



U.S. DEPARTMENT of STATE

Brazil

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Brazil is a constitutional federal republic with a population of approximately 190 million. In October 2006 voters reelected President Luiz Inacio Lula da Silva ("Lula") of the Workers' Party to a second four-year term in a generally free and fair election. While civilian authorities generally maintained effective control of the federal security forces, state-level security forces committed numerous human rights abuses.

The federal government generally respected the human rights of its citizens; however, there continued to be numerous, serious abuses, and the record of several state governments was poor. 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 people and minorities; failure to enforce labor laws; widespread forced labor; and child labor in the informal sector. In several cases human rights violators enjoyed impunity for crimes committed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit politically motivated killings, but unlawful killings by state police (military and civil) were widespread.

In many cases police officers employed indiscriminate lethal force during apprehensions, killing civilians despite the lack of any danger to themselves. In some cases the deaths of civilians followed severe harassment or torture by law enforcement officials.

Death squads with links to law enforcement officials carried out many killings, in some cases with police participation. The National Human Rights Secretariat reported that death squads operated in several states. Credible, locally based human rights groups reported the existence in several states of organized death squads linked to police forces that targeted suspected criminals and persons considered problematic or "undesirable" by land owners.

The Catholic Church's Pastoral Land Commission reported that during the year there were 25 killings related to conflicts due to land, water, and labor disputes, compared with 39 such killings in 2006. Amnesty International and other credible sources indicated that such killings often occurred with the participation, knowledge, or acquiescence of state law enforcement officials.

Numerous 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.

Lynching by mobs or vigilante groups was common, especially against those accused of rape or other crimes that went unpunished in "favelas" (shantytowns) due to the absence of state or local security agents.

According to the nongovernmental organization (NGO) Global Justice (GJ), the main human rights problems in Rio de Janeiro State were police violence and impunity. In many cases police officers employed indiscriminate lethal force during apprehensions. Amnesty International claimed that Rio de Janeiro law enforcement continued to be characterized by large-scale operations in which heavily armed police units "invade" favelas; the NGO added that few killings were effectively or independently investigated and that perpetrators were seldom successfully prosecuted.

In the first six months of the year, 694 persons were killed in Rio de Janeiro State in police confrontations, a 33.5 percent increase from the year before, according to the Rio de Janeiro State Public Security Secretary and the Rio de Janeiro State Public Security Institute. According to the Center of Studies of Security and Citizenship at Candido Mendes University, police in Rio de Janeiro State killed 1,260 persons, the highest number since 1993, compared with 1,063 "officially" killed by police in 2006.

In the first half of the year, in the Favela do Muquizo, a suburb of Rio de Janeiro, police forces of the Ninth Military Police Battalion conducted operations resulting in more than 20 summary executions. In November UN Special Rapporteur Philip Alston criticized the Rio de Janeiro state police for such killings.

On June 27, a Rio de Janeiro civil and military police joint operation with national security forces resulted in several deaths and injuries. Between May 2 and July 29, more than 40 persons were killed and 80 injured during operations in Complexo do Alemão and Vila Cruzeiro. In July 44 persons were killed during a police operation aimed at dismantling drug trafficking gangs in Complexo do Alemão. Police reportedly were responsible for many of the deaths, including of four young persons, and injuries to bystanders. According to the state security secretary, all deaths occurred in police confrontations. However, the president of the Rio de Janeiro State Bar Association's Human Rights and Juridical Assistance Committee, along with 16 NGOs in the state, reported to the Organization of American States that summary executions may have occurred during these operations. Police investigations continued at year's end.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo state police (civil and military) killed 201 civilians in the state in the first six months of the year, compared with 328 in the same period in 2006. 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.

On February 1, in the city of Sao Paulo, four men who identified themselves as police officers shot in the back four minors and three adults, killing six of them. Investigations pointed to Sao Paulo military police as the perpetrators. On May 6, also in the city of Sao Paulo, a civilian with a group of police killed seven persons. In May in Jaragua, Sao Paulo, five men and two women were executed by four men, including a police officer, who was arrested. On September 15, eight men were shot and killed in Ribeirao Pires, Sao Paulo. Civil police investigating the case suspected the crime was connected to members of the military police.

Six police officers in the city of Bauru, Sao Paulo, were accused of entering the home of a 15-year-old boy suspected of stealing a bicycle on December 15 and killing him, reportedly through the use of electric shocks while attempting to make him confess. At year's end the officers were in detention while police investigated the case. The state government agreed to pay financial compensation to the victim's family.

On August 14, in the city of Salvador, Bahia, unidentified assailants killed Aurina Rodrigues Santana, Rodson da Silva Rodrigues, and their 19-year-old son in their home. The military police commander dismissed allegations of police involvement and began an investigation. NGO lawyers representing the family said the internal investigation was flawed, since the parents had reported that their son and daughter had been tortured by military police three weeks prior to the killing. Civil police investigations were difficult because witnesses were reluctant to testify. At year's end the suspected police officers reportedly had been reassigned to administrative duties but had not been charged.

Four police officers arrested in April 2006 for participating in death squad operations in Baixada Fluminense, Rio de Janeiro, remained in jail awaiting trial.

There were no developments in the July 2006 killing of Sergio Bezerra do Nascimento in Favela Acari in Rio de Janeiro or the December 2006 killing of five persons by military police in Niteroi, Rio de Janeiro.

At year's end there was no report that Sao Paulo law enforcement officials had been punished for alleged killings of persons related to the mid-year 2006 riots instigated by the PCC, an extensive criminal organization. At year's end 13 Pernambuco state military police officers charged in 2006 with torturing 14 adolescents, two of whom died, were free awaiting trial.

On May 15, a jury in a Para state court convicted Vitalmiro "Bida" Bastos de Moura of the 2005 murder of Dorothy Mae Stang, a Catholic nun who worked to protect the rights of landless persons, and sentenced him to 30 years in prison. At year's end no date had been set for the trial of Regivaldo Galvao, alleged to have been involved in the killing but released in June 2006.

In June the chief of police determined that evidence for further legal action was insufficient in the 2005 killings of four youths allegedly carried out by military police in separate municipalities of the greater Rio de Janeiro city of Baixada Fluminense.

The trial in the 2005 killing of environmentalist Dionisio Julio Ribeiro Junior was scheduled for March 27, 2008.

At year's end police officers Valmor Ferreira Portal and Nizion Ribeiro da Fonseca, arrested in 2005 for alleged involvement in forming a death squad in Curitiba, Parana, remained in jail awaiting trial.

The persons accused of killing four Landless Movement (MST) members in Foz do Iguacu, Parana, in 2005 were awaiting trial at year's end.

Former military police lieutenant colonel Waldir Coppetti Neves, convicted with five other military police officers for creating a paramilitary group to kill landless rural workers in Parana, was free while awaiting the court's sentencing.

There was no information regarding the case of eight military police suspected of being part of a death squad involved in at least 26 killings in Natal, Rio Grande do Norte, over a three-year period.

b. Disappearance

There were no reports of politically motivated disappearances. However, the Center of Studies of Security and Citizenship estimated that in 2006 approximately 1,940 persons "disappeared"; the center believed many were killed by police.

During the year the Amnesty Commission made decisions on 29,000 cases of persons who disappeared during the 1964-85 military dictatorship. The Chamber of Deputies' Human Rights Committee requested the government to seize documents to determine circumstances of death and the location of remains of political prisoners who died under the military regime. In August the government published a book accusing the military regime of torturing and killing opposition members.

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

Although the law prohibits torture and provides severe legal penalties for its use, torture by police and prison guards remained a serious and widespread problem. Federal, state, and military police often enjoyed impunity in cases of torture, as in other cases of abuse.

During the first half of the year, the Sao Paulo State Ombudsman's Office received seven complaints of torture by police, compared with 17 in the first nine months of 2006.

During the year the NGO Christian Association for the Abolition of Torture (ACAT) received 24 individual complaints of torture that occurred before arrests or during investigative work. The NGO also registered cases of alleged torture involving several victims in seven prisons in Sao Paulo State. According to an ACAT member, the cases were under investigation. ACAT and government organizations defined torture narrowly, using the 1997 Law Against Torture. ACAT's directors noted that reports of "police aggression" were far more numerous than torture. For example, ACAT investigated several complaints that police inflicted extreme physical harm and psychological pressure on individuals during criminal investigations that did not meet the legal definition of torture.

ACAT also investigated several reports of torture in the Sao Paulo state prison system. In a report on the Nestor Camora Prison in Mirandopolis, ACAT interviewed 120 inmates. ACAT issued a similar report based on 49 interviews at the Osiris Souza e Silva Prison in Getulina. ACAT's directors reported that torture complaints reached a peak during periods of PCC-related conflicts and the related 2006 prison riots.

The Bahia Gay Rights Group confirmed that police continued to commit abuse and extortion directed against transvestite prostitutes in the cities of Rio de Janeiro, Belo Horizonte, and Salvador. All such allegations were under police investigation at year's end.

In the investigation of alleged abuse of homeless persons in 2006 in Paranagua, Parana, 11 suspects were identified as members of the municipal guard and charged with torture. The court later dropped charges for lack of consistent evidence. At year's end prosecutors were seeking civil reparation.

There were no developments in the 2005 case in which employees of Sao Paulo State's juvenile rehabilitations and detention system reportedly beat and tortured inmates at the Vila Maria unit.

During the year 12 states adopted the National Plan for the Prevention and Control of Torture, which includes the installation of cameras in prisons and penitentiaries, taping of interrogations, and reversal of the presumption of innocence for those accused of torture, who must now prove innocence rather than requiring victims to prove torture. The plan arose from the June 2006 creation of the National Committee for the Prevention and Control of Torture.

On April 17, Lieutenant Colonel Antonio Germano of the Rio de Janeiro military police defended the use of torture as a form of punishment against police corruption. He was subsequently transferred from his position.

Drug traffickers, paramilitary groups, and militia members used physical abuse and degrading treatment to terrorize citizens and impose their authority over residents in Rio de Janeiro's favelas. Most paramilitary and militia groups were composed of off-duty and retired police officers and fire fighters. *O Globo* newspaper reported that militia members beat a 16-year-old boy for 40 minutes with a gun pointed to his head in a favela in western Rio de Janeiro. He was forced to walk through the favela carrying a heavy tree trunk and then dig up money his friends had stolen; the militia members kept most of the money.

Nine police officers, including Chief of Police Pedro Luis Porrio, in Osasco, Sao Paulo, were awaiting trial on charges of theft, torture, and extortion. The officers were also accused of beating a suspected drug dealer and threatening to rape his daughter to extort money.

Prison and Detention Center Conditions

Prison conditions throughout the country often ranged from poor to extremely harsh and life threatening. Abuse by prison guards, poor medical care, and severe overcrowding occurred at many facilities.

Unlike in the previous year, there were few riots in prisons or detention facilities in the country. On July 8, prisoners in the public jail of Valparaiso, near Brasilia, complained of overcrowding, and during an ensuing riot one prisoner was killed by an unknown assailant. The facility held 114 prisoners in cells designed for 50 and had inadequate ventilation.

On August 23, a dispute broke out between two criminal gangs in an overcrowded jail in Ponte Nova, Minas Gerais. One group of prisoners shot at a group of 24 others, destroyed the lock on their cell, and set fire to mattresses. The fire spread and killed 25 inmates. Police guarding the jail claimed they could not rescue prisoners because some were armed.

On November 11, a riot in the Anibal Bruno penitentiary in Recife, Pernambuco, led to the death of one prisoner and injuries to eight others. On November 13, another riot in the same prison led to the deaths of three inmates and injuries to 43. The prison had 3,939 prisoners but a designed capacity of only 1,440.

Prison officials often resorted to brutal treatment of prisoners, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and a lack of medical care led to a number of 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, there were approximately 400,000 prisoners in the nation's prisons, almost double the system's design capacity, and the number increased by 3,000 per month.

Despite some improvements, including construction of more modern facilities, a decrease in the number of incarcerated juvenile deaths, and more focus on the training and performance of guards and staff, conditions in Sao Paulo's prison and juvenile detention system remained harsh. The criminal justice system continued to sentence far more defendants to prison or detention each month than were released. Many inmates were held beyond the end of their sentences. In January prisons in the state of Sao Paulo held nearly 137,000 adult inmates, more than 20 percent above their design capacity.

On July 18, a Sao Paulo court reiterated its request that the overcrowded Women's Penitentiary of Santana be closed down for remodeling after the death of prisoner Juliana Santos da Silva from leptospirosis.

The Catholic Church's Ministry for the Incarcerated in the state of Sao Paulo reported that three inmates died due to lack of medical treatment. On the other hand, the ministry reported that living conditions inside the state's prisons improved during the year. In May Sao Paulo's Araraquara prison, the scene of riots in 2006, was remodeled. Several large penitentiaries were dismantled and replaced with smaller units. Inmates with HIV/AIDS were receiving medication. Violence and corruption accusations were under investigation, and several employees were fired for corruption or physical abuse. Construction of new penitentiaries continued but was inadequate to alleviate overcrowding.

In April conflicts between prison guards and directors led to abuses in the federal penitentiary in Catanduvas, Parana. The state bar association accused two guards of torturing an inmate; the director of the penitentiary denied members of the association access without federal court authorization. At year's end the case reportedly had not been resolved. According to a bar association representative, torture was widespread, and there were restrictions on attorney-client access. A federal police report found strong evidence of PCC influence in decisions made by prison officials and stated that some prison personnel had criminal records or had been accused of criminal offenses, including drug trafficking and homicide.

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

Overcrowding, poor conditions, prisoner riots, drug abuse, and accusations of sexual abuse and torture, continued to pervade Sao Paulo's juvenile detention system. There were no reports that the abuses and poor health and sanitary

conditions in juvenile detention centers in Rio de Janeiro State improved.

According to the Prosecutor's Office for the Defense of Children and Youth, the police stations of the Federal District that deal with issues related to children and adolescents did not meet the requirements and recommendations established by the National Socio-Educational System and the Statute of the Child and Adolescent.

On occasion juveniles were held together with adults. According to the juvenile incarceration system, Sao Paulo State's Foundation House (formerly FEBEM), 231 minors (222 boys and nine girls) were incarcerated in adult facilities. Assistant Justice Reinaldo Cintra said that the judiciary had received approximately 25 complaints during the year from youths incarcerated in adult prisons in Sao Paulo State. The Sao Paulo State Prosecutor's Office for the Defense of Children and Youth identified cases of juveniles held in police stations with other adults, but following a court order, police transferred these juveniles to youth facilities.

Allegations of prisoner abuse in juvenile centers were widespread. Conceicao Paganele, president of the Association of Mothers and Friends of Children and Adolescents at Risk, stated that administrators continued to torture inmates and avoid punishment due to supervisory collaboration in Sao Paulo State.

A study presented to a congressional investigative committee showed that in 2006 in eight states, there were 685 adolescents in prisons with adults, which represented 7 percent of the adolescent population in prisons. The National Council of the Rights of Children and Adolescents reported that it found adolescents crowded into dark prison cells, with leaking sewage and without beds, in the Recomezo unit in Para State. According to the study, 17 states did not provide prison facilities for girls. The study also showed that there was a deficit of 3,396 places countrywide in juvenile detention centers.

In September in Palmas, Tocantins, nine adolescents set fire to the prison unit where they were kept because their cells did not have bathrooms, forcing them to urinate in plastic bottles.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. In addition, abuses continued in municipal jails and detention centers throughout the country. On September 24, in Santa Rita de Caldas, Minas Gerais, a prisoner recorded scenes of prisoners forcing three other prisoners to be sex slaves. Due to the jail's overcrowding, a judge released eight prisoners.

In November in Abaetetuba, Para, a 15-year-old girl was held for a month in a police cell with at least 20 men who repeatedly abused her sexually. Women's rights groups stated that this was not an isolated case. The Para governor and the country's president condemned police actions in the case. The National Justice Council began an investigation into possible negligence by the Para judicial system, and Congress created a committee to investigate prisons throughout the country. The girl and her father were placed in a witness protection program due to fears of retribution by police involved in the case.

On November 23, other cases of women imprisoned with men in the state of Para were announced. In Paraupebas a 25-year-old woman was kept in a cell with 70 men for 45 days. In Sao Joao de Pirabias, a woman was held in a cell with men and forced to massage the head police officer's feet. In Sao Miguel do Guama, a woman was kept with men for 15 days.

There were no reports that detention facilities in Niteroi, Rio de Janeiro, improved during the year. In April GJ representatives attempted to visit the jail, but police officials denied them access. A police officer told them that there were 238 inmates in jail (the established capacity is 150) and that nothing had been done to improve conditions.

It is government policy to permit prison visits by independent human rights observers; however, in practice this policy often was not followed. GJ reported that the level of access to prison facilities varied from state to state. In the states of Sao Paulo and Rio de Janeiro, GJ found it difficult to gain access, especially in the Ary Franco prison in Agua Santa, Rio de Janeiro. The Catholic Church's Ministry for the Incarcerated in Sao Paulo reported occasional difficulties in entering prisons. Sao Paulo State employed committees of community leaders to monitor prison conditions and, like Parana and Rio Grande do Sul, had a prison ombudsman program. According to a former state ombudsman, the prison system was understaffed, and the investigators of complaints were often the accused perpetrators.

Human rights advocates complained that the Sao Paulo state government persisted in denying outside observers entrance to juvenile detention facilities. Conceicao Paganele, president of the Association of Mothers and Friends of Children and Adolescents at Risk, stated that she was harassed due to attempts to publicize poor conditions and abuses. Some state government officials accused her of inciting riots. Human rights organizations, including the Pro Bono Institute and Conectas, complained that the Sao Paulo state government refused to release statistics about prison conditions and the number of inmates. While admitting that the government's lack of adequate organization or data contributed to the lack of information, some groups claimed the government's aim in not releasing this information was to avoid criticism.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and it limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority; however, police continued at times to arrest and detain persons arbitrarily.

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 that they can be called into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system.

The number of militias with police participation increased in the city of Rio de Janeiro. Punishing police involved in militias was difficult due to solidarity and fear of reprisals. Police did not conduct operations in communities dominated by militias. According to *O Globo* newspaper, from January to October 196 fire fighters, 430 civil police officers, and 1,957 military police officers were accused of involvement with militias. The cases were under investigation.

The Rio de Janeiro State Internal Affairs Unit reported that from January to July, 5,181 lawsuits were filed initiating investigations against military police officers. According to the unit, half of the accusations involved cases of homicide, extortion, and illegal possession of firearms. The report stated that from January to September, 161 military policemen were exonerated.

Gustavo Adolpho Leite, head of the Rio de Janeiro State Police Internal Affairs Unit, stated that extortion was the main crime committed by police. He declared that between March 2006 and August 2007, the Internal Affairs Unit registered 547 complaints, 93 of which involved cases of extortion and violence. A total of 205 legal actions were under investigation--160 involved the civil police, 25 the military police, and 13 the firefighters; six accusations involved both police forces.

There was widespread uniformed and civil police involvement in extortion and kidnapping for ransom. On January 4, 69 military policemen were arrested and accused by the state prosecutor of extortion and kidnapping in Rio de Janeiro and involvement with drug traffickers in the Favela do Muquizo.

On September 17, Rio de Janeiro state officials arrested 52 military police officers from a single police battalion (nearly 10 percent of the battalion's total force) in the Baixada Fluminense area on charges of participating in a major police corruption ring on the payroll of drug traffickers. Some of the police involved were later released on technicalities.

An October 3 report from the Rio de Janeiro state secretary of public security showed an increase in the number of local off-duty law enforcement officers taking neighborhood security into their own hands. The report indicated that nearly half of all military police battalions employed militia members, who replaced drug traffickers in controlling some favelas and charging local businesses protection money.

On December 20, a criminal court judge in Rio de Janeiro released 91 prisoners accused of involvement in drug trafficking, of whom 84 were military police, including their commander.

In Osasco, Sao Paulo, a military police officer was imprisoned in September for participating in a 20-member military police "death squad" responsible for the arbitrary killing of at least 30 victims in 2006-07.

There was no information on the February 2006 indictment of 24 persons, including 17 law enforcement officers, for their involvement in the "Slot Machine Mafia" in the city of Sao Paulo.

On December 12, military police officer Jose Augusto Moreira Felipe, accused of killing 29 persons in 2005, was convicted and sentenced to 542 years in prison. At year's end the trial date of Julio Cesar Amaral de Paula, Fabiano Gonzalves Lopes da Costa, and Marcos Siqueira Costa, police officers also allegedly involved in the killings, had not been set.

Arrest and 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 the 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 can 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 their 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. Between January and June, the Sao Paulo State Ombudsman's Office received one complaint of extortion, compared with 17 complaints during the same period in 2006.

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 law 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.

The judicial system ranges from courts of first instance and appeals to the Federal Supreme Court. States organize their own judicial systems within the federal system and must adhere to the basic principles of the constitution. There are specialized courts for police, military, labor, election, juvenile, and family matters.

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. Similarly, 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 the chief judicial officer 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 have the right to confront and question witnesses, enjoy a presumption of innocence, and have a right to appeal. At the appellate level, a large case backlog hindered the courts' ability to ensure fair and expeditious trials. A defendant sentenced to 20 or more years in prison has the right to an automatic retrial.

While the law provides for the right to counsel, the Ministry of Justice estimated that 85 percent of prisoners could not afford an attorney. In such cases the court must provide a public defender or private attorney at public expense. In February the National Council of Justice (CNJ) requested that the presidency restructure the public defender system due to the heavy workload and significant staffing shortfalls. A 2006 study by the National Association of Public Defenders stated that there were 3,624 public defenders, although 6,575 were needed. During the year some states, including Mato Grosso, Sao Paulo, and Rio de Janeiro, hired additional public defenders.

A February 2006 CNJ report showed that the annual average number of cases per state judge nationwide was more than 3,000, but in Sao Paulo State it was more than 9,000.

The law mandates that special police courts exercise jurisdiction over state uniformed (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 long-languishing investigations. The police themselves were often responsible for investigating charges of torture carried out by fellow police officers. Long delays in the special military police courts allowed many cases of torture and lesser charges to expire due to statutes of limitations.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although the MST claimed that its members jailed in connection with land disputes were political prisoners.

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 there were reports that police conducted searches without a warrant. Human rights groups and other NGOs reported frequent incidents of violent police invasions in favelas and poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without a warrant. Victims reported searches without warrants and abusive and violent searches of women. Wiretaps authorized by judicial authority were permitted. The inviolability of private correspondence generally was respected.

Paulo Lacerda, the director of the Federal Police, defended the use of telephone wire tapping without mandated judicial authorization to investigate possible law violations. According to Lacerda, the preservation of individual personal freedoms cannot be above social interests. Lacerda's position was criticized by other governmental officials.

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.

Privately owned newspapers, magazines, and a growing number of online electronic publications vigorously reported and commented on government performance. Both the print and broadcast media routinely discussed controversial social and political issues and engaged in investigative reporting.

Criminal as well as other elements, such as political party activists, subjected journalists to violence, sometimes specifically because of their professional activities.

The National Federation of Journalists reported that in 2006 there were 68 cases of violence and failure to respect freedom of press. The cases included murders, kidnappings, physical and verbal aggression, threats, imprisonment, torture, censorship, and judicial coercion. In some cases these acts were reportedly committed by politicians or persons who worked with politicians or criminals.

GJ denounced to the Inter-American Court on Human Rights the May 5 killing of journalist Luiz Carlos Borbon Filho in Porto Ferreira, Sao Paulo. In 2003 Borbon had denounced municipal police officers for sexually abusing adolescents. In September police arrested the owner of the gun used to kill the journalist as a suspect. At year's end he remained in prison, and the case was under investigation.

Judge Ana Lucia Xavier Goldman, from the First Civil Court of Jundiai, Sao Paulo, blocked the publication of an interview in the newspaper *Folha de Vinhedo* that reported irregularities allegedly committed by businessmen and city officials; however, upon appeal the newspaper received permission to publish the interview.

The appeal of journalist and newspaper editor Fausto Brites, sentenced in November 2006 to 10 years in prison for defamation stemming from charges by a local official, was pending at year's end.

Internet Freedom

There were generally 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.

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

The law provides for freedom of religion, and the government generally respected this right in practice. The government required nonindigenous persons, including missionaries, to obtain permission from the National Indigenous Foundation (FUNAI) for entry into indigenous lands.

Societal Abuses and Discrimination

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 or racist materials and mandates a two- to five-year prison term. The government officially equates anti-Semitism to racism.

According to the country's Jewish Confederation of Brazil, there were approximately 119,600 Jewish residents, of whom 60,000 were in Sao Paulo State and 40,000 in Rio de Janeiro State.

There were reports of violence against Jewish persons. Jewish community leaders expressed concern over the continued appearance on Internet Web sites of anti-Semitic material compiled by neo-Nazi and "skinhead" groups. There were reports of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail.

On May 7, there were reports of more than 100 instances of graffiti painted on the wall of the Shalom Synagogue, on numerous Jewish residences, and throughout other parts of Teresopolis, Rio de Janeiro, a city with a substantial Jewish presence. The Rio de Janeiro Israelite Federation's president stated that the graffiti was not anti-Semitic. However, according to the Coordination Forum for Countering Anti-Semitism, many had a swastika.

On August 28, in the city of Sao Paulo, unknown persons robbed the Associacao Cidade Escola Aprendiz, an institution focused on low-income children and teenagers. Its founder and most of its workers are Jewish. A swastika and the sentence "death to Juda" were painted on the walls.

Police and Jewish Federation of Sao Paulo representatives stated that anti-Semitic Web sites and blogs were growing rapidly. Occasional anti-Semitic graffiti and anti-Semitic epithets directed at Orthodox Jews were also visible in some of Sao Paulo's traditional Jewish neighborhoods.

At year's end the court continued to take testimony but had not set a trial date in the 2005 case of 15 persons charged with attempted murder, gang formation, and racism for attacking three Jewish students in Porto Alegre, Rio Grande do Sul.

There were no developments in the case of 13 neo-Nazi group members, arrested in 2005 in Curitiba, Parana, on charges of attempted murder and racism offenses.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The law 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 law prohibits forced exile, and it was not practiced.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Authorities arrested two Cuban athletes participating in the Pan-American games in Rio de Janeiro 11 days after leaving their quarters on July 22 for overstaying their visas and returned them to Cuba. The NGO Human Rights Watch claimed that the government did not take sufficient steps to ensure the two athletes were afforded legal protections as potential asylum seekers. Government officials repeatedly stated that the two refused asylum offers. On July 12, two other Cuban athletes competing in the Pan-American games were granted political asylum.

In September 104 Palestinian refugees from Iraq entered the country to live in the states of Sao Paulo and Rio Grande do Sul in a program developed by the UNHCR, the federal government, and NGOs.

During the year there were 3,500 recognized refugees from 69 countries, and asylum applications increased 14 percent from the previous year. However, the total number of asylum seekers may have been higher, since estimates showed that between 10,000 and 15,000 Colombians crossed the border fleeing violence. Official reports stated there were 4,000 Colombian asylum seekers, but UNHCR officials believed there were up to 17,000 persons of concern, many of whom were indigenous, in Amazonas State alone. Many of these individuals were not officially recognized as refugees by the government. Many asylum seekers did not have government support because of the poor infrastructure in the region. Relations with local communities were increasingly difficult because of pressures on the educational and health systems.

Of the total number of legal refugees, 78 percent were from African countries. Most illegal immigrants came from neighboring countries.

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

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

Elections and Political Participation

In the October 2006 national elections, Workers' Party candidate Luiz Inacio "Lula" da Silva won a second four-year term with almost 61 percent of the vote in the second-round runoff. Observers considered the elections generally free and fair.

Political parties operated without restriction or outside interference.

Women have full political rights. There were 10 women in the 81-member Senate and 46 women in the 513-member Chamber of Deputies. There were five women in the cabinet, two on the Federal Supreme Court, and one on the Military Supreme Court. Women occupied 11.2 percent of elected seats at the state level and 12.6 percent at the municipal level, despite the law requiring that 30 percent of such positions be held by women.

There were 17 self-identified Afro-Brazilians among the 594 members of Congress, according to the Black Parliamentary Center. There were three self-identified Afro-Brazilians in the cabinet and one on the Federal Supreme Court.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

In August the Supreme Court ruled that prosecution of 40 persons accused of corruption should proceed. Defendants included former senior government officials, former and current federal deputies, and leaders of political parties accused of illegal payments to legislators in exchange for support of government legislation. Investigations were ongoing at year's end.

The former president of the Senate, Renan Calheiros, resigned his presidency while facing multiple charges in the Senate of improper conduct. He was absolved of several charges in a Senate hearing. Other charges that could have led to his expulsion and loss of political rights were later dropped.

The Federal Police accused 47 persons, allegedly including the minister of mines and energy and other federal and state officials, of conspiracy to defraud the government through overpriced public works contracts.

A study of the Brazilian Judges Association of the period from January 1999 to September 2007 showed that of the 130 cases of alleged official corruption before the Supreme Court, 13 were voided and six resulted in acquittals. The study also indicated that in 483 cases before the Superior Court, only 16 were tried, with five convictions and 11 acquittals. The study noted that the lack of adequate structures to adjudicate cases efficiently contributed to impunity and corruption. It further reported that trials for corruption and impropriety took up to 12 years to reach a verdict and that corruption investigations

were difficult and expensive.

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

The government conducted several operations to uncover corruption schemes, often demonstrating that public funds were diverted for corrupt uses and private companies were involved in transferring money to politicians in exchange for favors.

In May audits by the comptroller general offices of several cities showed that 90 percent of the municipalities had irregularities in the Bolsa Familia (cash transfer program for the poor) funds, including payments to ineligible persons and payments to dead persons. As a result, authorities cancelled 330,000 benefits.

In 2006 the federal government transferred \$1.66 billion (three billion reais) to NGOs but calculated that almost half of the funds did not reach the NGOs due to corruption. Congressional attempts to investigate this were defeated on December 7.

The law provides for public access to unclassified government information upon application to the Commission for Public Ethics; however, the bureaucratic process often slowed release of such information.

Section 4 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 for their efforts to identify and take action against human rights abusers, particularly by members of the state police forces.

While most states had police ombudsmen, some 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.

The Chamber of Deputies and the Senate each have human rights commissions that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations.

Section 5 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, homosexuals, and indigenous people 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. In 2006 a total of 420,986 complaints of violence against women were registered in the country, and 27,084 lawsuits were filed. In the same period, there were 5,922 reported cases of rape against women. In 2007 the Sao Paulo State Secretariat for Public Safety registered 3,223 cases of rape in the state.

Domestic violence remained both widespread and underreported. In 2006 there were 39,416 cases of domestic violence registered nationwide. The 2006 Law of Domestic and Family Violence triples previous punishments and creates special courts to preside over these cases. The federal government stimulated the creation of these courts and promoted capacity-building courses for judges. At year's end a total of 140 such courts to deal with domestic and family violence had been established, along with 15 public defender positions to provide free legal assistance to victims of domestic violence. However, 13 of the 26 states had not yet instituted the special courts. From September 2006, when the law came into effect, to year's end a total of 941 arrests took place. However, there were significant regional differences--while in the midwest region 3,501 lawsuits were filed during the year, in the Northeast only 369 lawsuits were filed.

Each state secretariat for public security operated "delegacias da mulher" (DEAMs), police stations dedicated exclusively to addressing crimes against women. In 2006 there were 394 DEAMs located throughout the country. The quality of services varied widely, and availability was particularly limited in isolated areas. 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). The stations also provided assistance to prosecution of criminal cases by investigating and forwarding evidence to the courts.

In Rio de Janeiro, the city's Rio Woman Program 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.

The federal government continued to operate a toll-free hot line to address complaints of violence against women. In April the hot line began to provide 24-hour service in 20 cities.

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.

Adult prostitution and various associated activities, such as operating a brothel, are illegal. While no specific laws address sex tourism, it is punishable under other criminal offenses, such as pedophilia and corruption of minors. The government released 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 Pernambuco, Espirito Santo, Amazonas, and Parana enacted laws requiring certain businesses to display signs listing the penalties for having sexual intercourse with a minor. Rio de Janeiro and Bahia states had similar legislation. Women's groups reported that prostitutes encountered discrimination when seeking free medical care. Trafficking of women for the purpose of prostitution was a serious problem.

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.

Women have the same legal rights as men. 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. Women composed more than 40 percent of the judiciary; however, few women occupied key positions.

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

The government continued its commitment to children's rights and welfare, but millions of children suffered from the poverty afflicting their families, worked to survive, and failed to get an education.

The law provides that children age six and under receive free daycare and schooling, which is also free and compulsory between the ages of seven and 14. However, this was not fully enforced. Education is free but not compulsory for children between the ages of 15 and 17. Schooling was available in all parts of the country, but not every school had space for every child who wanted to attend. Girls and boys attended school in comparable numbers, although a UN Children's Fund (UNICEF) report indicated that a higher percentage of boys than of girls were not in school.

While the law prohibits subjecting any child or adolescent to any form of negligence or abuse, such abuse was a major problem. The National Hotline of Sexual Abuse and Exploitation against Children and Adolescents registered 23,368 reports of abuse during the year.

Physical and psychological aggression was a major problem, with more than 19,000 complaints recorded by the National Hotline in this category during the year. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

Child prostitution was a problem. Extreme poverty was the primary contributor to the problem. A study released in March 2006 by the University of Brasilia, the National Secretariat for Human Rights, and UNICEF found commercial sex involving children and adolescents in 927 of 5,561 municipalities. The largest percentage of these cases occurred in the Northeast, but all areas of the country had reported incidents.

In August the International Labor Organization (ILO) and the Federal Highway Police published a map identifying 1,819 locations where child prostitution existed along federal highways. The National Hotline reported that there were 11,901 cases of sexual exploitation of children and adolescents during the year. NGOs calculated that there were approximately

100,000 children engaged in child prostitution.

The Public Ministry declared that at year's end depositions were being collected and the trial was pending in the case of a child prostitution network in Para involving aldermen Roberto Alan de Souza Costa and Adson de Azevedo Mesquita.

During the year the National Hotline received numerous other complaints: 32 involved sex slavery, 5,202 sexual exploitation, and 6,653 sexual abuse. There were 10,829 reports of physical violence and 8,388 reports of psychological abuse.

Newspapers reported cases in which at least 233 children and adolescents were sexually exploited by gangs in the city of Rio de Janeiro. Families of some of the children were involved in the exploitation.

Trafficking in children for the purpose of prostitution was a serious problem. The National Hotline received 38 reports of international trafficking and 55 reports of domestic trafficking.

The primary federal program to assist child victims of commercial sexual exploitation was the Sentinel Program, which established local reference centers to provide victims with psychological, social, and legal services and raised awareness through information campaigns, workshops, and partnerships.

Child labor remained a problem, particularly in homes and the informal sector.

In the city of Rio de Janeiro, the Secretariat for Social Assistance coordinated assistance to street children and minors who were the victims of sexual abuse and exploitation. The secretariat had two municipal centers that provided social services, counseling, and shelter. The secretariat also had a special telephone hot line available for callers to report cases of child sexual abuse and exploitation. The Sao Paulo city government operated several programs for street children.

Trafficking in Persons

Although the law criminalizes all forms of trafficking, persons were trafficked from, within, and, to a lesser extent, to the country.

In June 2006 the UN Office on Drugs and Crime reported that Brazilian women were among the primary victims of international trafficking entering the sex industry in Europe. Women were trafficked from all parts of the country. The government reported that trafficking routes existed in all states and the Federal District. Predominantly young women and girls were trafficked overseas for prostitution, although in October 2006 federal police disrupted an international transvestite trafficking ring recruiting in three states. Young men and boys were primarily trafficked internally as slave laborers.

Although comprehensive government statistics on the problem were unavailable, authorities estimated that thousands of women and adolescents were trafficked annually, both domestically and internationally, for commercial sexual exploitation. NGOs estimated that 75,000 women and girls, many of them trafficked, were engaged in prostitution in neighboring South American countries, the United States, and Western Europe.

Internal trafficking of rural workers into forced labor schemes was a serious problem, while trafficking from rural to urban areas occurred to a lesser extent. According to the ILO, an estimated 25,000 victims, mostly men, were trafficked within the country or forced into agricultural labor during the year. Union leaders claimed that nearly all persons working as forced laborers had been trafficked by labor recruiters. Labor inspectors found a small number of persons from other countries trafficked to work in urban sweatshops. Labor recruiters generally recruited laborers from small municipalities in the North and Northeast and transported them long distances to ranches and plantations in remote areas in the central western part of the country. Most internally trafficked slave laborers originated from the states of Maranhao and Piaui, while Para and Mato Grosso received the highest number of internally trafficked slave laborers.

Internal trafficking supplied forced labor, primarily from urban to rural areas, for agricultural work and commercial sexual exploitation. This typically occurred when employers recruited laborers from poor, rural towns and transported them to remote areas where escape was difficult. Workers then were obliged to toil in brutal conditions until they were able to repay inflated debts.

Sex tourism existed throughout the country but was most apparent in coastal resort towns in the Northeast, South, and Southeast and in such major tourist destinations as Rio de Janeiro and Fortaleza, Ceara, as well as in the wildlife tourist areas of the Pantanal and Amazon.

According to CECRIA, an NGO dedicated to the study of violence against minors, 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, sexual tourism exploiting children was prevalent and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and also 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. A University of Brasilia study found that 398 of the 1,514 tourist destinations frequented by citizens had an active sexual commercial market for children and adolescents.

In May cases of sexual exploitation of children were identified in the region of Delta and Uberaba, Minas Gerais. A report by two federal deputies stated that the incidence of sexual exploitation increased during the sugar cane harvest season, when the city populations increased due to the influx of workers.

On December 11, police arrested two citizens and a foreign couple in Taquara, Rio Grande do Sul, suspected of pedophilia and trafficking of children. Police investigators believed that the group sent at least two boys out of the country for adoption.

CECRIA found that typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites. Persons exploited in trafficking schemes typically came from low-income families and usually had not finished high school. Traffickers often lured victims with promises of lucrative work as dancers or models in Europe; beauty contest winners were cited as common targets. Girls were recruited at clubs and modeling agencies or through the Internet, want ads, mail-order bride schemes, and maid and au pair services. Most women who were trafficked internationally were older than 18, but younger victims were also trafficked with counterfeit documents.

Police officials believed that some women recruited by trafficking organizations understood that they were to work as prostitutes but did not know about working conditions and their prospective earnings. In other cases women were told that they would work as nannies or domestics. Upon arrival the victims' passports often were confiscated, and they were forced to prostitute themselves and live in virtual confinement. In addition to threatening physical violence, traffickers often used debt and isolation to control the victims. Trafficking in persons was linked to international networks of crime, including drugs, arms trafficking, and money laundering. Traffickers were predominantly Brazilian and were usually associated with such activities as brothels, escort agencies, nightclubs, and tourist agencies.

The law establishes a penalty of up to eight years' imprisonment and a fine for internal or external trafficking in persons for the purposes of prostitution; sentences may be increased up to 12 years when violence, threats, or deception are involved. The law requires the permission or presence of both parents for children to leave the country; it also prohibits children from leaving the country with a foreigner unless authorities grant prior approval.

Laws on trafficking for sexual exploitation were difficult to enforce, particularly in relation to domestic trafficking. Violators of antitrafficking laws rarely received criminal penalties because of the limitation of statutes. Police officers reported difficulty in arresting traffickers because of the need to apprehend them in the act of traveling with the victims. According to police, some women who left the country with traffickers did so willingly. Fear of reprisals also kept victims from seeking police intervention or testifying against traffickers. In addition, because trafficking in persons is a new legal concept in the country, courts often misclassified such cases. As a result, numbers of convictions were low.

Government authorities responsible for combating trafficking included various agencies of the Ministry of Justice (including the Federal Police), Special Human Rights Secretariat, MTE, Ministry of Tourism, and Ministry of Social Development. The Federal Highway Police was responsible for checking documents and monitoring traffic along highways and roads; occasionally they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect recruitment by sex traffickers. Operating under the National Justice Secretariat, antitrafficking offices in the states of Sao Paulo, Rio de Janeiro, Ceara, and Goias monitored domestic and international trafficking.

The trial of the former speaker of the Federal District's legislative chamber, Benicio Tavares, on charges of forced prostitution and sexual exploitation of minors was closed with no action by the Federal District's legislative chamber.

Trafficking victims were not treated as criminals, and police usually referred victims to centers for treatment and counseling. However, access to such services was limited due to a lack of government support, and efforts often were inconsistent and underfunded. The government cooperated with a number of shelters or health care facilities specifically dedicated to trafficking victims, and workers at more than 600 victim assistance centers were trained to assist trafficking victims. The Secretariat of Social Assistance of the Ministry of Social Development and Combating Hunger operated more than 400 centers to assist victims of sexual abuse and exploitation and domestic violence. NGOs provided victims assistance in job training, counseling, and other community reintegration assistance. Locally based NGOs assisted trafficking victims with retraining and counseling activities. The government maintained a national witness protection system managed by the Special Secretariat of Human Rights. A total of 17 states were integrated into the system.

The Special Human Rights Secretariat conducted antitrafficking information campaigns. The National Secretary for Justice

continued to lead a government public awareness campaign to deter international traffickers and sensitize their potential victims to the dangers.

Labor organizations and NGOs continued to conduct prevention campaigns. One organization distributed pamphlets to rural workers in areas that historically served as targets for traffickers. The pamphlets warned rural workers about the methods of traffickers and offered practical advice to avoid becoming victims. A number of local unions instructed laborers to register with them and the police before leaving with a labor recruiter.

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 the law has provisions to ensure access to buildings for persons with disabilities, states did not have programs to enforce these provisions effectively.

The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the Special Secretariat for Human Rights, have primary responsibility for promoting the rights of persons with disabilities.

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; however, such persons had difficulty in securing necessary accommodations.

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 almost half of the population, were significantly underrepresented in professional positions and in the middle and upper classes. They experienced a higher rate of unemployment and earned average wages approximately half those of a white person.

There was also a sizeable racial education gap. According to the Ministry of Education, Afro-Brazilians received an average of 5.3 years of schooling, compared with 7.1 years for whites. Afro-Brazilians constituted 16 percent of the university population. Major public universities in the states of Sao Paulo, Rio de Janeiro, Parana, Mato Grosso, and Bahia and the Federal District maintained affirmative action programs; for instance, the University of Brasilia set aside 25 percent of its first-year vacancies for self-declared students of color. According to the Ministry of Education, 40 public federal and state universities had a quota system.

Indigenous People

The law grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands. Although many problems existed, the government made limited progress in securing these rights.

FUNAI estimated that there were 460,000 indigenous people in 225 societies on indigenous lands and an additional 100,000 to 190,000 indigenous people living outside of these areas, including in urban environments.

The government estimated that more than half of the country's indigenous people lived in poverty 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 people also faced other problems, including disease, poor health care, and loss of native culture.

The 1988 constitution charged the federal government with demarcating indigenous areas within five years. The complete process includes four phases: identification, declaration, approval, and registration. According to the Indigenous Missionary Council (CIMI), by year's end 343 areas had reached the final registration stage, 247 were in one of the four phases of the registration process, and 224 had yet to be fully processed. FUNAI did not recognize as many as 200 of these lands as indigenous.

The law provides indigenous people with the exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case. The government administers the lands but must consider the views of the affected communities regarding their development or use, and communities have the right to "participate" in the benefits gained from such use. However, indigenous leaders and activists complained that indigenous people had only limited participation in decisions taken by the government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders.

Nonindigenous persons who illegally exploited indigenous lands for mining, logging, and agriculture often destroyed the environment and wildlife, spread disease, and provoked violent confrontations. FUNAI, which acknowledged insufficient resources to protect indigenous lands from encroachment, depended on the understaffed and poorly equipped Federal Police for law enforcement on indigenous lands.

Disputes between indigenous and nonindigenous persons occasionally erupted into violence. Most conflicts concerned land ownership or resource exploitation rights in which indigenous persons resorted to forceful occupation, hostage taking, and killing.

According to CIMI, 76 indigenous persons were killed during the year, compared with 40 in 2006. This represented the highest number in almost 30 years. Of those killed, 48 were members of the Guarani-Kaiowa tribe in Mato Grosso do Sul State.

On March 17, unidentified persons shot and killed a member of the indigenous Bororo people in Mato Grosso State. After the Bororo opened a new settlement in the area in June 2006, members of the group were harassed by threats and attempted murder. CIMI reported that land invaders hired gunmen. There were no reports regarding police investigations or arrests.

On July 8, indigenous leader Ortiz Lopes was killed in Mato Grosso do Sul. According to CIMI, he was the 20th indigenous person killed in the state during the year. The case was under police investigation with no arrests.

In September in Miravania, Minas Gerais, three teenagers beat a member of the Xacriaba tribe to death. At year's end the three were in detention awaiting trial. CIMI reported that the victim was directly involved in the tribe's struggle for land.

There were no developments in the 2005 killing of Dorvalino Rocha, a member of the Guarani-Kaiowa tribe in the aftermath of a violent eviction. Joao Carlos Gimenes, indicted for the killing, was free on bail pending trial.

The precarious health situation of indigenous groups continued. During the year 19 members of the Kulina indigenous group died due to lack of health care in Amazonas State. Two children from the Piraha tribe died in January in Amazonas. In Guajara-Mirim, Rondonia, three children died of dehydration in January, while 42 other Piraha children were hospitalized with diarrhea and dehydration. According to the National Foundation of Health, in the village of Jaguapiru 55 children suffered from malnutrition. In the village of Dourados, 322 children suffered from malnutrition. On April 25, a six-week-old Bororo infant died of malnutrition.

The Marsal de Souza Center of Human Rights reported that eight children from the Guarani-Kaiowa group in Mato Grosso do Sul died due to malnutrition during the first half of the year.

In Rondonia State indigenous persons complained of poor transportation to bring doctors to the communities and take patients to hospitals.

In March the Inter-American Court on Human Rights recommended that the government take steps to protect the lives of indigenous people and guarantee their territorial rights in the Raposa Serra do Sol indigenous reserve in Roraima State. The Inter-American Court claimed the government had not protected these indigenous communities or removed all unlawful intruders on indigenous lands. On June 4, the Supreme Court revoked a preliminary order authorizing farmers to remain on the reserve. However, the rice and cattle producers alleged that their land titles could not be ignored and questioned the presidential decree that demarcated the reserve. Some indigenous people claimed that the expulsion of the producers would bring poverty, because many indigenous persons worked for the farmers and depended on them for their livelihood. At year's end 198 families had received compensation, and 80 families who refused to leave were waiting for a federal court decision on whether they could stay.

During the year the creation of an indigenous reserve in Sao Felix do Xingu, in the southern part of Para, led to conflicts between the Paracana tribe and 2,000 families who refused to leave the area. The families accused the National Institute of Colonization and Agrarian Reform (INCRA), the governmental body that demarcates land, of attracting them to demarcated land in the reserve, which INCRA denied. FUNAI proposed that the families be transferred to another area by 2010 and granted compensation.

Other irregular land occupations occurred on other indigenous reserves. The Tembe tribe stated that ranchers, loggers, and other invaders had devastated more 80 percent of their land. In April Tupinguim and Guarani indigenous groups occupied the port of Portocel, which transports cellulose in Aracruz, Espirito Santo. The groups claimed that they owned 27,000 acres of land occupied by Aracruz Celulose. At year's end FUNAI was mediating the question.

On October 26, media reports said the federal government would begin to remove illegal miners from indigenous lands. According to the Federal Police, indigenous leaders authorized the extraction of diamonds, which indigenous representatives denied.

On November 17, ranch owners shot and injured four members of the Guarani Kaiowa group in Amambai, Mato Grosso do Sul, after 100 members of the group set up tents in an area they consider traditionally theirs.

On October 2, a federal court in Para determined that Valley of Rio Doce Company (CVRD) must deposit \$721,000 (1.3 million reais) as indemnity until a final decision was made in the 2006 case in which FUNAI alleged that CVRD had not fulfilled a renegotiation agreement with the Xikrin indigenous group.

On April 19, President Lula created the National Commission on Indigenous Policies in response to indigenous peoples' appeals. The commission was to be responsible for developing monitoring strategies and evaluating the activities of federal entities that work with indigenous issues.

According to the Ministry of Education, 20 state and federal universities reserved entrance spots for indigenous people. The number of indigenous students totaled almost 5,000, or almost 1 percent of the total number of university students. The University of Brasilia created a special entrance examination for indigenous persons and reserved places in the areas of medicine, nursing, dentistry, and pharmacology.

Other Societal Abuses and Discrimination

State and federal laws prohibit discrimination based on sexual orientation, and the federal and state governments generally enforced these laws.

According to the NGO Bahian Gay Group, 83 male homosexuals, 30 transvestites, and three lesbians were killed during the year, for a total of 116 killings, compared with 88 in 2006. The Northeast was the most violent area against homosexuals, with 60 percent of the cases reported. The most violent states were Pernambuco with 16 homicides, Bahia with 13, and Rio Grande do Norte with eight.

During the year the group Rio without Homophobia, in partnership with other NGOs and the Rio de Janeiro state government, developed a program that included professional counseling services, medical assistance, rights defense, and a witness protection program.

Section 6 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's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MTE does not register the union. Union organizers may challenge this decision in the 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 Single Central Organization of Workers (CUT) estimated 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. The informal sector accounted for approximately one-half of the labor force. In the agricultural sector, 70 percent of workers were unregistered.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The Catholic Church's Pastoral Land Commission reported that violence in rural areas victimized labor leaders, with the perpetrators enjoying

relative impunity. The commission reported that during the year 25 persons died in conflicts related to land, including five rural labor leaders.

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. There was a trend for courts to rule against employees, claiming that union membership was not a factor. 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.

b. The Right to Organize and Bargain Collectively

Collective bargaining was widespread in the formal sector. The law obliges unions to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters, and workers exercised this right in practice. While the civil police were allowed to form unions and conduct strikes, the military police were prohibited from organizing.

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.

The MST, which had approximately 100,000 unemployed farm worker members, was extremely active, invading farms and organizing protests, many of which resulted in major property damage. Preliminary data from the Catholic Church's Pastoral Land Commission stated that there were land 540 conflicts, resulting in nine deaths and 247 land occupations.

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

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, forced labor and trafficking of workers occurred in many states, most commonly in activities such as forest clearing, logging, charcoal production, raising livestock, and agriculture, particularly harvesting sugarcane, coffee, and cotton. Forced labor typically involved young men drawn from the impoverished Northeast states--Maranhao, Piaui, Tocantins, Para, Goias, and Ceara--to work in the northern and central western regions of the country. Women and children, the latter typically working with their parents, also were involved in forced labor activities such as charcoal production. The ILO estimated that there were approximately 25,000 forced labor workers during the year.

Labor intermediaries trafficked most forced laborers to remote estates, where victims were forced to work in harsh conditions until they repaid inflated debts related to the costs of 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.

The law provides that violators of forced or compulsory labor may be sentenced 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 the 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.

Violators of forced labor laws enjoyed virtual impunity from criminal prosecution, and no landowner has ever been convicted and imprisoned for using slave labor. The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to the workers and placing the names of violators on a "dirty list," which was published every six months on the Internet. The Ministry of National Integration vetoed financing to violators, the Bank of Brazil denied credit to landowners using forced labor, and some sectors of the economy refused to buy products from producers

on the list. 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, and obtain access to governmental loans.

In July the MTE released its "dirty list" of 192 employers in 16 states who used their workforce in conditions analogous to slave labor. Some challenged the list's constitutionality, since there is no way to clear oneself before a name is added, but at year's end no decision had been made. The Senate's Human Rights Committee approved a law that prohibits granting credit to persons or companies on the "dirty list."

During the year the MTE's Mobile Inspection Unit freed 5,677 forced laborers in 102 operations on 186 properties. Payments of indemnities to the workers totaled more than \$5.4 million (9.52 million reais).

In July MTE inspectors freed 1,108 forced laborers from a sugar cane farm producing cane for ethanol in Ulianopolis, Para. Several improper adjustments had been made to the workers' paychecks, often leaving workers owing money at the end of the pay period. In addition, the living quarters of the workers were overcrowded and unsanitary. The owners agreed to pay what was owed, and ethanol distributors said that they would not buy ethanol from the farm until the workers' rights were respected. The owner would be monitored for a two-year probationary period, during which he would not be allowed bank financing or permitted to obtain credit from private and public sources. Five senators, known to oppose efforts to fight forced labor, questioned the mobile inspectors' procedures. In protest, on September 21 the MTE halted its activities. Federal judiciary and executive groups as well as NGOs and the press defended the inspectors' work. On October 15, the teams resumed work after receiving guarantees that they would be able to work without interference and an commitment from the attorney general to support all mobile inspector team actions if scrutinized by public officials.

On July 19, the MTE freed 83 persons identified as forced laborers found harvesting tomatoes in Itaberai, Goias.

There were no developments in the August 2006 case in which 800 persons were found working in Minas Gerais for evangelical pastors in conditions characterized by the MTE as slave-like.

At year's end the MTE was deciding penalties to apply in a December 2006 case in which landowners in Goias State were arrested on suspicion of labor abuse and environmental crimes in making charcoal from illegally felled timber from protected areas.

In December 2006 landowner Gilberto Resende from Sao Felix do Araguaia, Mato Grosso, was ordered to pay \$552,486 (1 million reais) to the Workers' Aid Fund for subjecting workers to slave-like conditions. The workers, who escaped from Resende's property in 1999, were reportedly tortured, did not receive payments for their work, were not registered, worked excessive hours, and did not use protective equipment. Resende was also ordered to register all hired workers, pay salaries regularly, and provide adequate housing, and his name was added to the "dirty list."

According to the Group of Slave Labor Research (GPTEC) from the Federal University of Rio de Janeiro, the two construction companies found using 70 workers in slave conditions in 2005 signed agreements requiring them to pay salaries owed, termination pay, and the return tickets home to the workers. However, at year's end GPTEC reported that the companies had not complied with the agreements.

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. The mobile unit worked in conjunction with federal police officers, who accompanied labor inspectors on raids to provide protection. Mobile teams levied fines on estate owners using 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 sometimes faced resistance.

The National Pact for the Eradication of Slave Labor included more than 100 companies and NGOs with a public commitment to restrict economic relations with anyone who uses slave labor. The Social Observatory Institute monitored the actions to combat forced labor implemented by those who signed the pact.

d. Prohibition of Child Labor and Minimum Age for Employment

Although the law restricts work that may be performed by children, child labor continued to be a widespread problem.

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.

Data from the 2007 Synthesis of Social Indicators showed that in 2006 there were 2.7 million children working between the ages of five and 15, compared with 2.9 million in 2005.

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 20 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.

The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. For instance, children who produced charcoal, sisal, sugarcane, and footwear suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection.

The MTE was responsible for inspecting worksites to enforce child labor laws; its regional offices had 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. In most cases inspectors attempted to reach agreements and convince employers to desist from labor law violations before levying fines of \$221 (402 reais) per violation up to a maximum of fine of \$1,180 (2,013 reais); for a second or third violation, the fine doubles or triples respectively. In practice few employers were fined for employing children.

The MTE reported that during the year inspectors found 7,812 children under 16 working illegally, more than double the number found in 2006.

The government implemented programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger together 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 provides nutritional snacks, sports, art, and cultural activities. In December 863,268 children were receiving the PETI stipend. The government, through the social development ministry, also operated the Bolsa Familia program, providing a monthly stipend to low-income families who keep their children in school and meet certain health requirements. Approximately 11 million families were receiving the program in December.

To assist child victims of commercial sexual exploitation, there were local reference centers to provide victims with psychological, social, and legal services and raise awareness through informational campaigns, workshops, and partnerships. The Secretariat of Human Rights also operated a telephone hot line in every state to report sexual violence against children and adolescents, and the Ministry of Tourism developed a code of conduct to prevent the commercial sexual exploitation of children in the tourism industry. The Federal Highway Police and the ILO published data on places such as gas stations, bars, restaurants, motels, and night clubs along highways considered to be areas for sexual exploitation of children and adolescents.

NGOs supported the government's child labor elimination programs. The Centers for the Defense of Children and Adolescents were active in many parts of the country and reported violations of children's rights to the guardianship councils, the social assistance network, the organizations that defended children and family rights. The Pro-Child Institute in Sao Paulo State coordinated a labeling program to reduce instances of child labor in the footwear industry.

Civil society also took actions to prevent and abolish child labor. The nongovernmental National Forum to Prevent 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 and in April raised it to \$211 (380 reais) per month. The Brazilian Institute of Geography and Statistics estimated that approximately 25.6 percent of workers earned the minimum wage or less. The national minimum wage did not provide a decent standard of living for a worker and family.

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 prosecutors from 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 preliminary data from the Ministry of Social Security, the government granted benefits to 10,395 persons for work-related accidents during the year. 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.

