problems in its prison system. In March state authorities ordered all police-operated jails to be closed. They also ordered the closure of Polinter de Neves, a state prison intake facility, which was the subject of an Organization of American States investigation in 2009. However, approximately 3,000 inmates remained at the facility due to a lack of vacancies elsewhere. In a 2010 inspection of Polinter de Neves, 80 prisoners were found in a cell designed for 13.

Espirito Santo State has constructed 25 new prisons during the last decade and closed most of its older prisons. Espirito Santo, like Rio de Janeiro State, also ordered the closure of its police-run jails. The Sao Paulo State Secretariat for Penitentiary Systems reported that during the year five new prisons were built in the state and 16 more were under construction. In 2010 and 2011, the CNJ

conducted reviews of more than 295,000 criminal cases, resulting in the release of almost 22,000 prisoners.

In December 2010 the International Center for Prison Studies estimated the nationwide female prison population at approximately 34,700 inmates. The situation in the Santana Women's Penitentiary in Sao Paulo remained poor, although there were some improvements in health care and food quality. The prison has a capacity of 1,200 prisoners; early in the year it held 2,700 women.

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

Women who give birth in prison or are the mothers of newborns when arrested are permitted to keep their babies with them in the facility for six months. At the Santana Penitentiary in Sao Paulo, mothers and their babies were housed in the hospital center, on the same compound as the prison.

The federal constitution prevents minors from being tried as adults and incarcerated in federal, state, or city prisons. Crimes or misdemeanors committed by minors are classified as infractions and recorded in the National Registry of Adolescents in Conflict with the Law. From January through June, 91,321 adolescents were placed on the registry for various crimes. The penalties for such acts are classified as socio-educational measures. Of those placed on the registry, 29,506 received such penalties.

By law juveniles should not be held together in jails with adults, but this was not always respected in practice. The CNJ's Justice to Youth program, adopted in 20 states, is designed to ensure that adolescent criminals are treated differently from adult criminals. Multiple sources reported adolescents jailed with adults in poor and crowded conditions. Insufficient capacity in juvenile detention centers was widespread. In October there were 18,196 adolescents in detention centers, a 4.5 percent increase compared with the same period in 2010.

In July a law allowing judges to prescribe alternate sentences, including ankle bracelet monitoring and home arrest, to minor offenders came into effect. The law was intended to reduce overcrowding.

The government's National System of Socio-Educational Services (SINASE) provides rules standardizing the legal proceedings involving minors. SINASE oversaw improvements to juvenile detention centers, such as requiring a maximum of three adolescents per room and encouraging physical activity.

In 2006 the Center for the Socio-Educational Care of the Adolescent began dismantling large out-of-date detention centers and building smaller facilities for easier management of the inmate population. Two new centers opened in August, bringing the number of such facilities to 57. Each new center had space for 56 adolescents. The creation of small units reduced the recidivism rate, which dropped from 29 percent in 2006 to 12.8 percent in 2010, while the number of riots fell to four reported during the year.

Prisoners and detainees had access to visitors. Human rights observers reported that some visitors complained of screening procedures that at times included invasive and unsanitary physical exams. Prisoners were permitted religious observance and could submit complaints to judicial authorities. Government policy permits prison visits by independent human rights observers, and this policy generally was followed. There also were state-level ombudsman offices and the federal Secretariat for Human Rights (SDH) to monitor prison and detention center conditions.

Under federal law all convicted prisoners are authorized to work, and educational opportunities should be made available. Nevertheless, nationwide only 14 percent of prisoners worked and 8 percent took part in educational activities, according to InfoPen. To address the lack of educational opportunities, the CNJ offered a program called New Beginnings to provide educational and work opportunities for inmates.

In many states educational opportunities are supplied by the respective state secretariats of education. According to the Catholic Church's Penitentiary Commission, which has constitutional authority to visit inmates at their request, only 7.5 percent of prisoners in the Sao Paulo prison system had access to educational opportunities. On May 23, the Sao Paulo state government announced the creation of the Virtual School for Educational Programs of Sao Paulo, replacing face-to-face prisoner-teacher interactions with virtual technologies aimed at making classes more accessible to inmates.

On June 30, President Rousseff modified the Law of Penal Execution, mandating that inmates have a day removed from their sentences for every 12 hours they attend classes.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Federal Police, operating under the Ministry of Justice, is small, primarily investigative, and plays a minor role in routine law enforcement. Most police forces fall under the control of the states, where they are divided into two distinct units: the civil police, performing an investigative role, and the military police, charged with maintaining law and order.

In Rio de Janeiro's favelas, so-called militia groups, composed of off-duty and former law enforcement officers, often took policing into their own hands. Many militia groups intimidated residents and conducted illegal activity such as extorting protection money and providing pirated utility services. Human rights observers believed that such militia groups controlled up to a third of Rio's favelas.

In February federal police agents and the internal affairs unit of the Rio State Secretariat for Public Security conducted a massive sweep targeting high-ranking police officials accused of collusion with militia groups. The operation led to the arrests of 11 civil police officers and 21 military police officers. Rio Civil Police Chief Allan Turnowski resigned as a result of the investigation.

On May 12, a large-scale police operation targeting illegal militia groups was carried out by 90 military policemen and 40 civil police officers from the state of Pernambuco, resulting in the arrest of 11 persons for committing murders in Pernambuco and also in Maceio, Alagoas State. Former Alagoas police officer Edgelson Ribeiro Guimaraes, considered the militia group leader, had previously been accused of kidnapping and illegal possession of firearms. The group he led was charged with at least four killings between April 2010 and May 2011. The defendants remained in detention awaiting trial at year's end.

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

According to the Rio de Janeiro State Secretariat for Public Security, human rights courses were a mandatory component of training for entry-level military police officers. UPP officers for the favela pacification program received additional human rights training, supplementing what regular civil and military police receive. Under the pacification program, the Rio de Janeiro State Secretariat for Public Security inaugurated five new UPPs during the year, bringing the total to 18. In November Rio security forces established control in Rocinha, the largest favela in the country. The armed forces continued to patrol the favela Complexo do Alemão following their November 2010 entry to remove organized crime groups.

On April 15, the Sao Paulo state government began making available to the public extensive data on crimes committed in the state, including killings by police. Sao Paulo Governor Geraldo Alckmin signed a resolution permitting citizens to file police reports for some crimes online as well as with the military police, whereas in the past victims had to file in person.

On June 2, President Rousseff met with the state governors of Amazonas, Para, and Rondonia to discuss measures to confront agrarian conflicts that contributed to the killing of environmental activists in those states. Minister of Justice Jose Eduardo Cardozo subsequently announced Operation Life Protection and the deployment of a task force consisting of the armed forces, Federal Police, highway patrol, and National Security Force to assist in investigations.

Arrest Procedures and Treatment While in Detention

With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant. Suspects must be advised of their rights at the time of arrest or before being taken into custody for interrogation. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. According to human rights observers, some detainees complained of physical abuse by police officers while being taken into custody.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. Detainees were informed promptly of the charges against them. The law permits provisional detention for up to five days under specified conditions during an investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days is permitted if police suspect that a detainee may leave the area. Occasionally detainees were held longer than the provisional period.

Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts often resulted in extending the period for charging defendants. The Catholic Church's Penitentiary Commission reported that one in five pretrial detainees was held beyond the legal limit.

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

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

e. Denial of Fair Public Trial

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

Although the law requires that trials be held within a set time period, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard. To reduce backlogs and waiting times, the CNJ formed several task forces to review thousands of outstanding cases. Between February and November, the judicial task force of Region 1, which includes the judiciaries of 14 states in the north, northeast, and central-west regions, reduced by 26,688 the backlog of approximately 340,000 cases. Between September 2010 and September 2011, the task force of Region 3, which consists of the states of Sao Paulo and

Mato Grosso do Sul, reduced by 93,970 the backlog of approximately 300,000 cases.

Trial Procedures

The right to a fair public trial as provided by law was generally respected. However, in some rural regions—especially in cases involving land rights activists—the perception existed that police, prosecutors, and the judiciary were more likely to be subject to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed. After an arrest a judge reviews the case, determines whether it should proceed, and, if so, assigns the case to a state prosecutor who decides whether to issue an indictment. The law recognizes the competence of a jury to hear cases involving capital crimes. Judges try those accused of lesser crimes. Defendants enjoy a presumption of innocence and have the right to confront and question witnesses, access government-held evidence, and appeal verdicts.

While the law provides for the right to counsel, the Ministry of Justice stated that many prisoners could not afford an attorney. The court must furnish a public defender or private attorney at public expense in such cases. The Public Ministry continued to hire public defenders, but staffing deficits remained in all states. According to the Rio de Janeiro State Office of Public Defense, the state employed 800 public defenders, up from 700 in 2010, yet this was insufficient.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

While the justice system provides for an independent civil judiciary, courts were overburdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation. Citizens can bring lawsuits before the courts for human rights violations.

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

The law prohibits such actions, but NGOs reported that police conducted searches without warrants. Human rights groups, other NGOs, and the media reported incidents of police invasions in poor neighborhoods. During these operations

police stopped and questioned persons and searched cars, residences, and business establishments without warrants.

The military continued to patrol the Complexo do Alemão favela in Rio de Janeiro while community police officers were being trained to assume responsibility. The NGO Rede Contra Violência claimed that military forces in Complexo do Alemão continued to enter and search homes without warrants and that community police officers conducted warrantless searches of homes in some pacified favelas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Press: The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press. Between January 1 and July 26, the ANJ reported 23 cases of censorship, threats, direct violence against journalists, and other forms of pressure against news organizations and professionals, including three killings, one imprisonment, six cases of censorship, and nine instances of verbal assault and physical battery.

According to the International Press Institute, five journalists were killed in the country during the year.

On April 9, a gunman shot and killed radio journalist and television personality Luciano Leitão Pedrosa in Vitória de Santo Antão, Pernambuco. Pedrosa hosted the television program *Action and Citizenship* for seven years and was a harsh critic of municipal government and local authorities in the Northeast. Police arrested an accomplice to the killing on April 13 but made little further progress on the case.

On June 15, three gunmen in Serra do Mel, Rio Grande do Norte State, shot and killed journalist and editor Edinaldo Filgueira. Authorities arrested eight suspects who reportedly belonged to a gang of contract killers. On November 18, the mayor of Serra do Mel, Josivan Bibiano, was indicted as the mastermind of the killing.

The ANJ, Brazilian Association for Investigative Journalism, and Inter American Press Association regarded the most serious threat to press freedom to be the growing number of cases of judicial censorship of the media. For example, in March Judge Adrianno Espindola Sandes of Jaguarari in Bahia State prohibited the radio station Lideranca FM from broadcasting news related to charges that the city's mayor, Antonio Ferreira do Nascimento, bought votes. The Judges Association of Bahia upheld the decision, stating that continued broadcasting would impede an investigation into the case.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Several legal and judicial rulings had the potential to threaten freedom of expression on the Internet. A continuing trend was for private individuals and official bodies to take legal action against Internet service providers and providers of online social media platforms, such as Google, Facebook, and Orkut, holding them accountable for content posted to or provided by users of the platform. Judicial rulings often resulted in the forced removal of content from the Internet.

In March the Rondonia State Court sentenced Google to pay 100 minimum wages (approximately 54,000 reais, or \$29,000) to the municipal funds for children and adolescents in the towns of Pimenta Bueno, Sao Felipe de Oeste, and Primavera de Rondonia for providing the infrastructure supporting two online communities considered offensive. Prosecutors declared that two young men were offended by profanity and sexual content within the virtual communities. Google, owner of Orkut, the Web site in question, stated that it was responsible solely for providing the online infrastructure and not the content of the site posted on that infrastructure. Google's appeal was pending at year's end.

In July 2010 electoral rules were issued regulating presidential campaigns on the Internet. The rules prohibit candidates from buying advertising space online and restrict online campaign presences to sites run by the candidate. Between July and December 2010, the government made 263 content removal requests to Google, of which Google partially or completely complied with 76 percent. Observers attributed this to the number of electoral court orders requesting the removal of content related to political campaigns. There were no elections during the year and consequently no such requests.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year the government granted approximately 4,400 asylum seekers full refugee status.

An estimated 4,000 Haitians immigrants entered the country during the year, making their way through Peru, Colombia, and Bolivia via the Dominican Republic and Panama in hope of securing employment in one of the large infrastructure projects, such as hydroelectric dams. The government did not grant refugee status to the immigrants but provided humanitarian assistance and issued 1,600 humanitarian visas to the immigrants. The visa entitles them to receive health and social assistance, the right to work, and the right to remain for up to five years.

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

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

Elections and Political Participation

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

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

There were 25 Afro-Brazilians in Congress (three senators and 22 deputies). There was one Afro-Brazilian in the cabinet and one each on the Federal Supreme Court and Superior Court of Justice.

Section 4. Official Corruption and Government Transparency

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

During the year six executive cabinet-level officials resigned over allegations of corruption—Chief of Cabinet Antonio Palocci on June 7, Minister of Transportation Alfredo Nascimento on July 6, Minister of Agriculture Wagner Rossi on August 17, Minister of Tourism Pedro Novais on September 14, Minister of Sports Orlando Silva on October 26, and Minister of Labor and Employment Carlos Lupi on December 4. Numerous other public officials were arrested, dismissed, or forced to resign, and President Rousseff reiterated her commitment to combat corruption.

In July the Court of Audit (TCU), the congressional auditing and investigative arm, reported on government contracts audited from 2006 to 2010. The report found 80,000 irregularities, including 31,793 instances of collusion on bidding and 1,470 instances in which contracts were signed with companies that were legally prohibited from signing government contracts.

The Ficha Limpa (Clean Record) law bars politicians from seeking elected office if they face corruption charges.

Public officials are subject to financial disclosure laws, which were enforced and with which the officials generally complied.

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

On August 23, the Brazilian Bar Association launched a Web site to track government corruption.

The law provides for public access to unclassified government information upon application to the Commission for Public Ethics, although the release of such information was often slow.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials were cooperative and responsive to their

views. Federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems; for instance, the Ministry of Labor (MTE) partnered with the International Labor Organization (ILO) to formulate national strategies for combating forced and child labor.

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

On November 18, President Rousseff signed a law establishing a truth commission to investigate alleged human rights abuses from 1946 to 1988, including those committed by the military regime (1964-85). The law authorizes the commission to hold public hearings, compel individuals to testify, request and review classified documents from all three branches of government, and publish the results of its investigations.

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by eight to 10 years in prison. Domestic violence remained both widespread and underreported to the authorities, due to fear of retribution, further violence, and social stigma. On March 24, the Supreme Court unanimously upheld the constitutionality of the 2006 Maria da Penha law to combat domestic violence against women. The law, which increases the penalty for domestic violence from one to three years in prison and created special courts, may have led to an increase in reporting. Since the approval of the law, 300,000 cases of domestic violence have been brought to trial, resulting in 100,000 convictions. According to research published on March 27, the CNJ estimated there were 332,200 cases of violence against women in state-level judicial systems. Protective orders were granted in 15 to 30 percent of cases, and the conviction rate for cases brought under the law was

less than 1 percent. In early December the CNJ signed an agreement with the Secretariat for Women's Policies (SPM) and the Ministry of Justice to identify barriers to trying cases of domestic violence in state courts.

The federal government continued to operate a toll-free nationwide hotline for women. In the first six months of the year, the hotline registered 293,708 calls reporting domestic violence, 14 percent lower than in the same period in 2010. According to hotline data, 60 percent of the complaints received between April 2006 and June 2011 concerned physical abuse.

The Police Women's Defense Office in Fortaleza, Ceara, reported 6,337 cases of domestic violence in Fortaleza between January and July, although only 667 investigations were opened. Reports of domestic violence have risen nationwide since 2006, when the Maria da Penha law was launched.

There were special courts for domestic and family violence in all states except Paraiba, Roraima, Sergipe, and Tocantins. Sao Paulo State's Special Court of Domestic and Family Violence against Women appointed an additional judge, bringing the total number to two. The court processed 9,000 cases during the year, most of them related to threats of violence, rape, and coercion; this was 50 percent higher than in 2010. In 80 percent of the cases, the defendants were sentenced to prison; some were also sent for counseling. During the year the state of Sao Paulo created six more special courts of domestic violence, for a total of seven.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women, for a total of 359 countrywide. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape, as well as criminal prosecution assistance by investigating incidents and forwarding evidence to courts. There were also 187 reference centers and 72 temporary women's shelters.

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

Sexual Harassment: Sexual harassment is a criminal offense, punishable by up to two years in prison. The law encompasses sexual advances in the workplace or educational institutions and between service providers or clients. In the workplace it applies only in hierarchical situations where the harasser is of higher rank or position than the victim.

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. Access to information on contraception and skilled attendance at delivery and in postpartum care generally were available in urban but not rural areas. The Population Reference Bureau recorded contraceptive use among married women at 81 percent and noted that 97 percent of births were attended by skilled personnel. Impoverished and rural women, however, were less likely to have skilled attendants.

Discrimination: A cabinet-level office, the Secretariat for Women's Policy, oversees a special entity charged with overseeing the legal rights of women. Women's labor force participation (75 percent) was below that of men (85 percent), and women were more likely to work in the informal sector. Although the law prohibits discrimination based on gender in employment and wages, there were significant wage disparities between men and women. According to the MTE, women often were paid less than men in the same functions.

Children

Birth Registration: Citizenship is derived from birth in the country or from a parent. According to 2010 Institute of Geography and Statistics (IGBE) census data, there were approximately 599,000 unregistered children nationwide. The number reflected children who did not have birth certificates once they reached 10 years of age, and experts believed the number was especially elevated among isolated populations in the states of Roraima, Amazonas, and Mato Grosso do Sul. Without birth certificates children cannot be vaccinated or enrolled in school. If the problem persists into adulthood, an unregistered adult cannot obtain a worker's card or receive retirement benefits.

The CNJ, in partnership with the SDH, aimed to reduce the number of such children by registering children born in maternity wards. The CNJ also implemented a program to encourage fathers to acknowledge their children and take responsibility for them. In 2009 there were almost five million children and adolescents who held birth certificates with only the mother's name.

Child Abuse: Abuse and negligence of children and adolescents were problems and included rape, molestation, and impregnation of girls by family members. The SDH oversees the National Program to Confront Sexual Violence Against Children

and Adolescents, which established nationwide strategies for combating child sexual abuse and best practices for treating victims.

From January to August, the SDH-operated Dial 100, a hotline that receives complaints of sexual abuse against children and adolescents, logged 380,619 complaints, compared with 160,933 during all of 2010. Of these, 50,866 reports concerned abuse, compared with 30,543 in 2010. According to the SDH, the rise was due to increased national awareness of what constitutes sexual abuse.

Between January and March, there were 1,179 reported cases of sexual exploitation, 3,133 of sexual abuse, 5,557 of neglect, and 5,841 of physical or psychological violence. Approximately 56 percent of the victims between January and February were girls; the most common complaints were negligence and sexual violence.

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

According to data released on August 9 by the National Register of Sheltered Children (CNCA), there were 33,361 children and adolescents living in shelters provided by NGOs, churches, and other religious organizations throughout the country.

The Death Threat Protection Program for Children and Adolescents (PPCAAM) brought in 282 children and adolescents and 458 families in the first quarter of the year. Sixty percent of those shielded by the program had received death threats due to involvement in drug trafficking, and 68 percent entered the program accompanied by one or more family members. The program offers psychological counseling and technical courses to reinsert these youth into stable community situations.

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

900 municipalities, half of which were in the Northeast, served as tourist destinations for the sexual exploitation of children and adolescents.

In June the National Evangelical Movement for Social Action launched the Campaign Against Child Sex Tourism in advance of the 2014 World Cup. In early July the Para Tourism Company, in conjunction with the Sustainable Tourism Program, committed to distributing 7,000 leaflets in seven municipalities along the Tapajos River in the Amazon region.

On July 12, Minister Iriny Lopes, head of the SPM; Minister Maria do Rosario Nunes, head of the SDH; and Federal Police investigators announced increased efforts to combat sexual tourism in the Amazon region. The measure was spurred by allegations that a foreigner operated a charter fishing operation as cover for sexual tourism that exploited young indigenous women and girls. An investigation, which began in 2008, continued at year's end.

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

Although the country is not a large-scale producer of child pornography, such material was spread on social networking Web sites. The Public Ministry, Dial 100, and the NGO Safernet, in partnership with the Federal Police, registered 19,311 child pornography complaints between January 1 and July 1, compared with 30,601 complaints in the same period in 2010.

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

The Rio de Janeiro Municipal Secretariat for Social Assistance had 14 social assistance centers and 23 shelters (eight public and 15 private) to assist child and adolescent victims of sexual abuse and exploitation. Between January and August, the centers assisted 504 young victims, compared with 370 in 2010. The secretariat attributed the growth to the increased number of centers. Of the 504 cases, 371 were victims of sexual abuse and 103 were victims of sexual exploitation.

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

Anti-Semitism

According to the Jewish Federation, there were approximately 125,000 Jewish residents, of whom approximately 65,000 were in the state of Sao Paulo and 40,000 in Rio de Janeiro State. It is illegal to write, edit, publish, or sell books that promote anti-Semitism or racism. The law enables courts to fine or imprison anyone who displays, distributes, or broadcasts anti-Semitic materials and mandates a two- to five-year prison term.

On February 9, Rio de Janeiro civil police indicted three students under a federal racial crime law for fomenting Nazism. Further investigation led to the seizure in the students' homes of computers and magazines alluding to Nazism.

According to Safernet, there were approximately 300 neo-Nazi cells, 90 percent of them in the states of Sao Paulo, Santa Catarina, Parana, and Rio Grande do Sul. Safernet estimated that each cell consisted of approximately 40 individuals. In the city of Sao Paulo, there were isolated incidents of anti-Semitism, including physical and verbal attacks against Jewish persons, anti-Semitic graffiti, and displays of neo-Nazism.

Trafficking in Persons

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

Persons with Disabilities

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

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, need for more accessibility to public transport, and shortage of schools with facilities for physically challenged persons.

Beginning in July all residences built under the second version of the Ministry of Cities' public housing program must be constructed to meet accessibility standards for persons with disabilities.

In July the Sao Paulo state governor launched the Fast Track Employment Program, which offers public financial assistance for vocational training in 330 of 628 state public-sector job vacancies to persons with disabilities.

National/Racial/Ethnic Minorities

The law prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits, and provides prison terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. However, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The 2010 census reported for the first time that white persons constituted less than half the population of 190,755,799. A total of 91,051,646 claimed to be white, while 99,697,545 identified themselves as belonging to other categories.

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

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

According to the Rio de Janeiro State Secretariat for Social Assistance and Human Rights, fewer than 10 of the state's 800 public defenders were black and only one of the state's 200 public prosecutors was black.

The Getulio Vargas Foundation survey of income inequality, released on May 3, showed a decline in income inequality from 2000 to 2010. The report revealed that the income of blacks rose 43 percent over the decade, compared with 21 percent for whites. Education was seen as the primary factor contributing to income growth (55 percent), while government social programs such as Bolsa Familia (15 percent) also played a role.

The July 2010 Racial Equality Statute continued to be controversial, due to its provision for nonquota affirmative action policies in education and employment.

According to a 2009 report by the Ministry of Education, 53 of 2,314 universities maintained affirmative action programs, including 40 major public universities in the Federal District and the states of Sao Paulo, Rio de Janeiro, Minas Gerais, Espirito Santo, and Bahia. A total of 5,834 self-declared students of color attended state and federal universities under the quota system in 2009.

At year's end the right of communities of descendants of escaped slaves (quilombos) to receive title to their land had not been fully implemented.

Indigenous People

According to data from the National Indigenous Foundation (FUNAI), National Health Foundation (FUNASA), and 2010 census, there were approximately 818,000 indigenous persons, or 0.4 percent of the total population. Approximately 315,000 lived in urban areas, while almost 503,000 lived in 4,774 villages spread over 677 indigenous lands covering 12 percent of the national territory, including at least 448 municipalities in 24 states. Approximately 99 percent of the indigenous lands are concentrated in the Amazon. The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. The law provides indigenous persons exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case.

While the 1988 constitution charges the federal government with demarcating indigenous areas within five years, the government had not completed the four

phases of demarcation (identification, declaration, approval, and registration). The Supreme Court's 2009 decision upholding demarcation of the Raposa Serra do Sol indigenous reserve bordering Venezuela and Guyana set a precedent in favor of demarcation of indigenous lands as single contiguous territories. Nonetheless, problems remained in enforcing the integrity of the territories.

The Maraiwatsede reserve in the state of Mato Grosso, home to the Xavante indigenous group, was demarcated in 1998, yet illegal, nonindigenous settlers continued to reside in the reserve. The indigenous community of approximately 3,000 was forced to live on only 10 percent of the demarcated territory. On June 19, a Mato Grosso federal court ordered the expulsion of nonindigenous inhabitants from the reserve within 20 days, but on July 1, the eviction order was rescinded to allow time for the court to hear from the defense. The case remained pending at year's end.

Delays in the demarcation of indigenous reserves perpetuated violence against indigenous peoples. On August 23, men suspected to be employees of neighboring farms attacked a group of approximately 125 families from the Guarani-Kaiowa tribe in their roadside camp near the town of Iguatemi, Mato Grosso do Sul. The families had recently returned to ancestral lands undergoing demarcation. Tribal leaders appealed to the state prosecutor and FUNAI for help, but neither party was forthcoming, and there was no police investigation, nor were any arrests made. Despite public support from the state government of Mato Grosso do Sul, the police, and FUNAI, the camp's remote location made such support difficult to implement.

On November 18, Nisio Gomes, a Guarani-Kaiowa chief, was killed near his tribe's camp in the same area of Mato Grosso do Sul. Gunmen hired by ranchers intent on driving the Guarani-Kaiowa from the contested land were suspected. Activists claimed that local police failed to investigate the violence.

According to a 2009 Ministry of Education report, 53 of 2,314 state and federal universities continued to reserve entrance slots for indigenous persons. In 2009, 154 indigenous students attended state and federal universities under the quota system.

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

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

During the year the NGO Bahia Gay Group received approximately 255 reports of killings based on sexual orientation and gender identity, compared with 260 in 2010. Gay men were the most affected group, followed by transgender persons and lesbians.

On July 15, in Sao Joao da Boa Vista, Sao Paulo, a father and son were beaten by a group of boys who suspected that the two were gay.

According to the SDH, the Dial 100 hotline received 560 complaints of violence against lesbian, gay, bisexual, and transgender persons in the first half of the year; 20 percent of the complaints were registered in the city of Sao Paulo.

According to a representative of the Secretariat of Human Rights, many transgender persons and transsexuals had difficulty formally entering the labor market or study programs, due to the fact that a discrepancy between the photograph on an individual's labor card and the personal appearance of the individual holding the card can prevent the individual from obtaining permission to work. A new labor card can be obtained only through a labor court, but most presiding judges adhered to a strict biological interpretation of gender or held an outright bias against transgender persons and transsexuals. The Sao Paulo state government offered a mobile assistance unit to transgender persons that helped approximately 300 such persons per month.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but limits organizing at the enterprise level and imposes a mandatory union tax on workers and employers.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters. The civil police are allowed to conduct strikes, and workers exercised this right in practice. The law prohibits antiunion discrimination, including the dismissal of employees who are candidates for or holders of union leadership positions, and requires employers to reinstate workers fired for union activity.

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

The law stipulates that a strike may be ruled “abusive” by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided that the strike is not ruled abusive.

The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues to it. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation has not been enacted. The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions.

Authorities at times did not effectively enforce laws protecting union members from discrimination. Some labor courts charged with resolving disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow. Parties generally agreed that cases were decided fairly.

Freedom of association was generally respected in practice, but there were a few notable exceptions. During a week-long strike in November, state-run oil company Petrobras was accused of antiunion practices, including restricting the access of union officials to employees operating on oil platforms off the coast of Santa Catarina and Parana and discouraging employees from participating in demonstrations. Collective bargaining was widespread in formal sector establishments of the private sector. Worker organizations were independent of the government and political parties, and there was no government interference in union activities.

In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge, although improving, was often a protracted process. In April the Ninth Regional Labor Court in Curitiba, Parana, fined the state's multimedia information firm Celepar 10,000 reais (\$5,400) for discriminating against a union leader employee who had been passed over for promotions and subject to harassment as a result of his union activities. Most informal sector workers did not benefit from union representation.

Intimidation and killings of rural union organizers and their agents continued. On May 24, gunmen killed union leaders Jose Claudio Ribeiro da Silva, president of the National Council of Extractive Populations, and his wife, Maria do Espirito Santo, in Nova Ipixuna, Para (see section 1.a.).

b. Prohibition of Forced or Compulsory Labor

The law prohibits "reducing someone to a condition analogous to slavery," and the government acted to enforce the law. Violators of forced or compulsory labor laws face sentences of up to eight years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting or transporting workers or obliging them to incur debt as part of a forced labor scheme.

Forced labor, including by children, occurred in many states, in work such as clearing forest to provide cattle pastureland, logging, raising livestock, and other agriculture activities. Forced labor often involved young men drawn from the impoverished northeastern state--Maranhao, Piaui, Tocantins, Para, and Ceara--and the central state of Goias to work in the northern and central-western regions of the country. Cases of forced labor were also reported in sweatshops in the city of Sao Paulo; the victims were often men, women, and children from neighboring countries, particularly Bolivia and Paraguay. Efforts against forced labor were hindered by failure to impose effective penalties, the remoteness of the area where

the crime typically occurred, lack of awareness of rights, and delays in judicial procedure that resulted in de facto impunity for those responsible. Accurate, nationwide statistics on prosecutions for forced labor cases were not available.

Women and adolescents, the latter typically working with their parents, also were involved in forced labor activities, often inside the home. The ILO estimated that there were approximately 25,000 forced laborers at any given time during the year.

During the year the MTE freed 2,271 laborers from conditions analogous to slavery in 158 unannounced inspections of 320 properties, compared with 2,628 laborers in 143 unannounced inspections of 309 properties in 2010. Additionally, the Federal Police reported that they had opened 323 forced labor investigations in 2010. According to the Pastoral Land Commission's 2010 report published in February, the largest concentration of forced labor remained in the cattle-raising industry (52 percent of reported cases and 29 percent of released workers). This number included forced laborers involved in deforestation activities, frequently associated with ranching.

The National Commission to Eradicate Forced Labor coordinates government efforts to combat forced labor and provides a forum for input from civil society. MTE's Mobile Inspection Unit is an important instrument in the fight against forced labor. Using teams composed of labor inspectors, labor prosecutors from the Federal Labor Prosecutor's Office, and Federal Police officers, the unit conducts surprise inspections of properties on which slave labor is suspected or reported.

Often working in dangerous conditions, mobile teams levied fines on landowners who used forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Workers freed by mobile units are entitled to three months' salary at the minimum wage. The MTE paid out 5.3 million reais (\$2.8 million) in back pay during the year. However, few specialized services were provided to these workers, and NGOs noted a high revictimization rate. Mato Grosso funded a program to provide vocational training and other services to freed slave laborers.

In November, 10 workers found in a situation of forced labor were released from the Fazenda Outeiro Grande farm in Sao Mateus, Maranhao State. The inspection was conducted by the Regional Superintendent of Labor and Employment of Maranhao in conjunction with the MTE and Federal Police. The farm owner sold boots, sickles, soap, and other goods to the workers and deducted the inflated

prices from their wages. The wages paid were less than the minimum wage and thus insufficient to pay for the goods, resulting in a situation of debt bondage. The laborers slept in a schoolhouse without functioning plumbing. Water for drinking, cooking, bathing, and washing clothes was taken from a nearby pond that was also used by farm animals. The owner of the farm, Antonion Evaldo de Macedo, had previously appeared on MTE's "dirty list" between 2008 and 2010.

The MTE publishes a "dirty list" to publicly expose names of employers (persons or legal entities) caught using slave labor. Created in 2004, the list is updated every six months by the MTE's Secretariat of Labor Inspections and is available on the MTE Web site. Inclusion on the "dirty list" has serious financial consequences in that public financial institutions, such as the Bank of Brazil, Bank of Amazonia, Northeast Bank, and Brazilian Development Bank as well as many private banks deny credit and other services to listed individuals and companies. The list contained 294 names at year's end, up from 220 at the end of 2010.

Efforts of the federal government are supported by a number of state initiatives, and several states have state commissions for the eradication of forced labor. On September 27, the Sao Paulo State governor created the State Commission for the Eradication of Forced Labor (Coetrae). The group is coordinated by the Secretariat of Justice and works in tandem with the Nucleus for Trafficking in Persons. Coetrae's goal is to evaluate and follow cases, monitor the legal situation regarding forced labor, conduct research on trends, and oversee the coordination between the secretariat and NGOs.

On December 8, owner Avelino de Dea and foreman Jose Henrique Vanzetto were sentenced to seven years and 10 months, and five years and seven months, respectively, for reducing 59 employees to working conditions analogous to slavery on a cattle farm in Itupiranga, Para, in 2007. On December 16, cattle rancher Rodrigo Baltazar Pereira was sentenced to six years and one month in a halfway house for reducing 11 employees to working conditions analogous to slavery on a farm Montividiu, Goias, in 2006. Consolidated information on prosecutions and sentences in the area of forced labor were difficult to compile given the large number of labor courts and delays in implementing a central registry tracking their actions.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum working age is 16 years, and apprenticeships may begin at age 14. The law bars all minors under age 18 from work that constitutes a physical strain or occurs in unhealthy, dangerous, or morally harmful conditions. In 2008 domestic service was added to the list of hazardous work prohibited for minors under 18. The law requires parental permission for minors to work as apprentices. The MTE found that between 2005 and 2010, judges allowed 33,000 children under 16 to engage in the worst forms of child labor, including construction, agriculture, and garbage scavenging.

The MTE is responsible for inspecting worksites to enforce child labor laws. Most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors remained unable to enter private homes and farms, where much of the nation's child labor occurred. Fines imposed by inspectors in 2010 totaled 7.7 million reais (\$4.1 million), but NGOs asserted that fines are usually too small to serve as an effective deterrent.

The government implemented innovative programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger with state and local authorities. Through PETI families with children seven to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school. Also through the ministry, the Bolsa Familia program provides a monthly stipend to low-income families that keep their children up to age 17 in school and meet certain child health requirements. PETI serviced more than 850,000 children in 3,500 municipalities. The Bolsa Familia served more than 12 million households nationwide. The government also continued to cooperate with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.

The National Forum for the Eradication and Prevention of Child Labor helped to coordinate government and civil society interventions to combat child labor. The forum continued its national campaign, the Red Card Against Child Labor, launched in June 2010, to bring attention to the plight of child laborers.

Nevertheless, child labor continued to be a problem. The 2009 IBGE National Household Survey (PNAD), reflecting the most recent data available, showed that 4.25 million of an estimated 44 million children between the ages of five and 17 were engaged in some form of child labor. According to 2010 data from the MTE, the majority of those were employed in street vending (42 percent), followed by

automobile washing (10 percent), manufacturing (8 percent), and agriculture (3 percent).

According to a study released on December 28 conducted by the newspaper *Folha de Sao Paulo* and based on 2010 census data, more than one million children between the ages of 10 and 14, or 6 percent of the total, worked in 2010. The study noted that the problem was worse in the north, where one in 10 children worked, either paid or unpaid. The 2010 census reported that 132,000 children between the ages 10 and 14 were the sole providers for their families.

Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas. The study also found that 95 percent of the children who worked also attended school.

According to MTE data, 10,345 children and adolescents were found in situations that violated minimum-age laws in 7,024 unannounced inspections during the year. A majority, 83 percent, of those found were young boys. In 2010, 3,279 inspections found 5,620 children and adolescents employed in violation of minimum-age laws.

Children worked in agriculture, including in the production of coffee, sugarcane, cotton, manioc, soybeans, rice, and tobacco. Children were also involved in raising livestock.

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

d. Acceptable Conditions of Work

In January the minimum wage increased to 545 reais (\$292) per month. According to 2010 IBGE data released on June 2, 56 percent of households had per capita incomes of less than the minimum wage. Between 2001 and 2009, the income growth rate of the poorest 10 percent of the population was 7 percent per year, while that of the richest 10 percent was 1.7 percent, decreasing income inequality. Nevertheless, a 2010 IBGE study revealed 8.5 percent of the population (16.2 million) was considered "extremely poor" or earning less than 70 reais per month (\$38).

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, and stipulates that hours worked above the weekly limit must be compensated at time-and-a-half pay; these provisions generally were enforced in the formal sector.

The MTE sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country. The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employees from being fired for their committee activities. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions.

The MTE's Mobile Inspection Unit was an effective instrument in the fight against forced labor. Unit teams conducted surprise inspections of properties on which slave labor was suspected. The teams freed 2,271 persons who had been "reduced to a condition analogous to slavery" during the year. (By law the concept of slave labor includes not only forced and compulsory labor but also extremely arduous labor and labor performed in degrading working conditions.) The MTE conducted 158 unannounced inspections of 320 properties during the year, compared with 143 inspections in 2010.

On August 16, MTE investigators and Federal Police agents discovered 15 Bolivians working in two Sao Paulo clothing manufacturing shops contracted by the company AHA, a supplier for Spanish clothing retailer Zara. The group had been forced to work 16-hour days at compensation below the minimum wage. Although Bolivians are legally able to work in the country, this fact was kept from the workers by the shop owners. The Labor and Employment Secretariat of Sao Paulo, a local office under the MTE, led the investigation after a May audit uncovered 52 workers, most of whom were Bolivian, working under illegal safety conditions in more than 30 workshops throughout the state.

According to the Institute for Applied Economic Research, the informal sector shrank by 1.6 percent in the first six months of the year, compared with the same period in 2010, to an average of 35.6 percent, the lowest level since 2003. Most unregistered workers were in the agricultural sector. Not all foreign migrant workers, informal sector workers, and unregistered workers were subject to hazardous working conditions, but these groups were at a higher risk of being subjected to such conditions and/or to working conditions analogous to slave labor.

There were no major industrial accidents during the year in which workers were injured or killed.