

## **BRAZIL**

Brazil is a constitutional federal republic with a population of approximately 191 million. In a second-round vote on October 31, voters elected Dilma Rousseff as president for a four-year term. The elections were generally free and fair. There were instances in which security forces acted independently of civilian control. State-level security forces committed numerous human rights abuses.

The following human rights problems were reported: unlawful killings; excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; harsh prison conditions; prolonged pretrial detention and inordinate delays of trials; reluctance to prosecute as well as inefficiency in prosecuting government officials for corruption; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous persons and minorities; failure to enforce labor laws; forced labor; and child labor in the informal sector. Human rights violators often enjoyed impunity.

### **RESPECT FOR HUMAN RIGHTS**

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) were widespread, particularly in the populous states of Sao Paulo and Rio de Janeiro.

In many cases police officers employed indiscriminate lethal force during apprehensions. In some cases civilian deaths followed severe harassment or torture by law enforcement officials.

Credible reports indicated the continuing involvement of state police officials in revenge killings and the intimidation and killing of witnesses involved in testifying against police officials.

In Rio de Janeiro, both on- and off-duty police employed indiscriminate use of force, including killings, primarily in the city's poorer northern section. Residents of the city's approximately 1,050 favelas (shantytowns), where approximately 1.2

million persons lived, were at particular risk. Impunity for such killings remained a problem. According to Amnesty International (AI), specialized Police Pacification Units (Unidades Polícia Pacificadora, UPP) significantly reduced violence in a dozen communities, but AI stated that policing in Rio de Janeiro continued to depend on repressive methods. On November 26, AI claimed that Rio police killed more than 500 persons during the year in "acts of resistance," often without sufficient or independent investigations of whether the suspects were resisting arrest and threatening the life of police officers or the public.

AI reported that few killings were effectively or independently investigated and that perpetrators were seldom prosecuted successfully. Under its Favela Pacification Program, the Rio de Janeiro State Secretariat for Public Security assigned 12 specially trained community-policing units to 12 different favelas. A poll by the Brazilian Institute of Social Research found that 93 percent of residents in UPP areas felt safer. According to that poll, 70 percent of residents of communities without UPPs would like to have one.

In mid-December there were 13 community-policing units in 16 different favelas. Implementations of UPP police units assigned to these communities occurred with no reported casualties.

On November 28, Rio de Janeiro police units supported by the military entered the massive Complexo do Alemão slum as part of the wider Favela Pacification Program and in response to a wave of violent attacks against the population by drug gangs. Ensuing clashes between the suspected drug traffickers and the police killed 42 persons, some of them bystanders, including a 14-year-old girl, as reported by *O Globo* newspaper. Citizens and nongovernmental organizations (NGOs) reported excessive use of force on the part of law enforcement during the pacification. Then secretary of human rights Paulo Vannuchi undertook to investigate alleged human rights violations, while also attributing the relatively low number of deaths for such a large operation to restraint on the part of law enforcement.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo State police (civil and military) killed 392 civilians in the state from January to September, compared with 400 during the same period in 2009. Cases involving extrajudicial executions were either under police investigation or before the state courts; observers believed that it could take years to resolve such cases. During the year there were reports of multiple killings (called *chacinas*) in Sao Paulo State, often drug related with suspected police involvement; in the Sao Paulo

metropolitan region, there were 12 chacinas resulting in 46 deaths from January to October.

Between April 17 and 26, a group of approximately five military police officers on the coast of Sao Paulo State killed at least 23 persons, reportedly in retaliation for the April 18 killing of a fellow officer. The case remained under investigation at year's end.

On May 27, the UN special rapporteur on extrajudicial, summary, or arbitrary executions presented a follow-up report to her 2007 findings and recommendations. The 2007 report included recommendations in the areas of policing strategies, police involvement in organized crime, police accountability, forensic evidence, witness protection, public prosecutors, judicial and legal framework, and prisons.

The follow-up report noted some improvements made by police officials in Rio de Janeiro, Pernambuco, Paraíba, and Sao Paulo in implementing recommendations to reduce the activities of groups conducting extrajudicial killings, for example, by investigating militias and arresting those involved in the killings, but noted that such groups continued to operate. In September nine militia members arrested during Operation Leviathan II in Rio de Janeiro were found guilty of conspiracy and illegal possession of firearms and sentenced to prison terms ranging from eight to 12 years.

Groups with links to law enforcement officials carried out killings, in some cases with police participation. Although new statistics on such killings were not provided in the special rapporteur's follow-up report, it was noted that the state governments of Pernambuco and Paraíba made efforts to address extrajudicial killings. The state government of Pernambuco reported that it imprisoned approximately 400 individuals, and the state government of Paraíba investigated a group that may be responsible for as many as 300 killings. Credible, local human rights groups reported the existence in some states of groups linked to police forces that targeted suspected criminals and persons considered problematic or undesirable by landowners. States where such groups were known to operate included Sao Paulo, Rio de Janeiro, Pernambuco, and Paraíba.

In August 2009 authorities arrested five suspects, including military policemen, in the January 2009 killing in Pitimbu, Paraíba, of Manoel Bezerra de Mattos Neto, vice president of the Pernambuco branch of the Workers' Party and a human rights advocate. The NGO Global Justice reported that on June 9, Maximiano Rodrigues

Alves, a witness in the investigation, was shot in Itambe, Pernambuco, in an attempt on his life allegedly stemming from the Mattos case. On October 27, in response to an appeal from the Pernambuco branch of the Brazilian Bar Association, the Superior Court of Justice transferred the Mattos case and those of other killings suspected to be the work of off-duty police to the federal courts. The case was pending trial at the federal court in Paraiba at year's end.

The case of the March 2009 killing by military police in Rio de Janeiro of Jose Carlos Barbosa remained under investigation at year's end. According to the Rio de Janeiro Bar Association Human Rights Commission, witnesses testified in the case despite receiving threats.

In April 2009 in Santa Teresa, Rio de Janeiro, police killed six youths allegedly involved in drug trafficking in Morro da Coroa favela. According to the NGO Rede Contra a Violencia, prosecutors brought charges against four police officers (Vagner Barbosa Santana, Carlos Eduardo Virginio dos Santos, Jubson Alencar Cruz Souza, and Leonardo Jose de Jesus Gomes) for the killings. The case remained pending at year's end.

At year's end two military police officers were in jail pending trial for the 2009 killings of four persons in Guaratiba District, Rio de Janeiro.

On July 30, a court sentenced four military police officers to 18 years and eight months for the 2008 murder of Antonio Carlos Silva Alves. The four, all of the 37th Battalion (Sao Paulo), were among 14 military police officers arrested in 2009 following an investigation into the activities linked to organized crime. Nine of the 14 remained in custody at year's end, pending the outcome of judicial proceedings.

There were no known developments in the following cases:

- The August 2009 killing of Elton Brumda Silva during a military police operation to remove Silva and approximately 500 other Landless Rural Workers Movement members from a farm in Sao Gabriel, Rio Grande do Sul State.
- The August 2009 arrest of retired police sergeant Jairo Francisco Franco for killing an unknown black man in the greater Sao Paulo area.
- The investigation of military policeman Pascoal dos Santos Lima in connection with the 2008 killing in Sao Paulo of military police Colonel

Jose Herminio Rodrigues, who was investigating extrajudicial killings allegedly committed by Lima, who was serving a prison sentence related to another conviction.

- More than 40 deaths that occurred during November 2009 military police operations in Rio de Janeiro favela communities following an October 2009 helicopter shoot-down.
- The 2008 beating death in Rio de Janeiro of Andreu Luis da Silva Carvalho at a detention facility. The NGO Legal Project reported that prosecutors did not bring charges against the five agents allegedly involved in the killing, and Legal Project filed a suit in August against Rio de Janeiro State seeking compensation for the family of the victim.

On April 12, a jury in Para sentenced Vitalmiro "Bida" Bastos Moura to 30 years in prison for the 2005 murder of Catholic nun Dorothy Mae Stang. On May 18, Judge Maria de Nazare Gouveia, of the state superior court of Para, ruled that Reginaldo Pereira Galvao, also accused in the killing, and originally sentenced to 30 years, would remain free while awaiting an appeal.

On September 29, Rio de Janeiro Military Police Officer Paulo Marco da Silva Emílio, was acquitted of killing Thiago da Costa Correia da Silva and three other youths in Borel favela, in northern Rio de Janeiro in 2003. According to Rede Contra a Violencia, three of the five Rio de Janeiro military police officers charged were acquitted. Washington Luis de Oliveira Avelino was awaiting trial, and Marcos Duarte Ramalho, whose conviction was cancelled in March 2009, was awaiting a new trial at year's end.

There were no known developments in the death-in-custody case, reopened in September 2009, of Manoel Fiel Filho, who was arrested and allegedly tortured before his death in 1976. Authorities charged a police detective, a specialist, and the medical examiner who performed the autopsy with murder and cover-up.

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 remained a serious and widespread problem. In 2009 the federal government's Special Secretariat for Human Rights (SEDH) acknowledged that police institutions have been historically marked with violence, generating a cycle of insecurity, inefficiency, abuse, torture, and impunity.

Fourteen of the country's 26 states have formally adhered to the National Plan for the Prevention and Control of Torture, which includes the installation of cameras in prisons and penitentiaries; frequent unannounced visits by prosecutors, public defenders, and NGOs; and videotaping of interrogations.

During the first half of the year, the Sao Paulo State Ombudsman's Office received 13 complaints of torture by police, compared with seven during the same period of 2009.

According to the Rio de Janeiro State Police ombudsman, Luiz Sergio Wigderowitz, there were two complaints of torture by the police in Rio.

According to the Minas Gerais State Ombudsman's Office, it received 87 complaints of physical aggression by police during the first six months of the year but no complaints of torture. Comparatively, in the first six months of 2009 it received 105 complaints of physical aggression and 17 complaints of torture by the police.

The Bahia State Ombudsman's Office reported 27 complaints of physical aggression by the police and no complaints of torture from January to December 17. In 2009 it reported 79 complaints of physical aggression and no complaints of torture.

Police continued to abuse transvestite prostitutes in Rio de Janeiro, Belo Horizonte, and Salvador, according to the NGO Bahia Gay Rights Group. Complaints were investigated but rarely resulted in punishment (see section 6, Societal Abuses).

In Rio de Janeiro, militia members--many of them off-duty or former law enforcement officers--reportedly continued to use physical abuse, degrading treatment, and torture to spread fear and establish control over favela residents.

In the June 2009 case in which five indigenous Tupinambas in Ilheus, Bahia, charged that Federal Police officers applied electric shocks to their backs and

genitals, a Federal Police investigation found that there was no abuse of power by the agents, as the government did not consider pepper spray or Tasers to constitute weapons. The Federal Police internal investigation reportedly cleared Federal Police officers of acting inappropriately.

There were no known developments regarding the prosecution of an individual arrested in 2008 and three police officers arrested in January 2009 in the cases of two *O Dia* newspaper investigative journalists and their driver who were kidnapped, tortured, and released in Batan favela, Rio de Janeiro, in 2008. Two other militia leaders charged in the case were convicted and sentenced in August 2009.

### Prison and Detention Center Conditions

Prison conditions throughout the country often ranged from poor to life threatening; however, some states made efforts to improve conditions. Abuse by prison guards, poor medical care, and severe overcrowding occurred at many facilities.

Prison officials frequently resorted to brutal treatment of prisoners. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and lack of medical care led to deaths in prisons. Poor working conditions and low pay for prison guards encouraged widespread corruption. Prisoners who committed petty crimes were held with murderers. According to the National Penitentiary Department, in June there were 494,237 prisoners, including 29,707 women, incarcerated in a prison system designed for approximately 300,000.

The federal constitution prevents minors who are less than 18 years old from being tried as adults and being incarcerated in federal, state, or city prisons. Crimes or misdemeanors committed by minors are classified as infractions. The penalties for such acts are classified as socioeducational measures. By law juveniles should not be held together in jails with adults, but this was not always respected in practice. Multiple sources reported accounts of adolescents jailed with adults in prison units in inhumane, poor, and crowded conditions. Insufficient capacity in juvenile detention centers was widespread. A government official from the Secretariat of Human Rights reported a first-hand account of adolescent boys and girls incarcerated with adults in a prison in Goiás during the year. Moreover, in May a news source reported minors being held with adults in an overcrowded prison in the state of São Paulo.

According to the SEDH, 60,000 adolescents were sentenced to socioeducational corrective measures. The majority of these youth were not confined, but 14,000 were detained in special youth detention centers found in every state and the Federal District. Of these, 3,000 were confined under a work release regime. The detention centers were marked by the same overcrowding and violence faced by the prison system for adults. The National Council of Justice noted, for example, that the detention center CAJE (Center for Training Skilled Youth) in Brasilia was built to house 160 adolescents and had a population of more than 320. In September the Council for the Rights of Children and Adolescents recommended that CAJE be closed down, claiming that since 2004 more than 20 adolescents under its supervision died and that it received numerous reports of other forms of violence such as the beatings of those being detained, riots, and arson by the inmates.

The government was aware of the abuse that takes place in both its prisons and juvenile detention centers and took steps to address the problem, as evidenced by its sponsoring of the First National Seminar on Torture and Violence in the Prison System and in the System for Socio-Educational Measures through the President's Secretariat for Human Rights and the National Council of Justice in November.

In Rio de Janeiro and most other states, pretrial detainees were held with convicted prisoners due to overcrowding.

Police killed three prisoners and injured 24 during a prison riot in Recife in May at a facility with a capacity of 1,400 that held 3,600 men. Police reported killing at least three prisoners in an 18-hour hostage situation during a prison uprising in January at the state of Parana's central penitentiary. On February 25, detainees rioted at Serrinha Prison in Bahia, demanding transfer to a different penitentiary in the state. Prisoners killed a fellow inmate during the riot. On November 9, at least 18 prisoners were killed in two separate riots in Sao Luis, Maranhao. The rioters were demanding better conditions, including adequate food and an end to overcrowded conditions.

The NGO Conectas reported that penitentiary centers in the Sao Paulo metropolitan area remained overcrowded. There were seven centers in the city of Sao Paulo, each holding a population that was double its intended capacity. The Vila Independencia Center, for instance, had space for 768 inmates but held approximately 1,900. According to a Conectas representative, these centers were temporary prisons for those awaiting trial or a more permanent situation in the



penitentiary system. Because these prisons are temporary, they are not held to the same standard as the long-term prison system, and the buildings were old with few facilities. Conectas reported that some individuals were held in these centers for years without sentencing.

In 2009 the National Council for Criminal and Penitentiary Policy reported seriously deficient conditions at two detention facilities in Serra, Espirito Santo. At the Cascuvi facility in Viana city, 25 individuals guarded more than 1,170 prisoners crowded into three spaces lacking individual cells in a facility designed for 370 persons. The report described the absence of electricity and showers, privacy, legal counsel, inmate advocacy, and reformatory activity; rodents and pests roaming freely; drinking water provided once daily; food served sporadically; limited medical access; inmate skin disease; and allegations of inmate-on-inmate attacks. According to Global Justice, authorities demolished the penitentiary in Cascuvi in May to build a provisional detention center (CDP). In 2009 the state government of Espirito Santo created CDPs as maximum-security prisons, which are part of the state's program of modernization and improvement of the prisons system.

Global Justice, however, reported that the CDPs held both pretrial detainees and convicted prisoners and were already at capacity.

In August Espirito Santo prison officials announced that they would discontinue the use of metal ship-container cells as holding facilities. Global Justice reported a lack of information from prison officials on prisoner status and conditions in its facilities. Global Justice also asserted that there was no information available concerning the investigation or punishment of the agents and detainees involved in cases of killings and torture in Espirito Santo penitentiaries. The NGO reported a lack of information on the whereabouts and status of the prisoners who were transferred from the penitentiaries that used metal ship-container cells.

In June 2009 the Inter-American Court of Human Rights granted precautionary measures for inmates of the Polinter-Neves penitentiary in Sao Goncalo, Rio de Janeiro State, because of inadequate access to medical services and asked the government to ensure adequate medical care, reduce overcrowding, and report its actions to the court. There was no government response to the Inter-American Court, and according to the NGO Rio de Paz, the situation at Polinter-Neves penitentiary remained unchanged. The facility has capacity for 350 detainees but held 656 at year's end. The Public Defender's Association reported filing suits to shut down the penitentiary. According to the Coordinator of the Rio de Janeiro

Public Defenders Association, Denis Sampaio, the suits were pending resolution and the penitentiary continued functioning at year's end.

On June 24, the Legislative Assembly of Rio de Janeiro approved a law creating a Torture Prevention Committee and Mechanism. The law provides for state monitoring and supervision of jails, penitentiaries, socioeducational centers, and mental institutions. Implementation of this law continued at year's end.

The situation in the Women's Penitentiary of Santana in Sao Paulo remained poor, although there were some improvements in the areas of health care and food quality. The prison, a converted men's facility in an old, deteriorating building, was overcrowded and did not have educational and social development programs for inmates. 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. The Santana Penitentiary provides special cells and assistance for 120 inmates and their children. These facilities are located in the hospital building.

Rio de Janeiro and Sao Paulo states and the Federal District provided separate prison facilities for women; elsewhere, according to the NGO Pastoral Carceraria, women were held with men in some facilities. Male officers who served in women's prisons abused and extorted the prisoners for sexual favors.

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.

There were no developments reported concerning the 12 persons, including 10 police officers, indicted but never jailed for the 2007 repeated sexual abuse of a 15-year-old girl in a cell in Abaetetuba, Para. However, on April 20, the National Council of Justice unanimously decided to force the retirement of the judge who sent the girl to the cell but took no action when she became aware of the abuse suffered by the victim.

Prisoners and detainees had reasonable access to visitors. They were permitted religious observance and permitted to submit complaints to judicial authorities, although this was not always respected in practice.

Government policy permits prison visits by independent human rights observers; however, in practice authorities did not always follow this policy. A Conectas

representative confirmed that it was at times difficult for outside observers to obtain permission to visit prisons.

Human rights advocates visiting juvenile detention centers in Sao Paulo reported continuing improvements in their general conditions. The foundation Center for the Socio-Educational Care of the Adolescent dismantled large out-of-date detention centers prone to inmate violence and built smaller facilities for easier management of the inmate population. This process began in 2006 and has continued, with five new centers opening during the year, which brought the total to 132. Each center had space for 56 adolescents, with approximately 7,000 held in the system. Conectas reported that the new facilities improved living conditions and that there were no cases of physical abuse, riots, or deaths in the smaller facilities. However, the temporary center for juvenile criminals did not have facilities for social and educational activities.

#### 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 Ministry of Justice oversight, 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 are plainclothes officers with an investigative role, while the military police are uniformed officers charged with maintaining order and preventing crime. Although the individual state governments control their respective military police forces, the constitution provides for calling them into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system.

In Rio de Janeiro's favelas, militia groups often begun as off-duty and former law enforcement officers took community policing into their own hands. However, many militia groups came to resemble drug-trafficker groups in intimidating residents and conducting illegal activity such as extorting protection money, imposing tribute fees, and providing pirated utility services. Punishing police involved in militia activity was difficult due to solidarity and fear of reprisals. Police often did not operate in militia-dominated communities. State authorities

estimated that militias had taken over nearly 100 favelas from drug-trafficker control, mostly in the city's west.

In a September media interview, former Rio de Janeiro State secretary for public security Marcelo Itagiba alleged that communities controlled by militias increased from 42 to 171 over the past four years.

In October the local press reported that Rio de Janeiro military police officers arrested eight members of the militia gang Piraque, which included a civil police officer, two military police officers, and an army officer. Press reports alleged the gang charged local residents for the provision of security and utility services.

In January the Rio de Janeiro State Secretariat for Public Security and Civil Police started a human rights training course for Rio de Janeiro military police officers. During the year an estimated 500 officers received the course, a "train-the-trainer" program, that ultimately was delivered to approximately 38,000 officers. According to the secretariat, human rights courses were a mandatory component of training for entry-level military police officers. Other states, such as Santa Catarina, also integrated human rights elements into police training.

The Rio de Janeiro State Secretariat for Public Security reported that 29,873 police officers took online training courses in human rights during the year, in partnership with the National Secretariat for Public Security.

#### 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. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. Suspects must be advised of their rights at the time of arrest or before being taken into custody for interrogation.

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

detainees--typically poor and uneducated--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 almost always resulted in extending the period for charging defendants. Bail was available for most crimes, and defendants facing charges on all but the most serious crimes had the right to a bail hearing. In general prison authorities allowed detainees prompt access to a lawyer; indigent detainees had the right to a lawyer provided by the state. Detainees were also allowed prompt access to family members.

Human rights observers stated that civil and uniformed police regularly detained persons illegally to extort money or favors.

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; however, the judiciary was underfunded, inefficient, and often subject to intimidation and to political and economic influences, particularly at the state level, a situation that resulted in vigilante action. A number of senior judges remained under investigation nationwide on a variety of charges.

Although the law requires that trials be held within a set period of time, which is defined according to individual circumstances, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard.

#### Trial Procedures

The right to a fair public trial as provided by law generally was respected in practice, although in some regions--particularly in rural areas--the judiciary was less professionally capable and more subject to external influences. For instance, when cases involved gunmen hired by landowners to kill land activists or rural union activists, local police often were less diligent in investigating, prosecutors were reluctant to initiate proceedings, and judges found reasons to delay. After an

arrest a judge reviews the case, determines whether it should proceed, and, if so, assigns it 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 rights to confront and question witnesses and to appeal. A large case backlog hindered the ability of appellate-level courts to ensure fair and expeditious trials.

While the law provides for the right to counsel, the Ministry of Justice estimated that approximately 90 percent of prisoners could not afford an attorney. In most cases the court must furnish a public defender or private attorney at public expense. The Public Ministry continued hiring public defenders, but staffing deficits remained in all states. For example, according to the Human Rights Commission of the Rio de Janeiro Bar Association, there were 700 public defenders in Rio de Janeiro State, a personnel deficit of 18 percent.

The law mandates that special police courts exercise jurisdiction over state military police except those charged with "willful crimes against life," primarily homicide. In all but the most egregious cases, police tribunals decided whether or not the killing was willful. As a result civilian courts, which have jurisdiction over killings by police, received very few case referrals involving police killings. In addition the requirement that the initial investigation be carried out by police internal affairs officers increased the potential for drawn-out investigations. The police themselves were often responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. Long delays in the special military police courts allowed many cases of alleged torture and lesser charges to expire due to statutes of limitations.

#### 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 significant backlogs and sometimes were subject to corruption, political influence, and intimidation. Citizens have access to 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 credibly reported that police conducted searches without warrants. Human rights groups, other NGOs, and the media reported frequent incidents of violent police invasions in shantytowns and poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants. During its law-enforcement operations in November and December, the military entered the massive Complexo do Alemão slum as part of the wider Favela Pacification Program. NGOs, including Rede Contra Violencia, claimed those authorities forcibly entered homes without warrants and looted some residences. Victims reported searches without warrants, including abusive and violent searches of women. Wiretaps authorized by judicial authority were permitted. The inviolability of private correspondence generally was respected.

On June 22, a Brazilian Bar Association spokesman denounced the installation by federal authorities of recording equipment in visiting rooms reserved for conversations between lawyers and federal prisoners in four prisons in the country as a violation of attorney-client privilege, making it "impossible to exercise the right of defense." Seven correctional officers in a maximum security federal penitentiary in the state of Mato Grosso do Sul brought the installation to the attention of the bar association. Federal authorities stated that the equipment was there purely for security purposes and that attorney-client conversations were not regularly recorded unless authorized by a judge.

On September 27, a federal judge in Sao Paulo ruled evidence gained by illegal wiretaps inadmissible in a case involving racketeering charges against 12 persons, including two tax officials, stemming from a 2007 investigation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the 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; however, criminal as well as other elements, such as political party activists, continued to subject journalists to violence because of their professional activities (see also sections 1.a. and 1.c.).

The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press. Between August 2008 and November 2010, the ANJ reported 74 cases of censorship, threats, direct violence against journalists, and other forms of pressure against news organizations and professionals. Of these, 34 occurred during the year, including two deaths, one imprisonment, 11 cases of censorship, 10 of assault and battery, and two bombings. Of the 74 cases, 26 represented court decisions, and 10 were electoral court decisions restricting the ability of journalists to report on specific election stories. In four cases members of the judiciary were plaintiffs in legal actions involving news reports mentioning them.

On October 19, a gunman shot and killed journalist Francisco Gomes de Medeiros, of Radio Caico in Rio Grande do Norte. According to police, the defendant killed Gomes de Medeiros because of accusations the journalist made on the radio, connecting the assailant with drug trafficking. The Union of Professional Journalists of Rio Grande do Norte considered the case an intimidating example of organized crime retaliation.

The ANJ regarded the most serious threat to press freedom to be the growing number of court decisions prohibiting the media from reporting on certain activities. Among the highest-profile cases reported by the ANJ were two instances of judicial prior censorship where the courts barred newspapers from reporting on continuing investigations.

- In September the Regional Federal Court in Tocantins State forbade 84 publications--including *O Estado de S. Paulo* and leading circulation newsmagazine *Veja*--from reporting on an investigation by the Sao Paulo State Prosecutor's Office against the Tocantins governor and candidate for reelection, Carlos Gaguim. The ruling was subsequently lifted, but not before the local police were dispatched to the airport at the state capital to seize a shipment of a national circulation magazine containing a report on that subject.
- Pursuant to a July 2009 court ruling, the newspaper *O Estado de S. Paulo* and its associated Web site remained barred from reporting on the Federal Police investigation of alleged corruption by Fernando Sarney, the son of the Senate president.



In August during the Eighth Congress of Brazilian Newspapers (sponsored by the ANJ), presidential candidates Jose Serra and Dilma Rousseff signed the Chaputeltepec Declaration, which obliges its signatories to respect and defend the freedom of the press.

On August 26, in response to an appeal by the Brazilian Association of Radio and Television Broadcasters, the Supreme Federal Tribunal (STF) suspended legislation prohibiting satire of politicians during the electoral campaign. The NGO Reporters Without Borders had called the law a vestige of the authoritarian period.

During the final stage of the election campaign in September, President Lula publicly criticized press reporting of the resignation of Chief of Staff Erenice Guerra for alleged influence peddling, claiming the reporting was politically motivated.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In March Google reported high rates of government requests for content to be removed and high levels of requests for personal data. Observers attributed this to government investigations into child pornography and racism and to the relative ease in filing private lawsuits to demand removal of content and to request data to identify the original poster.

As with freedom of expression in the press, government restrictions on freedom of expression extended to the Internet with court orders requiring the removal of a wide variety of material, far more than child pornography. Information ordered taken down included coverage of judicial misconduct and business dealings. The Committee to Protect Journalists (CPJ) estimated that one congressional representative filed more than 44 lawsuits against 38 journalists.

The IBOPE-Nielsen Net Ratings reported that 39.2 million persons regularly used the Internet in their home, and the International Telecommunication Union reported that Internet usage increased to approximately 39 percent in 2009.

In July new electoral rules were issued regulating presidential campaigns on the Internet, allowing debates to take place on blogs, social networks, and Web sites, along with advertising via e-mail and short message service (SMS) messages. The

new rules prohibited candidates from buying advertising space online, restricting online campaign presences to sites run by the candidate. The regulations also required that all Web sites be registered with the Electoral Court and made online slander and defamation punishable by fine.

#### 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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/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, although there were restrictions on entry into protected indigenous areas.

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.

The law prohibits forced exile, and no instances of forced exile occurred.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political

opinion. In July 2009 President Lula approved a law that allowed foreigners who arrived in the country illegally by February 1 to apply for a two-year temporary residency; by February approximately 43,000 persons received amnesty under the new law. The largest group of beneficiaries, an estimated 17,000, were Bolivians, many of whom benefitted from regularized status to leave exploitive labor conditions.

According to the Interministerial and Interinstitutional National Committee for Refugees, of the 4,294 recognized refugees from 76 different countries in the country as of June, the largest numbers were from Angola (1,688), Colombia (589), and the Democratic Republic of Congo (420); 132 were from Cuba. Two-thirds were women, and 399 were resettled in the country.

### 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

In the 2010 national election, generally considered free and fair, Workers' Party candidate Dilma Rousseff won a four-year term as president. According to the Electoral Supreme Court (TSE), more than 150 international observers from 36 nations accepted invitations to witness the October elections. Among those represented were the Organization of American States, Community of Portuguese Speaking Countries, Mercosur, and various NGOs from Africa and Haiti.

Political parties operated without restriction or outside interference.

Women have full political rights, and in October the country elected its first woman president. The law requires that 30 percent of the candidates registered by each political party must be women, but this was not always respected in practice. According to the TSE, there were 3,968 female candidates in the October elections, compared with 15,504 male candidates. In the October elections, 11 women were elected to the 81-member Senate and 43 women to the 513-member Chamber of Deputies. Of the 27 governors elected, two were women. There were three women in the outgoing 37-member cabinet, two on the 11-member Federal Supreme Court, five on the 33-member Superior Court of Justice, and one on the 14-member

Military Superior Court. Women won 12.9 percent of elected seats at the state level (a slight increase from 11.2 percent in 2006) and 12.6 percent at the municipal level. In December President-elect Rousseff selected nine women to join her cabinet to be sworn in on January 1, 2011.

There were 25 Afro-Brazilians elected to Congress (three senators and 22 deputies), and 21 Afro-Brazilians elected to state assemblies, according to the Institute of Politics, Public and Business Administration and Technologies. There were two self-identified Afro-Brazilians 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 and strengthened penalties for corruption during the year; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption continued to be a serious problem.

The government recovered \$390 million diverted from public funds via corruption, a 35 percent increase over 2009. During the year the Office of the Federal Solicitor General (AGU), a government accountability body that provides legal guidance to the executive branch, ensures government compliance with legal and administrative requirements, and can represent the government in court, filed 3,706 actions in an effort to recover a total of \$2.498 billion suspected to have been diverted by corruption. According to the AGU's Web site, more than \$566 million of that amount was found in bank accounts of mayors, former mayors, public servants, and business executives involved in illegal operations. The funds in question have been blocked or seized pending filings by the AGU.

The Ficha Limpa (Clean Record) law passed by Congress in May bars politicians from seeking elected office if they face corruption charges. A lower federal court in June ruled that Ficha Limpa, originally set to take effect only for the 2012 elections, would also apply to the state and national elections during the year. On October 28, the STF upheld the September decision by the TSE to apply the law for the October elections, in cases where a politician previously resigned from elective office to avoid impeachment. The decision involved an appeal by disqualified Senate candidate Jader Barbalho of Para.

In cases where candidates were removed from previous office by rulings or impeachment, the STF's October 28 decision did not apply, leaving the several other legislators elected on October 3 awaiting decisions on individual appeals. In September previous electoral court decisions that Ficha Limpa would apply forced some politicians facing corruption allegations, such as former Federal District governor Joaquim Roriz, to withdraw from races because they subsequently could be found ineligible to hold office.

In November 2009 videotapes became public of then Federal District governor Jose Roberto Arruda and several of his political allies in state government apparently receiving bribes in past years. In February Arruda stepped down and subsequently was arrested and held without bail for two months. On March 16, the Regional Electoral Tribunal ruled to remove Arruda from office. On April 12, he was released on bail and was awaiting trial at year's end. The story received national press coverage and Arruda did not run for reelection.

On September 10, the Federal Police arrested Amapa Governor Pedro Paulo Dias and 17 others on charges of corruption. The previous governor and then Senate candidate Waldez Goes was among those arrested, for theft of public funds and involvement with organized crime. On September 18, the governor was released, along with the former governor, and returned to assume his office for the remainder of his term, which ended December 31. Dias lost his reelection bid on October 31.

There were no known developments in the trial of Romero Menezes, former executive director of the Federal Police and its second-ranking official, suspected of leaking information to his brother about a fraud investigation and fired in 2008.

Public officials were subject to financial disclosure laws. A 2009 law required more transparency in campaign financing. Federal government entities such as the Federal Audit Court, the Federal Controller General, the Public Ministry, the Federal Police, the judiciary, the Department of Revenue and Control of Financial Activities, and the Federal Treasury existed to fight corruption. The agencies identified public spending as a source of financial corruption; however, they had limited powers to function effectively.

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 often were cooperative and responsive to their views. Although federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems, human rights monitors occasionally were threatened and harassed--particularly by members of the state police--for their efforts to identify and take action against human rights abusers.

While most states had police ombudsmen, NGOs and human rights observers questioned their independence and effectiveness. The ombudsmen's accomplishments varied considerably, depending on such factors as funding and outside political pressure, and they issued no significant reports or recommendations during the year.

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.

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

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

### Women

Rape, including spousal rape, is a crime punishable by eight to 10 years' imprisonment; however, men who killed, sexually assaulted, or committed other crimes against women were unlikely to be brought to trial. From January to June, the Sao Paulo State Secretariat for Public Safety registered 4,796 rape cases, compared with 1,996 during the same period in 2009. Part of this sharp increase was attributable to enactment of a federal law broadening the definition of rape and therefore the number of cases included in the statistic.

Domestic violence remained both widespread and underreported to the authorities, although reporting increased. The federal government continued to operate a toll-

free 24-hour nationwide hotline for women. Of the domestic violence complaints registered through the hotline during the year, 78 percent were considered physical violence, and 22 percent were threats. For such cases the Maria da Penha law increases the penalty from one to three years in prison and created special courts. There was no information available on the numbers of prosecutions or convictions for domestic violence, although in July CNN reported 10 women were killed in domestic violence each day. The Institute of Public Safety reported that in Rio de Janeiro 128 women were threatened by their husbands every day while 44 suffered attempts by their spouses to kill them.

According to hotline data from January to September recorded by the Special Secretariat of Policies for Women, the number of registered calls received nationwide rose to 552,034, a 23 percent increase over the same period in 2009. Of the complaints received, 51,736 concerned physical abuse, a 113 percent increase from the previous year. In almost 70 percent of reported cases, children were said to have witnessed the abuse. Fifty-eight percent of the callers reported daily physical abuse; the majority blamed domestic partners, who were commonly under the influence of alcohol or drugs. According to press reports, 58 percent of the registered cases involved partners living with the victim, 58 percent of whom were married. Another 15 percent of the cases involved ex-boyfriends.

Officials considered the increase in reports of domestic violence a sign that more women overcame fear and societal pressure and were willing to break their silence over abuse. Federal District Civil Police Chief Sandra Gomes Melo, chief of the central district's Delegacia de Mulher (Women's Precinct), stated that the increase in reporting did not signify increased violence, but more awareness among women in the Federal District of all ages, education levels, and social classes.

Approximately 4,000 cases a year were filed in the precinct, out of approximately 9,000 in the Federal District (population 2.5 million). According to Chief Gomes Melo, perhaps one-third of reports result in a prosecution, but many judges opted for alternative sentencing such as therapy. The lack of confidence that the judicial system or the police could protect abused women contributed to the reluctance on the part of some women to bring lawsuits against their abusers.

According to a nationwide Avon Institute/Brazilian Institute of Public Opinion and Statistics poll conducted in February 2009, 62 percent of women and 48 percent of men knew a woman who suffered from domestic violence. Of those interviewed, 24 percent said that women continued to stay with an abusive partner for economic reasons; 23 percent, for the well-being of children; and 17 percent, because of fear

for their lives. Fifty-six percent of those polled lacked confidence that the police or judicial system could protect an abused woman.

Protection of women who reported threats was not always adequate. In October in Itajai, Santa Catarina, Marcia Regina de Souza Pacheco was killed by her ex-husband in front of a police station after filing seven reports of aggression and threat. In January in Belo Horizonte, Minas Gerais, Maria Islaine de Moraes, a hairdresser, was killed at her workplace by her ex-husband. She had previously reported him five times to the authorities for threatening to kill her.

Since March 2009 the federal government has encouraged the creation of special courts for domestic and family violence, and according to the National Council of Justice, in October there were 43 special courts in 23 of the 26 states plus the Federal District. Sao Paulo State's Special Court of Domestic and Family Violence against Women doubled its capacity to handle cases.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women (DEAMs), for a total of 475 countrywide, in 397 municipalities (7 percent of the country's 5,565 municipalities). The quality of services varied, and availability was particularly limited in rural areas. For example, most of the DEAMs were in the south and southeast while the north and northeast regions, which contained approximately 35 percent of the country's population, possessed only 24 percent of the country's DEAMs. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape (including treatment for HIV and other sexually transmitted diseases) as well as criminal prosecution assistance by investigating and forwarding evidence to courts. There were also 496 reference centers and 262 women's shelters.

The DEAM in the Federal District, considered a model, included 24-hour coverage by shift consisting of a female police chief, four policewomen, and a clerk, as well as a social anthropologist, two psychologists, and a social worker. Women who came to the precinct had a right to shelter, a forensic examination, and a kit containing clothing and toiletries. A mobile unit precinct van also provided service to underserved communities and trained community leaders, doctors, teachers, and volunteer prosecutors.

In Rio de Janeiro the city's Special Coordination to Promote Policy for Gender Equality (CEPIG) provided assistance to female victims of domestic violence who received death threats. When necessary, victims were sent to specific shelters,



which also provided psychological and legal aid. CEPIG operated the Cora Coralina shelters to assist 42 domestic violence victims, two other municipal governments operated shelters (in Campos and Volta Redonda), and the state government operated one shelter with a capacity to assist 80 women. In addition to CEPIG, domestic violence victims could obtain assistance at the Center for Women's Support, an initiative of the Rio de Janeiro state government that offered a complaint hotline, shelters, and psychological and legal aid. CEPIG reported that Rio de Janeiro's Municipal Government launched a temporary shelter to assist women victims of domestic violence who need assistance when other shelters are closed.

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

While no specific laws address sex tourism, it is punishable under other criminal offenses. The government issued a code of conduct to combat sex tourism and sexual exploitation and conducted campaigns in the most affected areas. The Federal District and the states of Rio de Janeiro, Bahia, Pernambuco, Espirito Santo, Amazonas, and Parana have laws requiring certain businesses to display signs listing the penalties for having sexual intercourse with a minor. Women's groups reported that prostitutes encountered discrimination when seeking free medical care.

Sexual harassment is a criminal offense, punishable by up to two years in prison. The law encompasses sexual advances in the workplace or in 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. Although the law was enforced, accusations were rare, and the extent of the problem was not documented.

Couples and individuals had 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 was generally available in urban, but not in rural, areas. The Population Reference Bureau recorded contraceptive use among married women at 81 percent, and the estimated maternal mortality rate in 2008 was 58 deaths per 100,000 live births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Women have the same political and legal rights as men, and in October a woman was elected president (see section 3).

A cabinet-level office, the Secretariat for Women's Policy, oversees a special entity charged with ensuring the legal rights of women. Although the law prohibits discrimination based on gender in employment and wages, there were significant wage disparities between men and women. According to the Ministry of Labor and Employment (MTE), women were often paid less than men in the same functions. According to research published in December by the Institute of Applied Economics and based on data from the Brazilian Institute of Geography and Statistics (IBGE), there were significant wage disparities between men and women.

The law provides 120 days of paid maternity leave to women and seven days of paternity leave to men. The law also prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates, but some employers sought sterilization certificates from female job applicants or tried to avoid hiring women of childbearing age. Violations of the law are punishable by jail terms of up to two years for employers, while the company may be fined 10 times the salary of its highest-paid employee.

### Children

Citizenship is derived from birth in the country or from a parent. According to the SEDH, approximately 9 percent of the children born in the country in 2008 were not registered, and an estimated total of 248,000 children did not have birth certificates. The federal government's year-old campaign to increase reported births and standardize certification focused on the north and northeast regions and on the more vulnerable and rural populations and aimed to reduce unregistered births to 5 percent by year's end. However, registration discrepancies remained between the more affluent states of the south and southeast and the poorer states of the north and northeast regions of the country. The states with the highest incidence of unregistered children were Amazonas, Para, and Maranhao. On September 6, the National Justice Council published a provision establishing a network between registries and hospitals intended to speed up the process of issuing birth certificates.

While the law prohibits subjecting any child or adolescent to negligence or abuse, such abuse was a major problem and included rape, molestation, and impregnation of girls by family members. The SEDH 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. The SEDH funded municipal and NGO projects throughout the country to support services for victims of sexual abuse.

From January to June, the SEDH-operated National Hotline of Sexual Abuse and Exploitation against Children and Adolescents registered 20,263 reports of abuse, approximately the same as for that period in 2009. There were 2,478 reported cases of sexual exploitation, 4,741 cases of sexual abuse, 5,769 cases of neglect, and 7,209 of physical or psychological violence. Approximately 58 percent of the victims were girls; in such cases, the usual complaints were negligence and sexual violence. Approximately 80 percent of victims of child and adolescent sexual abuse were girls, who also suffered slightly more than boys from physical and psychological aggression. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

According to the NGO Children's Network to Combat Violence, which operated three centers in the Sao Paulo municipal area, the number of reported cases of sexual abuse and physical aggression against children increased, outpacing the centers' capacity and creating a waiting list for those seeking treatment. The NGO reported a decrease in the average age of victims.

Child prostitution was a problem, with extreme poverty the primary contributor. The Federal Police continued to estimate that more than 250,000 children were involved in prostitution. 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 national telephone hotline registered 9,600 reported cases of sexual exploitation of children and adolescents between January and September.

On August 23, the SEDH signed an agreement with 24 major state and private companies, including Petrobras and Vale, to combat sexual exploitation of children and adolescents related to major construction projects throughout the country.

According to the NGO Reference Center on Children and Adolescents, patterns of sexual exploitation of children corresponded to the distinct economic and social profiles of the country's regions. In the Amazon region, sexual exploitation of children took place in brothels that catered to mining settlements. In large urban centers, girls who left home to escape abuse or sexual exploitation often prostituted themselves on the streets to survive. In the cities along the northeast coast, sex tourism exploiting children continued and involved networks of travel agents, hotel

workers, taxi drivers, and others who actively recruited children and trafficked them outside the country. Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders.

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 during the year on social-networking Web sites.

The primary federal program to assist child victims of commercial sexual exploitation, according to the Ministry of Social Development, was the Service to Fight Violence, Abuse, and Sexual Exploitation of Children and Adolescents (formerly the Sentinel Program). It provided victims with psychological, social, and legal services through Social Assistance Specialized Reference Centers that are managed locally and raised awareness through information campaigns, workshops, and partnerships.

The Ministry of Tourism continued to promote the code of conduct it developed to prevent the commercial sexual exploitation of children in the tourism industry, distributed public awareness campaign materials for display within tourism-related establishments, and continued to distribute awards to entities responsible for combating sexual exploitation of children within the industry. Five states had laws requiring businesses such as hotels and restaurants to display such materials. The Federal Highway Police and the International Labor Organization (ILO) published data on places such as gas stations, bars, restaurants, motels, and nightclubs along highways considered to be areas for sexual exploitation of children and adolescents.

The SEDH provided federal government support for programs to identify, protect, and assist victims of child sexual abuse in the 26 state capitals and in the Federal District. In the city of Rio de Janeiro, the Secretariat for Social Assistance coordinated aid to street children and minors who were victims of sexual abuse and exploitation. According to the Rio de Janeiro Human Rights Center, the city maintained five centers that provided social services, counseling, and shelter, although the city discontinued its hotline for reporting cases of child sexual abuse and exploitation in January. The Sao Paulo city government continued to operate several programs for street children, including one that used rehabilitation and

social reinsertion into other geographic areas to save the lives of adolescents condemned to death by drug traffickers.

Rio de Janeiro's Municipal Specialized Reference Centers of Social Assistance (CREA) reported that in the first half of the year, 13.3 percent of victims that received CREA support were children and adolescents, up from 8.6 percent in 2009 and 5.4 percent in 2008. The Rio de Janeiro Municipal Secretariat for Social Assistance had 11 CREAs and 17 shelters (eight public and nine private) to provide assistance to child and adolescent victims of sexual abuse and exploitation.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### Anti-Semitism

According to the country's Jewish Confederation, there were approximately 125,000 Jewish residents, of whom approximately 65,000 were in Sao Paulo State 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. Nonetheless, there were manifestations of anti-Semitism in the comparison of Israel to Nazis in the media.

Anti-Semitism was rare; however, there were reports of anti-Semitic graffiti, other acts of vandalism, harassment, and threats via telephone and e-mail. Anti-Semitic Web sites continued to operate. Small groups of skinheads, neo-Nazis, and white supremacists operated on the political fringe in Rio Grande do Sul and Sao Paulo states, perpetrating harassment and violence toward Jews and other minority groups. Law enforcement agents monitored these groups.

Jewish community leaders expressed concern over the continued appearance on Web sites of anti-Semitic material compiled by neo-Nazi and "skinhead" groups. The Jewish Federation of Sao Paulo reported that the violence against Jews decreased within the state due to the police work to control skinhead group's actions, but there were anti-Semitic epithets directed at Orthodox Jews in some of Sao Paulo's traditionally Jewish neighborhoods.

In Porto Alegre, Rio Grande do Sul, members of the political Party of Socialism and Liberty called for the end of the Israeli state during their allotted electoral campaign television time. The city of Porto Alegre, which has an estimated 15,000 Jews, experienced several neo-Nazi attacks in the past, including the desecration of a cemetery and synagogue. A 2009 plot to bomb two synagogues was also discovered.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/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. However, state governments failed to meet legally mandated targets for educational opportunities and work placement. While federal and state laws have provisions ensuring access to buildings for persons with disabilities, states did not have programs to enforce them effectively. For instance, while the Sao Paulo State labor code requires that meeting places for more than 100 persons or other facilities for 600 persons or more provide modified entrances and other accommodations for persons with disabilities, such persons had continued difficulty in securing necessary accommodations.

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. According to the IBGE, 30 million citizens had some form of disability. The 2010 census included improved reporting techniques identifying persons with disabilities for the purpose of creating reliable statistics to be used for the creation of future public policy. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SEDH, have primary responsibility for promoting the rights of persons with disabilities. According to the Secretariat of Human Rights, specific challenges included the short supply of affordable orthotics and prosthetics for those who could benefit from them but could not afford them; availability of affordable housing with special adaptations to those with special needs; accessibility to public transport able to accommodate the needs of physically disabled persons, (for example, by adapting bus and subway terminals with

handicap ramps, elevators); accessibility to schools with facilities (restrooms, classrooms, sidewalks, ramps) for physically challenged persons; combating social exclusion; and raising awareness of the rights of persons with disabilities through the advancement of Internet access and media campaigns.

#### National/Racial/Ethnic Minorities

Although the law prohibits racial discrimination, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

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

Afro-Brazilians, representing approximately 45 percent of the population, were significantly underrepresented in the government, professional positions, and the 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.

The Racial Equality Statute was approved by the Senate on June 16 and signed into law by the president on July 20. Among its many provisions, the new law provides for the establishment of nonquota affirmative action policies in education and employment, stipulates access to health care, reaffirms compulsory teaching of African and Brazilian black history in schools, and recognizes the right of communities of descendants of escaped slaves (quilombos) to receive title to their land.

Seventy universities maintained affirmative action programs, including 18 major public universities in the Federal District and the states of Sao Paulo, Rio de Janeiro, Parana, Mato Grosso, Minas Gerais, Espirito Santo, and Bahia. For instance, the University of Brasilia (UnB) was the first federal university to establish quotas, in 2005, and 18 percent of students taking the entrance exam that year were beneficiaries. Prior to the quota, approximately 2 percent of UnB students were black. The UnB enrolled 963 self-declared students of color during the year, compared with 785 in 2009, using a 20 percent quota for admissions tests. Approximately 17 percent of the total number of enrolled UnB undergraduates at the end of 2009 benefitted from quotas, including small numbers of indigenous students.

## Indigenous People

The National Indigenous Foundation (FUNAI) estimated that there were more than 600,000 indigenous persons in 225 societies on indigenous lands, speaking 170 different languages. These indigenous persons lived in 4,774 villages in 615 indigenous lands covering 12 percent of the national territory. Approximately 99 percent of the indigenous lands were concentrated in the Amazon and center-west of the country. An additional 100,000 to 190,000 indigenous persons lived outside these indigenous lands, including in urban environments. The newspaper *O Estado de S. Paulo* reported increased indigenous political representation, including five mayors and 90 city council members.

The government estimated that more than half of the country's indigenous persons lived in communities whose traditional ways of life were threatened on a variety of fronts, including land development, agricultural expansion, and mining. FUNAI reported that indigenous persons also faced other problems, including disease, poor health care, and loss of native culture.

The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. Although problems persisted, the government made some progress in securing these rights. The law provides indigenous persons exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case. The government administered the lands but must consider the views of affected communities regarding their development or use, and communities had the right to "participate" in the benefits gained from such use. However, indigenous leaders and activists complained that indigenous persons had only limited participation in decisions taken by the government affecting their land, cultures, traditions, and allocation of national resources. In February the government decided to proceed with construction of the Belo Monte hydroelectric dam on the Xingu River in Altamira, Para, despite the objections of indigenous leaders.

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 landmark March 2009 decision by the Supreme Court 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.

A December 2009 presidential decree defined significant structural changes to FUNAI, including closure of many field posts. In protest against what was perceived as limited dialogue with indigenous leaders, a large number of indigenous men, women, and children camped in front of the Congress and Justice Ministry in Brasilia early in the year. Attempted forced removal of this group in April by Federal District police led to charges of violence and police brutality.

Most conflicts between indigenous and nonindigenous persons concerned land ownership or resource exploitation rights. In Mato Grosso do Sul State, denial of access to traditional lands as well as extreme poverty and related social ills led to high rates of infant mortality and violence, including murder and suicide. There were no known developments in the investigation into the January 2009 suicides of six members of the Guarani-Kaiowa tribe in Mato Grosso do Sul.

There were no known developments in the Public Ministry investigation into the September 2009 attack on the Guarani-Kaiowa community of Apyk'y.

A March 24 provisional measure by the federal government created the Special Indigenous Health Secretariat. After approval by both houses of Congress, President Lula signed creation of this special secretariat into law on October 19. The project transfers responsibility for all indigenous health and village sanitation matters from the National Health Foundation to the Ministry of Health.

According to the Ministry of Education, 70 state and federal universities continued to reserve entrance slots for indigenous persons. The number of indigenous university students, almost 5,000 or approximately 1 percent of total university students, remained unchanged.

#### 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 had administrative regulations that bar discrimination based on sexual orientation and provide for equal access to government services.

On April 27, the STF decided in favor of a gay couple adopting a child, rejecting a request from the state prosecutor's office of Rio Grande do Sul that the STF overturn a state court decision in favor of the couple.

NGOs organized gay pride or sexual diversity parades in approximately 30 cities during the year, with cooperation and support from most large municipal governments. The Sao Paulo Gay Pride Parade Association estimated that more than three million persons participated in the annual parade on June 6.

Many municipalities conducted public awareness programs during the year aimed at reducing homophobia. In August the Rio de Janeiro state Secretariat for Public Security created a public security taskforce to promote lesbian, gay, bisexual, and transgender rights and established a hotline for reporting crimes motivated by homophobia. This taskforce also informed training courses for military police recruits.

Between January and September, the NGO Bahia Gay Group received 165 reports of killings in the country based on sexual orientation and gender identity, an increase from 115 during the same period in 2009. Gay men were the most affected group, followed by transvestites and lesbians. On June 21, 14-year-old Alexandre Thome Ivo Rajao was beaten and killed after he and his friends reported threats by a group of skinheads to a police precinct in Rio de Janeiro; three suspects were arrested. Activist groups claimed that violence against gay, lesbian, and transgender persons and, in particular transvestites, was underreported (see also section 1.a.). NGOs reported routine police harassment of transvestite prostitutes.

On December 7, military police announced their intention to increase foot patrols on Avenida Paulista, a major thoroughfare in Sao Paulo, after what were believed to be homophobia-related attacks on five persons in the space of three weeks. On November 14, a group of five individuals allegedly beat four persons in three separate attacks while shouting homophobic epithets. Authorities arrested four suspects in the case.

In January the Rio de Janeiro state government created the Reference Center against Homophobia and Religious Intolerance. The center provides legal, psychological, and social assistance to the victims of violence and/or discrimination.

Other Societal Violence or Discrimination

There were no reported cases of societal violence or discrimination based on persons with HIV/AIDS during the year.

## Section 7 Worker Rights

### a. The Right of Association

The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. Unions that represent workers in the same geographical area and professional category may contest registration, in which case the MTE Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found valid, the MTE does not register the union. Union organizers may challenge this decision in labor courts.

The law stipulates certain restrictions, such as "unicidade" (one per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade. While a number of competing unions existed, the MTE and the courts enforced unicidade in decisions regarding the registration of new unions.

The law extends legal recognition to trade union centrals that meet certain requirements regarding membership and regional representation. Such recognition allows qualifying centrals legally to represent workers in courts, public councils, and other bodies.

The Single Central Organization of Workers estimated in 2009 that 20 to 25 percent of workers were unionized. Most informal sector workers, including self-employed workers and those not formally registered with the MTE, fell outside the official union structure; they therefore did not enjoy union representation and usually were unable to exercise their labor rights fully. According to government statistics, the informal sector accounted in 2009 for 28.2 percent of the labor force, a decrease from 2008; most unregistered workers were in agriculture.

Intimidation and killings of rural union organizers and their agents continued. The Catholic Church's Pastoral Land Commission reported that violence in rural areas

victimized labor leaders, with most perpetrators enjoying impunity (see section 1.a.).

There were no known developments in the August 2009 shooting of Elio Neves, president of the Rural Salaried Employees of Sao Paulo State and known for his representation of sugarcane workers, in Riberão Bonito, Sao Paulo. Neves survived the shooting.

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 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. In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

#### b. The Right to Organize and Bargain Collectively

Collective bargaining was widespread in the formal sector. 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. The ILO Committee of Experts has called for this provision's repeal. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation has never been enacted.

The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions and requires employers to reinstate workers fired for union activity; however, authorities at times did not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow and cumbersome, averaging six

years for resolution. Parties generally agreed that when ultimately resolved, cases were decided fairly and on their merits. Most complaints were resolved in the first hearing; however, the appeals process introduced many delays, and some cases remained unresolved for up to 10 years.

There are no special laws or exemptions from regular labor laws in the country's free trade zones.

c. 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. The concept of slave labor includes not only forced and compulsory labor but also extremely arduous labor and labor performed in degrading working conditions. Such labor, including by children, occurred in some states, in activities such as forest clearing to provide cattle pastureland, logging, raising livestock, and agriculture, such as citrus cultivation. According to the MTE's Secretariat of Labor Inspections, forced labor in production of charcoal and harvesting sugarcane decreased. Forced labor often involved young men drawn from the impoverished northeast states--Maranhao, Piaui, Tocantins, Para, and Ceara--and Goias, to work in the northern and central-western regions of the country. Women and adolescents, the latter typically working with their parents, also were involved in forced labor activities. The ILO estimated that there were approximately 25,000 forced laborers at any given time during the year.

The National Commission to Eradicate Slave Labor coordinated the government's efforts to eliminate forced labor. The MTE's enforcement arm, the Special Group for Mobile Inspection, had responsibility for locating and freeing victims of forced labor, and the MTE increased resources dedicated to conducting inspections. Federal Police accompanied mobile unit inspectors on raids to provide protection. The Federal Labor Prosecutor's Office participated in inspections by receiving complaints and establishing fines that violators had to pay to receive financing and credit, sell products, have their accounts unfrozen, or obtain access to governmental loans. Mobile teams levied fines on estate owners who used forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Although mobile units enjoyed some success in freeing those working in slave-like conditions, inspectors faced resistance and often worked under dangerous conditions.

Labor intermediaries trafficked many forced laborers to remote estates, where victims were forced to work in harsh conditions until they repaid inflated debts

related to travel, tools, clothing, or food. Armed guards sometimes were used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm usually were sufficient to prevent laborers from fleeing.

Violators of forced or compulsory labor laws faced sentencing 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. The abolition of forced labor was hindered by failure to impose effective penalties, the impunity of those responsible, delays in judicial procedure, and the absence of coordination between various government bodies. There were few criminal prosecutions relating to forced labor because of the lack of a clear legal definition; local political pressure; weak coordination among the police, the judiciary, and prosecutors; the remoteness of areas in which forced labor was practiced; witnesses' fear of retaliation; and police failure to conduct criminal investigations when accompanying labor inspectors on raids. In March 2009 there were 27 prosecutions in one landmark decision from a federal judge in Para. The 2009 decision to clarify the competence for forced and child labor cases rests with the federal judiciary, and not the states, has brought an increase in sentences. However, the 12-year statute of limitations and long case backlogs allows for employers to avoid serving their sentences. The large number of labor courts makes it difficult for the judiciary to compile accurate statistics on prosecutions.

The number of labor inspections conducted by the MTE increased during the year. From the beginning of the year through September 17, the MTE's Mobile Inspection Unit freed 1,479 slave laborers in 69 operations on 168 properties. Of the workers freed, 338 were in Para, 343 in Goias, and 228 in Santa Catarina. Payments of indemnities to the workers totaled approximately 5.4 million reais (\$3.2 million).

There were the following notable cases:

- On March 17, labor inspectors in Sao Paulo State conducted a raid in which 16 Bolivian nationals and one Peruvian were found working in a sweatshop under forced labor conditions. Labor inspectors recorded 43 infractions and issued fines totaling 637,000 reais (\$381,000). Workers were constantly monitored and paid by the piece for sewing women's clothing for suppliers of a national retail chain. Their documents were withheld, and they had to work to pay inflated debts incurred while crossing the border illegally. They

worked, ate, and slept in unsanitary conditions in a workshop in Vila Nova Cachoeirinha, an area in the northern part of greater Sao Paulo.

- On August 11, an MTE Mobile Inspection Unit released 45 rural workers working under forced labor conditions at the Fazenda Zonga in Maranhao State, the sixth such federal intervention made at this firm in the previous 14 years. Workers received less than minimum wage, the housing offered was a small wooden shack shared by 30 men with hammocks for beds, there were no showers, and according to an inspection by the Federal Police, the food served was rotten and contained worms. The owner of the fazenda had never been convicted for any of these crimes, although federal courts have filed four lawsuits since 2003.
- On December 1, Sao Paulo labor inspectors conducted a raid on a facility between the city of Sao Paulo and the port city of Santos. Authorities found approximately 40 persons in forced labor conditions, with their documents and salary withheld. The men, half of whom were from the northeastern part of the country, were hired to do maintenance on railroad tracks. Inspectors found overcrowded housing, poor sanitation, and unsafe living conditions (primarily related to faulty electrical wiring), as well as reports of physical threats and verbal abuse. Authorities arrested the owner of the company, a subcontractor, and investigated possible fines for others who had benefited financially from the forced labor.
- In November 2009 a judge convicted Eduardo Dall Magro, owner of a rice and soy plantation in Ribeiro Goncalves, Piaui State, for having 21 workers in conditions analogous to slavery and sentenced him to three years and four months in prison, his farm manager to two years and eight months in prison, and his labor recruiter to three years' imprisonment. All three were also fined and, at year's end, were free pending appeal.

The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to workers, and placing the names of violators on a "dirty list" (lista suja) that is published every six months on the Internet. The December 31 list included 220 employers in 19 states that used their workforce in conditions analogous to slave labor, with 88 new names of employers listed and 17 removed. A large number of companies listed were in the states of Para, Maranhao, and Mato Grosso. Each listed employer is reviewed after two years to determine if the irregularities identified have been corrected, in which case the employer is removed from the list. Although the decree that created the list does not prohibit

granting credit to listed persons or companies, the Ministry of National Integration recommended denying financing and other assistance to violators, and some financial institutions decided to do so on their own initiative. The Bank of Brazil, National Development Bank, and the Caixa Economica Federal denied credit to landowners using slave labor, and some sectors of the economy refused to buy products from producers on the list. In one case involving the world's largest sugarcane producer, its listing generated legal action that resulted in a ruling on January 8 by the federal Superior Labor Court requiring that the company be removed from the list.

On September 8, a judge in Para upheld civil penalties in the 2008 slave labor case against a cacao plantation employer in Placas, Para.

The National Pact for the Eradication of Slave Labor is a multistakeholder initiative that included more than 220 companies and NGOs with a public commitment to restrict economic relations with anyone who uses slave labor. The NGOs Social Observatory Institute, ETHOS Institute, and Reporter Brasil monitored the actions to combat forced labor implemented by those who signed the pact. Companies that have signed the pact represent more than 20 percent of the country's gross domestic product.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Although child labor is prohibited, it continued to be a problem, particularly in homes and the informal sector. Children were found working on cotton, manioc, pineapple, rice, and tobacco farms. A 2008 study by the government's Applied Economic Research Institute showed that 1.7 million children between the ages of five and 14 (approximately 5 percent of the total in that age group) worked in the country's economy, based on data from the 2007 National Household Survey . According to the 2009 National Household Survey conducted by the IBGE, the number of children between the ages of five and 17 working in the economy fell from 8.4 million in 1992 to 4.25 million in 2009. According to the IBGE's National Household Survey, 0.7 percent of the population age five to nine was working, 6.9 percent of the population aged 10 to 14, and 27.4 percent of the population age 15 to 17. In a quadrennial report released on May 7, the ILO recognized the country's government and civil society for their comprehensive efforts aimed at preventing and eliminating child labor, as well as cooperation with other countries such as South Africa and India. The government continued to cooperate with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.



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 that occurs in nocturnal, unhealthy, dangerous, or morally harmful conditions; however, authorities rarely enforced additional legal restrictions intended to protect working minors under age 18. The law requires parental permission for minors to work as apprentices, and apprentices must attend school through the primary grades. Inspectors may punish violators of child labor laws by drawing up infringement assessments and issuing fines.

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, and two-thirds were boys. The ILO estimated that approximately 9 percent of 10- to 14-year-old girls worked as household domestics. Most of these workers received less than half the minimum wage and worked in excess of 40 hours a week.

Children were involved in a range of activities, including livestock raising and agriculture, including sugarcane, cotton, rice, pineapples, and manioc, as well as the production of ceramics, bricks, charcoal, and sisal. The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. They suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection.

The MTE is responsible for inspecting worksites to enforce child labor laws; its regional offices have special groups to enforce child labor laws, principally by gathering data and developing plans for child labor inspection. Nonetheless, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors continued to prioritize inspections in the informal sector, but they remained unable to enter private homes and farms, where much of the nation's child labor was found.

The MTE reported that from January to August, inspectors found and released 2,656 children and adolescents working illegally, a decrease compared with 2009. MTE units dedicated to detecting illegal child labor conducted 1,741 inspections during that period, representing an increase over the previous year. In most cases inspectors reportedly attempted to reach agreements and convince employers to desist from labor law violations before levying fines of 402 reais (approximately \$240) per violation up to a maximum fine of 2,013 reais (\$1,205); the fine doubles

for a second violation and triples for a third. In practice few employers received fines for employing children.

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, and the children may participate in after-school programs that provide nutritional snacks, sports, art, and cultural activities. Through the Social Development Ministry, the Bolsa Familia program provided 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 NGO, Centers for the Defense of Children and Adolescents, was active in many parts of the country and reported violations of children's rights to the guardianship councils, the social assistance network, and the organizations that defended children and family rights.

In collaboration with the government, civil society also took actions to prevent and abolish child labor. The National Forum for the Eradication and Prevention of Child Labor, which includes governmental and civil society representatives, mobilized institutional agents involved in developing policies and programs to eliminate child labor. The toy industry's Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. All major labor organizations had programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

e. Acceptable Conditions of Work

The government adjusts the minimum wage annually through a provisional measure from the president, citing a percentage increase for inclusion in the annual budget based on consultations among the Ministries of Finance and Social Security, Congress, and the presidency (but not with workers or employers). In January the minimum wage increased to 510 reais (approximately \$310) per month. The IBGE estimated that approximately 26 percent of workers earned the minimum wage or less in 2008. According to the IGBE, 19 percent of urban

families' income was less than half the minimum wage per capita in 2009, down from a reported 26 percent in 2008. In the North (30.7 percent) and Northeast (36.3 percent), percentages were higher than the national average; the region with the least poverty was the South (10.9 percent in this situation), followed by the Southeast (12.2 percent) and Central West (16.4 percent). The national minimum wage did not provide a decent standard of living for a worker and family. According to the Department of Statistics and Socioeconomic Studies, a worker would need a monthly salary of 2,223 reais to cover basic living expenses, a figure 4.35 times the minimum wage.

The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also 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. MTE labor inspectors worked closely with the Federal Labor Prosecutor's Office, an independent agency responsible for prosecuting labor infractions. However, the government devoted insufficient resources for adequate inspection and enforcement of standards.

Unsafe working conditions were prevalent throughout the country. There were no figures available on workplace accidents during the year. According to data from the Ministry of Social Security, the government granted benefits to 32,949 persons for work-related accidents from January to September. Employees or their unions may file claims related to worker safety with regional labor courts, although this was frequently a protracted process.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings occurred, and legal recourse usually required years for a resolution. The Federal Prosecutor's Labor Office reported that numerous firms used computerized records to compile "black lists" identifying workers who had filed claims in labor courts. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions, but workers could express such concerns to a company committee for an immediate investigation.