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2009 Human Rights Report: Brazil

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Brazil is a constitutional federal republic with a population of approximately 192 million. In 2006 voters reelected President Luiz Inacio Lula da Silva 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 records of several state governments were 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 persons and minorities; failure to enforce labor laws; widespread forced labor; and child labor in the informal sector. Human rights violators often enjoyed impunity.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

In many cases police officers employed indiscriminate lethal force during apprehensions. In some cases civilian deaths followed severe harassment or torture by law enforcement officials. Killings by police occurred for various reasons. Confrontations with heavily armed criminals resulted in shoot-outs. Some police accused of killing suspects lacked the training and professionalism to manage deadly force. On other occasions the police behaved as criminals.

On December 8, the nongovernmental organization (NGO) Human Rights Watch issued a two-year study on lethal police violence in which it examined an indicative 51 cases where Rio de Janeiro and Sao Paulo police officers appeared to have executed criminal suspects and reported the deaths as resulting from resisting arrest. To improve the situation, the report

recommended police immediately notify authorities of such killings, establish crime-scene protocols, investigate potential cover-up techniques, and prosecute offenders. Rio de Janeiro and Sao Paulo officials responded that training and other corrective steps were under way.

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Death squads with links to law enforcement officials carried out many killings, in some cases with police participation. Credible, local 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 landowners.

The Catholic Church's Pastoral Land Commission (CPT) reported that from January to November there were 20 confirmed killings related to disputes over land, water, and labor, compared with a total of 18 such killings in all of 2008. According to the CPT, for the period from January to November, there were nine killings reported in the north region and four killings and 14 attempted killings in the center-west region. Amnesty International (AI) stated that such violence was often caused by illegal private security companies and illegally armed militias linked to landowners.

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.

In Rio de Janeiro, the most acute human rights problems involved indiscriminate use of force, by both on- and off-duty police, primarily in the city's poorer northern section. Residents of the city's approximately 1,000 favelas (shantytowns), where an estimated one-third of the population (i.e., approximately three million persons) lived, were at increased risk given the frequency of police actions. According to the Rio de Janeiro-based NGO Global Justice (GJ), impunity and nonaccountability for police actions were serious problems in the metropolis. AI claimed that Rio de Janeiro law enforcement continued to be characterized by large-scale operations in which heavily armed police units "invaded" favelas. AI added that few killings were effectively or independently investigated and that perpetrators were seldom prosecuted successfully.

The Favela Pacification Program, instituted in late 2008 by the Rio de Janeiro State government, registered an initial nine favelas as "pacified" by year's end. Police and government officials pushed drug gang members out of areas they previously dominated, established community policing, regularized public utilities, and indicated intentions to introduce other city services and social assistance. The program reportedly aimed to pacify 30-40 favelas in the next two years.

In October the Rio de Janeiro Institute for Public Security reported 805 killings in the state by police of persons described as "resisting arrest" from January to September, an average of three persons per day, down from a 2007 average of four per day and an 11 percent decrease compared with the same partial-year period in 2008. GJ reported 1,137 killings by police in Rio de Janeiro State in 2008.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo state police (civil and military) killed 400 civilians in the state from January to September, compared with 353 during the same period in 2008. Cases involving extrajudicial executions were either under police investigation or before the state courts; observers believed that it could take years to resolve such cases. During the year there were reports of multiple killings (called chacinas) in Sao Paulo State, often drug-related and suspected to involve the police; in the Sao Paulo metropolitan region, there were 20 chacinas resulting in 64 deaths.

On January 24, in Pitimbu, Paraiba, masked gunmen shot and killed Manoel Bezerra de Matos Neto, vice president of the Pernambuco branch of the Workers' Party and a human rights advocate. Authorities arrested five suspects in February and August, including military policemen, and at year's end they were in custody pending trial.

On March 26, in Rio de Janeiro, military police killed a 22-year-old man in Morro da Providencia favela. Police asserted the man was armed. Witnesses claimed they were threatened if they testified. At year's end there were no further developments in this case, but the Rio de Janeiro Bar Association Human Rights Commission continued to follow it.

In April in Santa Teresa, Rio de Janeiro, six persons alleged by military police to be involved in drug trafficking were killed in a police operation in Morro da Coroa favela. Four officers faced criminal charges, and there were further developments at year's end.

On July 21, in Sao Paulo, off-duty civil police officer Alfred Stapf shot and killed Edinalva Oliveira da Silva and seriously wounded her child. Stapf and accompanying police technician Alex Sander Pedroni claimed they were chasing a suspect and fired accidentally; civil police internal affairs investigators, however, suspected a police operation to conceal police extortion from a local shop owner. The investigation continued at year's end.

In August in Guaratiba District, Rio de Janeiro, authorities arrested and charged two military police officer brothers for the killings of four persons; at year's end they were in jail pending trial. According to GJ, both officers belonged to a militia, and one (Emmerson Meirelles) was responsible for the state governor's personal security.

In August in Sao Gabriel, Rio Grande do Sul State, military police shot and killed Elton Brumda Silva while removing him and approximately 500 other Landless Rural Workers' Movement (MST) members from a farm, according to the national agrarian ombudsman. MST members alleged that police forced them to sit for hours with hands behind their necks, some on top of ant hills, and that a dispersion bomb burned a child. The State Secretariat for Public Security investigation apparently continued at year's end.

In August authorities arrested retired military police sergeant Jairo Francisco Franco for killing an unknown black male in the greater Sao Paulo area. Franco had been detained in December 2008 for allegedly killing 13 gay men but was released for lack of evidence.

In November NGOs reported that more than 40 deaths occurred during three weeks of military police operations in Rio de Janeiro favela communities following an October 17 helicopter shoot down. Shootouts between police and drug traffickers and between rival gangs caused the killings. On October 22, according to the media, Third Battalion military police officers also broke into a house in the Morro da Cachoeirinha favela and allegedly beat and tortured an 18-year-old man.

In the January 2008 case in Rio de Janeiro of the beating death of Andreu Luis da Silva Carvalho at a detention facility, a prosecutor requested exhumation of the body, which according to the NGO Legal Project had not occurred by year's end. Charges were being considered against several detention facility employees.

During the year police continued investigating, based on ballistic evidence and witness testimony, military policeman Pascoal dos Santos Lima in connection with the killing of military police Colonel Jose Herminio Rodrigues in Sao Paulo in January 2008 while he had been investigating police participation in extrajudicial killings. Authorities had indicted Lima for the killing of Colonel Rodrigues in July 2008, while he was in prison for the 2007 killing of Marisa Ferreira Vaz, but had released him in 2009.

There were no developments in the investigation involving the August 2008 discovery of Andre Lima de Araujo's body after he had been detained in 2007 by police on the outskirts of Guarulhos.

There were no developments in the 2007 chacina cases in Sao Paulo State; they remained under investigation at year's end.

There were no developments in the case of four military police officers and a businessman who were arrested in May 2008 for the 2007 killing of investigative journalist Luiz Carlos Barbon Filho in Porto Ferreira, Sao Paulo, and they remained in custody awaiting trial.

There were no developments, and none were expected, in the investigations of the 2007 joint state-police/national-military operations in Rio de Janeiro's Complexo do Alemao and Vila Cruzeiro favelas that resulted in numerous deaths in police confrontations (according to official accounts) or in summary executions (according to bar association and NGO accounts).

The investigation into police involvement in the August 2007 killings of Aurina Rodrigues Santana, Rodson da Silva Rodrigues, and their 19-year-old son in their Salvador home concluded without indictment of the accused officers.

There were no known developments in the case of five police officers accused of torturing and killing a 15-year-old in 2007 in Bauru, Sao Paulo State. Authorities expelled them from the military police in December 2008 and later freed them pending trial.

In early April, on appeal by the prosecution, the Para State Justice Court reversed the not-guilty verdict of Vitalmiro "Bida" Bastos Moura--a verdict that in May 2008 had overturned his 2007 conviction for the 2005 murder of Catholic nun Dorothy Mae Stang--and ordered his arrest. At year's end he remained free pending retrial in 2010. Although authorities detained Reginaldo Pereira Galvao, also accused in the murder case, in December 2008 as part of an investigation into whether he forged titles to land where the nun was killed, at year's end he was also free awaiting trial. The media reported that an assailant shot and injured a key witness in the Galvao case in Anapu, Para State, on November 26. On December 10, Rayfran das Neves Sales, convicted in May 2008 of the murder, waived his right to a new trial.

In September Sao Paulo State's Fifth Regional Court reopened the death-in-custody case of Manoel Fiel Filho, who was arrested and allegedly tortured in 1976. The official report stated that Filho committed suicide; however, authorities charged a police detective, a specialist, and the medical examiner that performed the autopsy with murder and cover-up. At year's end there were no further developments.

Lynching by mobs or vigilante groups was common in some regions, especially against those accused of rape or other crimes that they believed went unpunished. For example, in May in Teresina, Piaui, a crowd of 500 persons attempted to invade the police station to lynch a detainee who allegedly killed Pedro Sabino, an innocent bystander to a robbery. In October in the capital of Alagoas, Maceio, an attempted rape suspect avoided lynching when police dispersed a crowd and placed him in custody.

b. Disappearance

There were no reports of politically motivated disappearances. However, GJ reported 5,095 disappearances in 2008 and alleged that police killed many of the individuals.

In May the federal government released *Memories Revealed*, a document said to contain all obtainable information about disappearance cases that occurred during the 1964-85 military dictatorship; the document responded to a 2007 Chamber of Deputies' Human Rights Committee request.

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

Although the constitution prohibits torture and provides severe legal penalties for its use, torture by police and prison guards remained a serious and widespread problem. In August the government's Special Secretariat for Human Rights (SEDH) acknowledged in its national program launch that police institutions have been historically marked with violence, generating a vicious cycle of insecurity, inefficiency, abuse, torture, and impunity.

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

During the first half of the year, the Sao Paulo State Ombudsman's Office received seven complaints of torture by police, compared with five during the same period of 2008.

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

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

In June the Federal Police allegedly applied electric shocks to the backs and genitals of five Tupinabas in Ilheus, Bahia, to force their confession to a murder involving a land dispute with a nonindigenous rancher. The five, released from custody the next morning, filed a complaint, and the Justice Minister ordered a Federal Police investigation that continued at year's end.

In the cases of two *O Dia* newspaper investigative journalists and their driver who were kidnapped, tortured, and released in Batan favela, Rio de Janeiro, in May 2008, a state court on August 12 convicted two militia leaders (civil police Inspectors Odinei Fernando da Silva and Davi Liberato de Araujo) and sentenced them to 31 years' imprisonment. Authorities also arrested another individual in December 2008 and provisionally arrested three military police officers (Fabio Goncalves Soares, Marcos Antonio Alves da Silva, and Andre Luiz de Matos) in January 2009 in connection with the same incident, but at year's end there were no further developments reported.

There were no known developments in the case of nine police officers in Sao Paulo charged in 2007 with theft, torture, extortion, beating, and threatening to rape to extort money.

There were no developments during the year, and none were expected, in the illegal-arrest-and-torture case involving Antonio Ferreira Braga in 1993 in Ceara State, although the government had not fulfilled Inter-American Commission on Human Rights (IACHR) recommendations made in 2007.

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.

Prison officials frequently resorted to brutal treatment of prisoners, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and lack of medical care led to deaths in prisons. Poor working conditions and low pay for prison guards encouraged widespread corruption. Prisoners who committed petty crimes were held with murderers. According to the National Penitentiary Department, in June there were 469,807 prisoners, including 30,519 women, incarcerated in a prison system designed for approximately 300,000. The SEDH reported 14,704 individuals under age 18 confined in 2006. Of those held, nearly 43 percent were in detention awaiting trial or judgment.

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

According to the Ministry of Justice, approximately 2,000 prisoners were involved in riots in federal prisons in 2008. The federal government stopped providing such statistics thereafter, but newspapers reported major prison riots in July and August in Sao Paulo, Bahia, and Para states involving approximately 270 prisoners.

The Catholic Church's Ministry for the Incarcerated in Sao Paulo State reported that authorities used police stations in the state capital as prisons, increasing the risk of mistreatment and torture. The church ministry also reported continued inadequate rates of penitentiary construction. The state's criminal justice system as a whole continued to sentence more defendants to prison or detention each month than it released and also often held inmates beyond their sentences.

On April 16 and 17, the National Council for Criminal and Penitentiary Policy reported seriously deficient conditions at two detention facilities in Serra, Espirito Santo. In Cascuvi, 25 individuals guarded more than 1,170 prisoners crowded into three spaces lacking individual cells in a facility designed for 370 persons. The report described the absence of electricity and showers, privacy, legal counsel, inmate advocacy, and reformatory activity; rodents and pests roaming freely; drinking water provided once daily; food served sporadically; limited medical access; inmate skin disease; and allegations of inmate-on-inmate attacks. In Serra, the Novo Horizonte facility designed for 144 inmates held nearly 400 individuals, with approximately 40 crowded into each metal ship-container cell. The council particularly noted open sewers and sewage and active use of a windowless cell (known as "the microwave" for the temperatures reached inside); a judicial decision had stopped usage earlier, but it was reactivated and observed holding 23 prisoners.

On June 1, the IACHR granted precautionary measures for inmates of the Polinter-Neves penitentiary in Sao Goncalo, Rio de Janeiro State, because of inadequate access to medical services and asked the government to ensure adequate medical care, reduce overcrowding, and report its actions to the IACHR.

After a June 2008 congressional investigative report ranked it as the third worst prison in the country, authorities reconstituted the Contagem prison in Minas Gerais as a temporary prisoner-holding facility for a maximum of 96 prisoners and, according to a media report during the year, substantially improved inmate living conditions and access to legal, medical, and psychological assistance.

An October court ruling ordered the Minas Gerais State government to compensate the families of the 25 inmates killed during the 2007 gang dispute and resultant fire in an overcrowded jail in Ponte Nova. Each family reportedly should receive approximately 20,000 reais (\$11,500) plus a monthly minimum-wage payment until the date each victim would have reached age 65. There were no developments reported concerning the indictments of 23 individuals for allowing weapons into the jail and failing to respond adequately to the incident.

The Women's Penitentiary of Santana in Sao Paulo, a former men's facility remodeled for women, continued in precarious condition, although health care improved in response to human rights organization requests, contaminated water problems were rectified after NGOs lodged protests (according to Instituto Pro-Bono), and the kitchen area and food quality were improved (according to NGO sources who visited during the year). However, the facility remained overcrowded as of December, with 2,800 women occupying space designed for 2,400 and three of the nine prisoner areas closed due to poor conditions. Further health-care-unit improvements reportedly were needed, as were programs to promote inmate educational and social development.

Rio de Janeiro and Sao Paulo states and the Federal District 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.

The media reported that throughout the country adolescents were jailed with adults in prison units without bathrooms and in inhumane conditions. Insufficient capacity in juvenile detention centers was widespread.

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.

The investigation into reports in 2007 of prisoners being forced to be sex slaves and have their actions recorded on camera in a Santa Rita de Caldas, Minas Gerais, prison absolved the officer on duty of any crime or negligence. However, the Prosecutor's Office ordered the jail closed and sought a ruling against the Minas Gerais State government, an action that was pending at year's end.

There were no developments reported concerning the March 2008 indictments of 12 persons, including 10 police officers, for the 2007 repeated sexual abuse of a 15-year-old girl in a cell in Abaetetuba, Para. The accused remained free, and authorities placed the girl and her relatives into a witness protection program. At year's end the judge who knew about the girl's situation was under investigation by the National Council of Justice and had been transferred to another municipality in Para.

Government policy continues to permit prison visits by independent human rights observers; however, in practice authorities did not always follow this policy. An NGO Conectas representative confirmed that it was at times difficult for outside observers to obtain permission to visit prisons.

Human rights advocates visiting juvenile detention centers in Sao Paulo reported continuing improvements in their general conditions. The Center for the Socio-Educational Care of the Adolescent Foundation continued to dismantle large out-of-date detention centers prone to inmate violence and build smaller facilities for easier management of the inmate population.

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 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 for calling them into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system.

In Rio de Janeiro's favelas, militia groups often start as off-duty and former law enforcement officers take community policing into their own hands. However, many militia groups come to resemble drug-trafficker groups in intimidating residents and conducting illegal activity such as extorting protection money, imposing tribute fees, and providing pirated utility services. The number of militias with police participation continued to increase. Punishing police involved in militia activity was difficult due to solidarity and fear of reprisals. Police often did not operate in militia-dominated communities. State authorities estimated that militias have taken over nearly 100 favelas from drug-trafficker control, mostly in the city's west.

In March a court convicted former military police officer Luciano Guinancio and sentenced him to nine years in prison for orchestrating the random killings by a militia group of seven residents in Rio de Janeiro's Barbante favela in August 2008. In June four relatives of the main witness in the case went missing.

Arrest Procedures and Treatment While in Detention

With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. Suspects must be advised of their rights at the time of arrest or before being taken into custody for interrogation.

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

Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts almost always resulted in extending the period for charging defendants. Bail was available for most crimes, and defendants facing charges on all but the most serious crimes had the right to a bail hearing. In general prison authorities allowed detainees prompt access to a lawyer; indigent detainees had the right to a lawyer provided by the state. Detainees were also allowed prompt access to family members.

Human rights observers stated that civil and uniformed police regularly detained persons illegally to extort money or favors. In May the new Sao Paulo State secretary for public safety suspended 120 police officers from narcotics and organized-crime units for possible involvement in extortion, corruption, and organized crime.

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

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice; however, the judiciary was underfunded, inefficient, and often subject to intimidation and to political and economic influences, particularly at the state level, a situation that resulted in vigilante action. A number of senior judges remained under investigation nationwide on a variety of charges.

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

The judicial system ranges from courts of first instance and appeals, through courts of second instance and the Superior Court of Justice, to the Federal Supreme Court. States organize their own judicial systems within the federal system and must adhere to basic constitutional principles. 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 a judge reviews the case, determines whether it should proceed, and, if so, assigns it to a state prosecutor who decides whether to issue an indictment. The law recognizes the competence of a jury to hear cases involving capital crimes. Judges try those accused of lesser crimes.

Defendants enjoy a presumption of innocence and have the rights to confront and question witnesses and to appeal. A large case backlog hindered the ability of appellate-level courts to ensure fair and expeditious trials.

While the law provides for the right to counsel, the Ministry of Justice estimated that 85 percent of prisoners could not afford an attorney. In such cases the court must furnish a public defender or private attorney at public expense. There were 752 public defenders in Rio de Janeiro State, a personnel deficit of 15 percent. The Public Ministry continued hiring public defenders, but deficits remained in all states.

In May a judicial assistant discovered that Valmir Romario de Almeida, accused of homicide, had spent 11 years in four prisons without being tried. De Almeida was freed 10 days after his situation came to light.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, but there were reports that police conducted searches without a warrant. Human rights groups, other NGOs, and the media reported frequent incidents of violent police invasions in shantytowns and poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants. 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.

From February to April, after three military police officers died, the police conducted a crackdown in Paraisopolis favela, Sao Paulo, using 400 officers, 100 vehicles, 20 horses, four dogs, and a helicopter to search the area repeatedly. One newspaper published interviews of residents who alleged warrantless searches, physical and verbal abuse, and destruction of personal property. The military police department stated that there was no proof of the allegations.

The Federal Police investigation into the alleged 2008 wiretapping of a telephone call between Senator Demostenes Torres and Supreme Court President Gilmar Mendes resulted in the exoneration of former intelligence agency director

Paulo Lacerda, whom the president had put on administrative leave in connection with the allegation. The investigation continued at year's end.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

Criminal as well as other elements, such as political party activists, continued to subject journalists to violence, sometimes specifically because of their professional activities (see also sections 1.a. and 1.c.).

The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press during the year ending in July. For example, on March 12, men accompanying the brother of the mayor of Sao Goncalo, Rio de Janeiro, attacked the reporting team of the newspaper *Extra* and destroyed its photographs. On April 15, Minas Gerais State police apprehended photo-journalist Nelson Batista of *O Tempo Betim* newspaper when he entered a forensic institute building to investigate information about seven bodies there in an advanced state of decomposition.

The ANJ regarded the most serious threat to press freedom to be the growing number of court decisions prohibiting the media from reporting on certain activities. The following examples pertained:

- On March 20, Judge Benedito Helder Afonso Ibiapina prohibited the newspaper *O Povo* from reporting on an illegal gaming case in Fortaleza, Ceara State.
- On July 31, Judge Marcio Reinaldo Miranda Braga barred the newspaper *A Tarde* in Salvador, Bahia State, from reporting about an investigation into the alleged sale of sentences by an appeals court judge.
- On July 31, Federal District Appeals Court Judge Dacio Vieira blocked the newspaper *O Estado de S. Paulo* and its associated Web site from reporting on the Federal Police investigation of alleged corruption by Fernando Sarney, the Senate president's son; the decision also prevented other media in the country from using or citing information already published by the newspaper. *O Estado de S. Paulo* succeeded on September 15 in having the judge removed due to a possible conflict of interest, but the reporting bar continued, so the newspaper appealed. On December 10, the Supreme Court dismissed the appeal on technical grounds, and on December 18, Fernando Sarney withdrew the original lawsuit. At year's end the newspaper remained under the reporting bar for a total of 153 days.

On April 30, the Supreme Court ruled that the entire press law dating from the 1964-85 military dictatorship, which had allowed lawsuits and prison sentences against journalists and media companies for allegedly causing moral damage, was incompatible with the constitution. On June 17, the Supreme Court found that requirements from the dictatorship era (for a journalism degree and registration with the Labor Ministry in order to practice journalism) were unconstitutional.

The three journalists in Rio de Janeiro who had their photographs of a mayoral candidate shaking hands with criminals deleted at gunpoint in 2008 were subsequently able to recover and publish the photos.

There were no developments in the killings of journalists highlighted in April 2008 by the Inter American Press Association, including the 2004 killing of radio commentator Jorge Lourenco dos Santos in Santana do Ipanema, Alagoas.

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. The International Telecommunication Union reported that Internet users increased to approximately 34 percent of the country's inhabitants in 2008.

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 constitution provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

In January police in Rio de Janeiro distributed to police stations and religious organizations an NGO-prepared *Guide to Combat Racism and Religious Intolerance (Freedom Manual)*. The state's legislature created a religious intolerance hotline in September 2008.

In March vandals threw an improvised explosive device at a Pentecostal church in Juiz de Fora, Minas Gerais, during a service, injuring a parishioner and damaging the building. At year's end the incident remained under investigation, with Ilan Lopes Afonso indicted for the crime but not arrested.

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.

According to the country's Jewish Confederation, there were approximately 125,000 Jewish residents, of whom approximately 65,000 were in Sao Paulo State and 40,000 in Rio de Janeiro State.

There were reports of violence against Jewish persons. Jewish community leaders expressed concern over the continued appearance on Web sites of anti-Semitic material compiled by neo-Nazi and "skinhead" groups. Police and Jewish Federation of Sao Paulo representatives stated that anti-Semitic Web sites and blogs continued to exist. The Jewish Federation of Sao Paulo reported cases of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail. Occasional anti-Semitic graffiti and anti-Semitic epithets directed at Orthodox Jews were also visible in some of Sao Paulo's traditionally Jewish neighborhoods.

At year's end there were no known developments in the 2005 case of 14 persons charged with attempted murder, gang formation, and racism for attacking three Jewish students in Porto Alegre, Rio Grande do Sul.

The Center for Promoting Islam in Latin America, located in Sao Bernardo do Campo, Sao Paulo State, reported frequent complaints during the year of verbal harassment of Muslim women wearing veils in public.

Practitioners of Afro-Brazilian religions like Umbanda and Candomble experienced discrimination in several states, especially Rio de Janeiro, but the NGO Commission to Combat Religious Intolerance in Rio de Janeiro reported that there were no government efforts at prevention during the year. According to the NGO, Afro-Brazilian religious practitioners were not permitted to visit hospitals or penitentiaries to provide religious assistance to patients or inmates, as were other religious practitioners, and the Rio de Janeiro State government had no office to provide effective assistance to victims of religious intolerance.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, although there were restrictions on entry into protected indigenous areas.

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

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 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On July 2, the president approved a law that allowed foreigners who arrived in the country illegally by February 1 to apply for a two-year temporary residency; at year's end, approximately 43,000 persons received amnesty under the new law. The largest group of beneficiaries, approximately 17,000, was from Bolivia.

According to the interministerial and interinstitutional National Committee for Refugees (CONARE), of the 4,240 recognized refugees from 75 different countries in the country as of October, the largest numbers were from Angola (1,688) and Colombia (598), two-thirds were women, and 418 were resettled in the country. In addition to officially recognized refugees, there were in 2008 approximately 17,500 de facto Colombian refugees in the country's Amazon region, according to the 2008 World Refugee Survey.

Of the approximately 600 persons that the UNHCR estimated fled to the country from the September 2008 conflict in Pando, Bolivia, CONARE reported that 118 asylum requests were approved.

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

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

Elections and Political Participation

In the 2006 national election generally considered free and fair, Workers' Party candidate Luiz Inacio Lula da Silva won a second four-year term as president.

Political parties operated without restriction or outside interference.

Women have full political rights. The law requires that 30 percent of the candidates registered by each political party must be women. There were nine women in the 81-member Senate and 44 women in the 513-member Chamber of Deputies. There were two women in the 36-member cabinet, two on the 11-member Federal Supreme Court, five on the 33-member Superior Court of Justice, and one on the 14-member Military Superior Court. Women occupied 11.2 percent of elected seats at the state level and 12.6 percent at the municipal level.

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

Section 4 Official Corruption and Government 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 continued to be a serious problem.

Media reports and statements circulated during the year alleging malfeasance, mismanagement, nepotism, and ethics violations involving current and former Senate presidents, other senators, staff, and family members. No formal investigation was underway at year's end (see section 2.a.)

On August 6, a Senate commission of inquiry began investigating allegations of tax and procurement fraud and embezzlement involving the state-controlled oil company Petrobras. In November senators from opposition parties withdrew their participation in the inquiry and claimed it was manipulated by the government majority. At year's end the inquiry continued.

In November videotapes became public of Federal District Governor Jose Roberto Arruda and several of his political allies in state government apparently receiving bribes in past years. At year's end the governor remained in office, and a Federal Police investigation continued.

There were no developments in the 2008 Federal Police investigation of alleged fraudulent public works contracts involving four members of the Chamber of Deputies, 119 cities, and the Comptroller General's Office.

There were also no developments in the 2008 Federal Police investigation into an alleged multiyear financial crimes scheme that included money laundering, tax evasion, conspiracy, and other crimes involving public funds.

The 2008 Federal Police investigation of Romero Menezes, executive director of the Federal Police and its second-ranking official, suspected of leaking information to his brother about a fraud investigation, continued at year's end. Authorities fired Romero Menezes in December 2008 from his executive directorship, and at year's end he was awaiting trial in a Para State court.

There were also no developments in the 2008 charging by the Public Ministry of 61 persons--including a former minister of mines and energy, two state governors, and two former state governors--allegedly involved in conspiracy to defraud the government through overpriced public works contracts.

During the year the Supreme Court continued to hear witnesses and collect evidence in cases from 2007 against 40 persons accused of illegal payments to legislators in exchange for support of government legislation.

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

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials often were cooperative and responsive to their views. Although federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems, human rights monitors occasionally were threatened and harassed--particularly by members of the state police--for their efforts to identify and take action against human rights abusers.

While most states had police ombudsmen, 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, and they issued no significant reports or recommendations during the year.

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

On December 21, President Lula issued a decree adopting the Third National Program of Human Rights, which called in part for a bill to be submitted to Congress by April 2010 creating a national truth commission to examine human rights violations during the 1964-85 period of military rule.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The federal government continued to operate a toll-free 24-hour nationwide hotline for women. According to annual hotline data recorded by the Special Secretariat of Policies for Women, approximately 30 percent of total calls were from Sao Paulo State. The number of calls received nationwide increased 33 percent compared with the same period in 2008, rising to 401,729. Of the complaints received, 40,857 concerned violence (physical, psychological, moral, sexual, and other), compared with 24,523 such complaints in 2008. Seventy percent of the callers reported being beaten daily, and 12.7 percent, weekly; the majority blamed domestic partners, who were commonly under the influence of alcohol or drugs. Approximately one-fourth of the women who used the hotline considered themselves mixed-race, were married, and/or attended high school; two-thirds were between the ages of 20 and 40.

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. Nationwide annual hotline data included 390 sexual-violence incidents within the total complaints of violence. From January to August, the Sao Paulo State Secretariat for Public Safety registered 1,998 rape cases, compared with 2,562 during the same period in 2008. There was no information available on the numbers of prosecutions or convictions for rape.

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

children; and 17 percent, because of fear for their lives. Fifty-six percent of those polled lacked confidence that the police or judicial system could protect an abused woman.

Domestic violence remained both widespread and underreported to the authorities. Of the domestic violence complaints registered through the hotline during the year, 52 percent were considered physical violence, and 22 percent were threats. For such cases the law increases the penalty from one to three years in prison and creates special courts. There was no information available on the numbers of prosecutions or convictions for domestic violence.

The federal government stimulated the creation of special courts for domestic and family violence, and according to the National Council of Justice in March, 22 of the 26 states plus the Federal District had such courts. For example, on January 22, Sao Paulo State installed its Special Court of Domestic and Family Violence against Women. The federal government also promoted capacity-building courses for judges.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women (DEAMs), for a total of 415 countrywide. The quality of services generally varied, and availability was particularly limited in isolated areas. For example, the north and northeast regions, which contained approximately 35 percent of the country's population, possessed only 24 percent of the country's DEAMs. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape (including treatment for HIV and other sexually transmitted diseases) as well as criminal prosecution assistance by investigating and forwarding evidence to courts. There were also 125 reference centers and 67 women's shelters.

In Rio de Janeiro, the city's Center for Studies on Women's Policies (CEPIP) 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. CEPIP operated one shelter (Cora Coralina) with capacity to assist 42 domestic violence victims. In addition to CEPIP, domestic violence victims could obtain assistance at the Center for Women's Support, an initiative of the Rio de Janeiro state government that offered a complaint hotline, shelters, and psychological and legal aid.

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.

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

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were generally available in urban, but not in rural, areas. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

There were no developments reported during the year in the case of Aline da Silva Pimentel, an Afro-Brazilian woman who died in late 2002 after complications of birth. Her primary emergency assistance occurred in a Belford Roxo municipal hospital, and she died in a Nova Iguacu hospital. In 2003 the victim's family filed a suit against the municipality of Belford Roxo and the state of Rio de Janeiro, seeking compensation for wrongful death. In 2008 a petition was filed on the victim's behalf before a UN committee, alleging that her access to emergency obstetric care was blocked and that therefore there was a violation of her rights under the Convention on the Elimination of Discrimination against Women.

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.

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

Children

Citizenship is derived from birth in the country or from a parent. According to the SEDH, approximately 12 percent of the children born in the country during the year were not registered, and an estimated total of 400,000 children did not have birth certificates. There were wide registration discrepancies between the more affluent states of the south and southeast and the poorer states of the north and northeast regions of the country. During the year the federal government launched a campaign to increase reported births and standardize certification, focusing on the north and northeast regions and on the more vulnerable and rural populations.

While the law prohibits subjecting any child or adolescent to negligence or abuse, such abuse was a major problem and included rape, molestation, and impregnation of girls by family members. From January to August, the SEDH-operated National Hotline of Sexual Abuse and Exploitation against Children and Adolescents registered 21,714 reports of abuse, approximately the same as for that period in 2008. Approximately 62 percent of the victims were girls; the usual complaints were negligence and sexual violence. Girls also suffered slightly more than boys from physical and psychological aggression. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

According to the NGO Children's Network to Combat Violence, which operated three centers in the Sao Paulo area, the number of reported cases of sexual abuse and physical aggression against children tripled from October 2008 to May 2009 due principally to a greater willingness to report. The centers, with 46 social workers, handled 457 abuse cases involving 380 families.

Child prostitution was a problem, with extreme poverty the primary contributor. The Federal Police continued to estimate that upward of 250,000 children were involved in prostitution. The law sets a minimum age for consensual sex of 14 years, with the penalty for statutory rape ranging between 8 and 15 years in prison. The national telephone hotline registered 27,159 reported cases of sexual exploitation of children and adolescents between January and November. A 2006 University of Brasilia study found that approximately one-fourth of the 1,514 tourist destinations frequented by citizens had an active sexual commercial market for children and adolescents and also found, in combination with the SEDH and the UN Children's Fund, commercial sex involving children and adolescents in approximately one-sixth of the country's 5,561 municipalities. The largest percentage of these cases occurred in the northeast, but all regions had reported incidents.

Trafficking in children for the purpose of sexual exploitation was a serious problem. The national hotline, established in coordination between the Federal Police and the Federal Highway Police, received 58 reports during the year of such trafficking, both domestically and internationally.

The Rio de Janeiro civil police identified eight hotels and restaurants involved in a child sexual exploitation network in two city areas. The newspaper *O Globo* reported in April that drug traffickers and corrupt police officers exploited children in 11 city areas; authorities indicted military police officers Ailton Neto and Manoel Costa for extorting children who engaged in prostitution to finance their drug addiction, but there were no developments in the case at year's end.

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

There were no known developments in the 2008 Federal Police investigation in Manaus into allegations that a foreign-owned travel company arranged fishing expeditions to the Amazon region that were actually sex tours for foreign pedophiles.

The 2007 investigation by the Human Rights Committee of the Chamber of Deputies ended in December 2008 with the conviction and sentencing of Alderman Roberto Alan de Souza Costa to 12 years in prison for the rape of a 13-year-old girl who was part of a child-prostitution network in Portel, Para State. The case against another alderman, Adson de Azevedo Mesquita, for sponsoring orgies involving adolescents, remained under investigation at year's end with no known developments and none expected. The network involved politicians, business operators, hotel owners, and taxi drivers in the city; child victims who denounced these crimes were threatened and forced into hiding along with their families. At year's end there was also no known information, and none was expected, in the case of the committee investigator killed in suspicious circumstances.

In January a judge released the four persons that authorities arrested in Taquara, Rio Grande do Sul, in 2007 and detained on suspicion of pedophilia and trafficking of children. The judge acted because, although the case remained open, he considered the time already served to have been excessive.

Although the country is not a large-scale producer of child pornography, such material spread during the year on social-networking Web sites. After a 2008 law criminalized the possession of child pornography, the Federal Police conducted in May an operation against child pornography online. There were no known developments after police officers filtered nearly 3,500 tips and carried out 92 search warrants in 20 states and the Federal District to inspect computers and seize illegal material. The penalty for possession of child pornography is up to four years in prison and a fine. Those who produce, reproduce, or offer for sale child pornography or recruit a child to participate in a pornographic production may be imprisoned up to eight years and fined.

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

the commercial sexual exploitation of children in the tourism industry, distributed public awareness campaign materials for display within tourism-related establishments, and continued to distribute awards to entities responsible for combating sexual exploitation of children within the industry. The Federal Highway Police and the International Labor Organization (ILO) published data on places such as gas stations, bars, restaurants, motels, and nightclubs along highways considered to be areas for sexual exploitation of children and adolescents.

In Rio de Janeiro city, the Secretariat for Social Assistance coordinated aid to street children and minors who were victims of sexual abuse and exploitation. According to the Rio de Janeiro Human Rights Center, the city maintained five centers that provided social services, counseling, and shelter, although the city discontinued its hotline for reporting cases of child sexual abuse and exploitation in January. The Sao Paulo city government continued to operate several programs for street children, including one that used rehabilitation and social reinsertion into other geographic areas to save the lives of adolescents condemned to death by drug traffickers.

Trafficking in Persons

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

Authorities continued to estimate that thousands of women and adolescents were trafficked annually from all parts of the country, both domestically and internationally, for commercial sexual exploitation. The government reported that trafficking routes existed in all states and the Federal District. The 2002 National Study on Trafficking in Women, Children, and Adolescents for Sexual Exploitation Purposes identified 241 international and national trafficking routes, but some study aspects were obsolete.

According to the National Justice Secretariat (SNJ), international sex trafficking victims were principally destined for Spain, the Netherlands, Venezuela, Italy, and Portugal; and international labor trafficking victims, for Bolivia and Paraguay.

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. 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--mostly Bolivians, Paraguayans, and Koreans--trafficked into the country to work in urban sweatshops, primarily in the city and state of Sao Paulo. Labor recruiters generally recruited laborers from small municipalities in the north and northeast and transported them 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 states 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 could 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 the Amazon.

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, or 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 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 victims. Trafficking in persons was linked to international networks of crime, including drugs, arms trafficking, and money laundering. Traffickers were predominantly citizens 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 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 statutes of limitation. 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 left the country with traffickers willingly. Fear of reprisals and lack of awareness of legal recourse also kept victims from seeking police intervention or testifying against traffickers. In addition, because trafficking in persons laws were relatively new in the country and not fully understood by many judicial officials, courts often misclassified such cases. As a result, there were few criminal convictions for trafficking.

Fifteen government ministries and cabinet-level secretariats were involved in implementing the national antitrafficking-in-persons plan, notably the SEDH and various agencies of the Ministries of Justice (including the Federal Police), Tourism, Social Development, and Labor and Employment. The Federal Highway Police were 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 SNJ, which was building a national database to track victim and trafficker data, antitrafficking offices in the states of Sao Paulo, Rio de Janeiro, Ceara, and Goias monitored domestic and international trafficking. From 2004 to early 2009, 45 accusations of enticement for trafficking of women were presented to the Public Ministry in Goias, and the Federal Police there conducted 32 joint operations with foreign police.

In January Federal Police arrested four citizens and a Swiss national involved in trafficking young women from Goias State to Switzerland. At year's end there were no known developments.

In March Spanish police rescued 28 women trafficked from Brazil to Barcelona, Spain, for prostitution. At year's end the investigation continued.

In July authorities charged two citizens and five foreigners in Tocantins State with trafficking women to Spain and Portugal and eight persons in Espirito Santo State with trafficking women to Europe. In the latter case, two of the arrests were in Italy and six were in Rio de Janeiro and Espirito Santo.

In August the Federal Police arrested 18 suspected members of a trafficking ring centered in Sao Paulo that allegedly supplied the luxury prostitution market in the United States, the Caribbean, and Europe with approximately 200 women a year.

There were 43 Federal Police investigations conducted into cases involving trafficking of persons during the year, compared with 89 investigations in 2008. Goiás Federal Court convicted five persons of international trafficking for the purpose of sexual exploitation in 2008. There were no known developments concerning the arrests of 14 individuals during 2008 for internal and international trafficking in persons in the states of São Paulo, Ceará, Mato Grosso, and Goiás, including the cases of six persons charged with international trafficking and conspiracy who at the end of 2008 were being tried in the Mato Grosso Federal Court.

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 financial 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 it trained workers at more than 600 centers 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, 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. Eighteen states have integrated into the SEDH-maintained national witness protection system, with another state in the process of integration. The federal government invested nearly 13 million reais (approximately \$7.5 million) into the witness program and brought 982 individuals under its protection during the year.

The SEDH conducted antitrafficking information campaigns. The SNJ continued to lead a government public awareness campaign to deter international traffickers and sensitize their potential victims to the dangers. São Paulo, Rio de Janeiro, and Pernambuco states and others carried out similar, statewide campaigns.

Labor organizations and NGOs continued to conduct prevention campaigns to supplement Federal Police and state civil police efforts.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the federal government effectively enforced these provisions. However, state governments failed to meet legally mandated targets for educational opportunities and work placement. While federal and state laws have provisions ensuring access to buildings for persons with disabilities, states did not have programs to enforce them effectively. For instance, while the São Paulo State labor code requires that meeting places for more than 100 persons or other facilities for 600 persons or more provide modified entrances and other accommodations for persons with disabilities, such persons had continued difficulty in securing necessary accommodations.

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

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 the population, were significantly underrepresented in the government, professional positions, and the middle and upper classes. They experienced a higher rate of unemployment and earned average wages approximately half those of a white person. There was also a sizeable racial education gap.

In 2008 in a government report to the UN, the SEDH acknowledged the existence of racism in the country but stated that the government took and was taking affirmative actions to reduce it, including university admission quotas for Afro-descendants.

Sixty-eight universities maintained affirmative action programs, including major public universities in the Federal District and the states of Sao Paulo, Rio de Janeiro, Parana, Mato Grosso, Minas Gerais, Espirito Santo, and Bahia. For instance, the University of Brasilia admitted 3,275 self-declared students of color during the year using a quota. According to a study from Rio de Janeiro Federal University released in 2008, approximately half the public federal and state universities had a quota system or an exam bonus.

Indigenous People

The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. Although many problems existed, the government continued to make limited progress in securing these rights. The law provides indigenous persons with 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 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 persons had only limited participation in decisions taken by the government affecting their land, cultures, traditions, and allocation of national resources.

The National Indigenous Foundation (FUNAI) estimated that there were more than 500,000 indigenous persons in 225 societies on indigenous lands and an additional 100,000 to 190,000 indigenous persons living outside these areas, including in urban environments. In October *O Estado de S. Paulo* newspaper reported an estimated 150,000 indigenous voters in the country and marked a trend of increased indigenous political representation including five mayors and 90 city council members.

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

While the 1988 constitution charged the federal government with demarcating indigenous areas within five years, the government has not completed the process's four phases (identification, declaration, approval, and registration).

In a landmark ruling on March 19, the Supreme Court upheld the demarcation of the large Raposa Serra do Sul reserve in Roraima State as contiguous indigenous territory, ordered the removal of nonindigenous rice farmers from the land, and articulated 19 conditions governing the exercise of state power relative to indigenous lands. The court rejected the view that the reservation threatened the development or security of the state and endorsed the federal executive branch's view. Confrontations between indigenous persons and rice farmers in the reserve in 2008 had resulted in the wounding of 10 indigenous persons.

A law enacted in June allows the transfer of properties in the Amazon region to those who occupied them prior to December 2004 and whose occupation was peaceful.

In an August report, a UN Human Rights Council special rapporteur noted the absence of an effective mechanism for consultation with indigenous persons on the planning of major development projects, such as highway and dam construction and large-scale mining. The special rapporteur also criticized the government for failure to protect the land from outsiders and for inadequate attention to the health care and educational needs of the indigenous population, although the report noted the government's creation of 34 Special Indigenous Health Districts to provide a network of services adapted to indigenous community needs.

In October the Ministry of Justice decreed recognition of the boundaries of Guyraroka indigenous land, belonging to the Guarani-Kaiowa tribe in Mato Grosso do Sul State, after more than 10 years of dispute.

On December 21, the president decreed tracts of land, mainly in the Amazon region and totaling approximately 19,300 square miles, as indigenous reserves. Farmers in Mato Grosso do Sul challenged the decree's constitutionality, and on December 29, the Supreme Court president suspended it with respect to a nonindigenous farm in that state until the court can decide the merits of the case.

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. Tensions were particularly acute in Mato Grosso do Sul State, where denial of access to traditional lands, extreme poverty, and related social ills led to high rates of infant mortality and violence, including murder and suicide. In January six members of the Guarani-Kaiowa tribe in Mato Grosso do Sul State committed suicide; there were no known developments at year's end regarding the resultant civil police investigation.

On February 12, approximately 25 civil police raided the Guarani-Kaiowa village of Passo Piraju, Mato Grosso do Sul State, and detained four tribe members accused of receiving stolen goods, illegally possessing a weapon, and forming a criminal gang. According to residents, the police kicked down house doors, damaged homes and the school, and took money and household goods. In September a court set two of the accused free because of undue delay in the legal process.

In June the Federal Police allegedly abused five Tupinabas in Ilheus, Bahia, to force their confession to a murder involving a land dispute with a nonindigenous rancher. A Federal Police investigation into their complaint was pending at year's end (see section 1.c.).

On September 18, a group of 10 men attacked the Guarani-Kaiowa community Apyka'y, shot and injured one tribe member, and burned several shelters. Four days earlier, shelters in a nearby Guarani-Kaiowa community were burned. At year's end there were no known developments in the resultant Public Ministry investigation into both incidents.

According to the Indigenous Missionary Council, 60 indigenous persons were killed during 2008.

There were no developments in the Mato Grosso do Sul civil police investigation into the suicides of 34 members of the Guarani-Kaiowa tribe in 2008.

At year's end there were no known developments in the police investigation of the 2007 killing of indigenous leader Ortiz Lopes in Mato Grosso do Sul State.

The precarious health situation of indigenous groups continued in many states. Malnutrition, dengue, malaria, hepatitis, tuberculosis, and parasites were among frequent ailments and principal causes of death, according to the UN special

rapporteur. Indigenous women suffered disproportionately from cervical cancer. Complaints continued regarding poor transportation for bringing doctors to communities and taking patients to hospitals. The Ministry of Health created a Special Secretariat for Indigenous Health in 2008 to improve the provision of health services to indigenous communities. It tasked a working group, composed of FUNAI and National Health Foundation specialists, to identify and train community members as health agents. For example, in Mato Grosso do Sul, authorities designated 28 indigenous persons for training focused on respiratory illness and diarrhea.

There were no reported developments regarding either the Vale do Rio Doce Company appeal of the September 2008 Para State Federal Court decision to reinstitute monthly payments to Xikrin tribal groups or the related Public Ministry civil case, both of which remained pending at year's end.

Created in April 2008, the National Commission on Indigenous Policies--consisting of representatives from indigenous tribes, civil society groups, and numerous government entities--examined ways to improve government policies and the provision of health services to indigenous persons and to incorporate indigenous concerns into the federal government's anticrime plan. In October the commission met in Rio Branco, Acre, to discuss the state's indigenous political issues and mineral exploration in the Cinta Larga indigenous land.

According to the Ministry of Education, 20 state and federal universities continued to reserve entrance slots for indigenous persons. The number of indigenous university students, almost 5,000 or approximately 1 percent of total university students, remained unchanged.

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

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

Between January and September, the NGO Bahia Gay Group received 115 reports of killings in the country based on sexual orientation and gender identity, a decrease from 186 during the same period in 2008. Gay men were the most affected group, followed by transvestites and lesbians. During the year Parana State had the most cases of killings of gay men (19), followed by the states of Bahia (18) and Sao Paulo (10). Activist groups claimed that violence against gay, lesbian, and transgender persons and, in particular, transvestites was underreported (see also section 1.a.). Boys perceived to be effeminate were trafficked within the country and abroad to work as transvestite prostitutes. Police routinely harassed transvestite prostitutes.

Rio de Janeiro's program "Rio without Homophobia"--created in May 2008 to replicate a national program aimed at providing assistance to the homosexual community--remained under development.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. Unions that represent workers in the same geographical area and professional category may contest registration, in which case the

MTE Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found valid, the MTE does not register the union. Union organizers may challenge this decision in labor courts.

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

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

The Single Central Organization of Workers estimated that 20 to 25 percent of workers were unionized. Most informal sector workers, including self-employed workers and those not formally registered with the MTE, fell outside the official union structure; they therefore did not enjoy union representation and usually were unable to exercise their labor rights fully. According to government statistics, the informal sector accounted in 2008 for approximately 38 percent of the labor force; in agriculture 70 percent of workers were unregistered.

Intimidation and killings of rural union organizers and their agents continued. The Catholic Church's Pastoral Land Commission reported that violence in rural areas victimized labor leaders, with most perpetrators enjoying impunity (see section 1.a.).

On August 23, two masked men shot and wounded Elio Neves, president of the Federation of Rural Salaried Employees of Sao Paulo State and known for his representation of sugarcane workers, in Riberão Bonito, Sao Paulo. At year's end there were no arrests.

There were no developments in the August 2008 attempted killing of Transport Workers' Union leader Joinville Frota in Amapá State, reportedly during a dispute between the union and two transport companies.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters. The civil police are allowed to conduct strikes, and workers exercised this right in practice. The Inspectorate General of Military Police is responsible for monitoring compliance with laws and regulations concerning the military police and the firefighter corps of the states. For the excepted individuals, an internal administrative process is provided for handling grievances, ensuring due process, and protecting worker rights. It is hierarchical and varies by state. For example, in the Military Police of Sao Paulo, an officer must direct his/her complaint to an immediate supervisor within five days of becoming aware of the act motivating the complaint, a decision is required in the following 10 days, and an appeal is possible. If the issue concerns discipline, a Council of Discipline composed of three active-duty officers is required to rule within 15 days of submissions from both sides.

The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided that the strike is not ruled abusive. In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

b. The Right to Organize and Bargain Collectively

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

The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. The ILO Committee of Experts has called for this provision's repeal. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation has never been enacted.

The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions and requires employers to reinstate workers fired for union activity; however, authorities at times did not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow and cumbersome, averaging six years for resolution. Parties generally agreed that when ultimately resolved, cases were decided fairly and on their merits. 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.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits "reducing someone to a condition analogous to slavery." The concept of slave labor includes not only forced and compulsory labor but also extremely arduous labor and labor performed in degrading working conditions. Such labor, including by children, occurred in many states, most commonly in activities such as forest clearing to provide cattle pastureland, logging, charcoal production, raising livestock, and agriculture, particularly harvesting sugarcane. 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 laborers at any given time during the year, with some NGOs estimating the number as high as 100,000 without supporting empirical data. According to the MTE, there were 29 slave labor cases against employers in the early stages of federal labor court trial at year's end.

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

Violators of forced or compulsory labor laws 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 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.

However, there were the following notable cases:

- On March 5, a federal judge in Maraba, Para State, convicted 27 persons on slave labor charges; imposed sentences ranging from three years and four months to 10 years and six months in prison, plus fines; and acquitted eight persons. The defendants were landowners in the southern and southeastern regions of the state, property managers, and labor recruiters.
- On October 2, a judge convicted and sentenced to 23 years in prison Moises Cespedes Cossio, an apparel manufacturer in Sao Paulo, for slave labor, facilitating the illegal entry of foreigners into the country, and kidnapping. According to court testimony, Cossio seized the passports of his Bolivian workers and threatened them if they tried to escape. Police discovered the slave labor situation in his factory after he held one young worker for ransom.
- On November 11, a judge convicted the former vice mayor of Moju, Para State (Altino Coelho Miranda) and his son (Altino Freitas Miranda) for having 15 workers, including one below age 18, in conditions analogous to slavery on their palm-oil plantation. The judge sentenced the father to nine years in prison and the son to seven years and six months in prison and fined both.
- On November 18, a judge convicted Eduardo Dall Magro, owner of a rice and soy plantation in Ribeiro Goncalves, Piaui State, for having 21 workers in conditions analogous to slavery and sentenced him to three years and four months in prison, and also sentenced his farm manager to two years and eight months in prison and his labor recruiter to three years' imprisonment. All three were also fined and, at year's end, were free pending appeal.

The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to workers, and placing the names of violators on a "dirty list" that is published every six months on the Internet. Each listed employer is reviewed after two years to determine if the irregularities identified have been corrected, in which case the employer is removed from the list. Although the decree that created the list does not prohibit granting credit to listed persons or companies, the Ministry of National Integration recommends denying financing and other assistance to violators, and some financial institutions decide to do so on their own initiative. The Bank of Brazil denied credit to landowners using slave 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, or obtain access to governmental loans.

In December the MTE reported in its semiannual "dirty list" 165 employers in 17 states who used their workforce in conditions analogous to slave labor. In one case involving the world's largest sugarcane producer, its listing generated legal action that continued at year's end.

During the year the MTE's Mobile Inspection Unit freed 3,571 slave laborers in 141 operations on 324 properties. Payments of indemnities to the workers totaled approximately 5.6 million reais (\$3.2 million).

The 2008 slave labor case against a cacao plantation employer in Placas, Para, remained unresolved as a federal labor court continued to determine civil penalties.

At year's end there were no known developments concerning penalties in a 2006 case in which authorities arrested landowners in Goias State suspected of labor abuse and environmental crimes in making charcoal from illegally felled, protected-area timber.

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. Federal Police accompanied mobile unit inspectors on raids to provide protection. Mobile teams levied fines on estate owners who used forced labor and required employers to provide back pay and benefits to workers before

returning the workers to their municipalities of origin. Although mobile units enjoyed some success in freeing those working in slave-like conditions, inspectors faced resistance and often worked under dangerous conditions.

The National Pact for the Eradication of Slave Labor included more than 200 companies and NGOs with a public commitment to restrict economic relations with anyone who uses slave labor. The NGOs Social Observatory Institute, ETHOS Institute, and Reporter Brasil monitored the actions to combat forced labor implemented by those who signed the pact.

d. Prohibition of Child Labor and Minimum Age for Employment

Although child labor is prohibited, it continued to be a widespread problem, particularly in homes and the informal sector. Children were found working on cotton, manioc, pineapple, rice, and tobacco farms. The government's Applied Economic Research Institute data showed that there were 1.7 million children between the ages of five and 14 (approximately 5 percent of the total) who worked in the country's economy in 2008. According to the National Household Survey conducted by the Brazilian Institute of Geography and Statistics (IBGE), the number of children between the ages of five and 17 working in the economy fell from 8.4 million in 1992 to 4.5 million in 2008. In a report released in December, the ILO recognized the country's government and civil society for their comprehensive efforts aimed at preventing and eliminating child labor. The government continued to cooperate with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.

The minimum working age is 16 years, and apprenticeships may begin at age 14. The law bars all minors under age 18 from work that constitutes a physical strain or that occurs in nocturnal, unhealthy, dangerous, or morally harmful conditions; however, authorities rarely enforced additional legal restrictions intended to protect working minors under age 18. The law requires parental permission for minors to work as apprentices, and apprentices must attend school through the primary grades. Inspectors may punish violators of child labor laws by drawing up infringement assessments and issuing fines.

Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas, and two-thirds were boys. The ILO estimated that approximately 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. Children were involved in livestock and sugarcane raising and the production of ceramics, bricks, charcoal, sisal, and footwear. They suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection.

The MTE is responsible for inspecting worksites to enforce child labor laws; its regional offices have special groups to enforce child labor laws, principally by gathering data and developing plans for child labor inspection. Nonetheless, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors continued to prioritize inspections in the informal sector, but they remained unable to enter private homes and farms, where much of the nation's child labor was found. The MTE reported that from January to December, inspectors found 4,788 children under age 16 working illegally, a 19 percent decrease compared with 2008. In most cases inspectors reportedly attempted to reach agreements and convince employers to desist from labor law violations before levying fines of 402 reais (approximately \$230) per violation up to a maximum fine of 2,013 reais (approximately \$1,150); the fine doubles for a second violation and triples for a third. In practice few employers were fined for employing children.

In September police uncovered forced and child labor on a lime farm in Cabreúva, São Paulo State. One child claimed to earn two reais (approximately \$1.15) daily, and another reported not being paid in months and subsisting on food from neighbors. Authorities removed 30 children from the property; no arrests were reported.

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 with state and local authorities. Through PETI, families with children seven to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school, and the children may participate in after-school programs that provide nutritional snacks, sports, art, and cultural activities. Through the Social Development Ministry, the Bolsa Família program provided a monthly stipend to low-income families that keep their children up to age 17 in school and meet certain child-health requirements.

The NGO 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, and the organizations that defended children and family rights.

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

e. Acceptable Conditions of Work

The government adjusts the minimum wage annually through a provisional measure from the president, citing a percentage increase for inclusion in the annual budget based on consultations among the Ministries of Finance and Social Security, Congress, and the presidency (but not with workers or employers). In February the minimum wage increased to 465 reais (approximately \$267) per month. The IBGE estimated that approximately 26 percent of workers earned the minimum wage or less in 2008. 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 the Federal Labor Prosecutor's Office, an independent agency responsible for prosecuting labor infractions. However, the government devoted insufficient resources for adequate inspection and enforcement of standards.

Unsafe working conditions were prevalent throughout the country. There were no figures available on workplace accidents during the year. According to data from the Ministry of Social Security, the government granted benefits to 28,819 persons for work-related accidents from January to November. 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.