



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

BRAZIL

28 JANUARY 2009

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Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Brazil has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 1 January 2009. It was issued on 28 January 2009.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Brazil is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- vii The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Background information on Brazil

Full Country Name: Federative Republic of Brazil (US State Department Background Note, Brazil, updated January 2009) [2c]

Area: 8,547,403 sq. km

Population: 189.6 million (2008 estimate)

Capital City: Brasilia

Language: Portuguese

Religion(s): Roman Catholic (73.6%), Pentecostal (15.4%), Animist (1.4%)

Currency: Real

Major Political Parties: Following the elections in 2002, the Worker's Party (PT) became the largest party in Congress. It formed a coalition with some 10 other parties, giving it loose control of an overall majority in both chambers. However, in the 2006 elections the PT fell short of a majority in both the Chamber of Deputies and the Senate. The PT is a broad left party with close links to the trade union movement. The main opposition parties are the centre-left Social Democratic Party (PSDB), and the centre-right Democrats Party (DEM), formerly known as the Liberal Front Party (PFL).

Government: Brazil is a Federal Republic consisting of 26 States and the Federal District. States have considerable autonomy, being responsible for such issues as security and education. The President is both Head of State and Leader of the Government. Elections for President and Congress take place every 4 years.

Legislature: The 1988 Constitution provides for an elective bicameral Congress consisting of a Federal Senate (81 seats) and a Chamber of Deputies (513 seats).

Head of State: President Luiz Inacio Lula da Silva

Foreign Minister: Ambassador Celso Amorim

Membership of International Groupings/Organisations: United Nations, Organisation of American States, Mercosul, World Trade Organisation, G77, ALADI (Latin American Integration Association), Rio Group, ECLAC (UN Economic Mission for Latin America and the Caribbean), South American Community of Nations. (Foreign and Commonwealth Office Country (FCO) Profile, last reviewed January 2009) [4a]

GEOGRAPHY

The FCO Country Profile, last reviewed January 2009, recorded:

"Brazil is the fifth largest country in the world. It is framed by 2 of the world's largest river systems: the Amazon in the North, and Parana in the South. The Amazon basin covers some 60% of Brazil's surface, and holds 20% of the world's fresh water supply. It has the world's largest rain forest but also includes savannah and wetlands. Like the Amazon, the Parana flows through several neighbouring countries. It drains the world's largest swampland, the Pantanal in West-Central Brazil. The Brazilian Highlands form the rest of the country, except for a coastal strip some 9,000 km long. Brazil contains a number of climatic zones from the Amazon region where the temperature averages 27 degrees centigrade, to the dry Northeast where temperatures can exceed 40 degrees centigrade, to the south near Uruguay where average temperatures are 17-19 degrees centigrade." [4a]

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MAP



[19] Perry-Castaneda Library Map Collection, map of Brazil
http://www.lib.utexas.edu/maps/americas/brazil_rel94.pdf

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RECENT HISTORY

The Freedom House, 'Freedom in the World 2008 Country Report on Brazil (Freedom House Report 2008), released 2 July 2008, stated that:

"After gaining independence from Portugal in 1822, Brazil retained a monarchical system until a republic was established in 1889. Democratic governance was interrupted by long periods of authoritarian rule, especially under the military regime that was in control from 1964 to 1985, after which elected civilian rule was re-established. Democracy in Brazil then gradually took root, with peaceful transitions between democratically elected administrations. However, civilian rule has been marred by frequent corruption scandals. One scandal eventually led Congress in 1992 to impeach President Fernando Collor de Mello, who had been elected in 1989."

The same Freedom House Report 2008 further noted:

"[Fernando Henrique] Cardoso won the presidency in October (of 1994), and in 1995 he initiated the hugely successful 'real plan' – a currency-stabilization program that included fiscal reform, privatization of state enterprises, and a new currency pegged to the U.S. dollar. He also ushered in a new era of dialogue with international human rights and good governance-groups. His popular tenure in office allowed him to secure a constitutional amendment permitting presidential reelection. In 1998, Cardoso handily won a second term in rematch against his 1994 opponent, former labor leader and political prisoner Luiz Inacio 'Lula' da Silva, of the left-leaning Workers' Party (PT)."

The Freedom House Report 2008 continued:

"Da Silva ran for president for the fourth time in 2002, attacking the effects of globalization on the poor and Brazil's high levels of foreign debt and unemployment. Da Silva received more votes than any presidential candidate in Brazilian history...Amid high expectations as Brazil's first leftist leader, da Silva began his presidential term in January 2003 by promising orthodox economic policies and meaningful social programs. He was able to maintain a stable economy while also preserving cordial relations with the United States, and quickly established himself as one of the world's foremost voices for developing nations...Da Silva also continued Brazil's internationally recognized public health campaign; over the previous decade, it had stabilized the country's HIV/AIDS epidemic, which affected an estimated 600,000 Brazilians."

The Freedom House Report 2008 also stated:

"Beginning in 2004, evidence of pervasive government corruption was uncovered, and successive corruption scandals continued to consume the legislative agenda and taint both the da Silva administration and Brazil's global image in 2007...Da Silva was reelected with a comfortable margin in the October 2006 presidential runoff, principally as a result of his popularity among the working-class Brazilians. In spite of the fact that the legislature was widely seen as the most corrupt in Brazil's history, the PT did not suffer electoral losses in Congress, and Lula continues to enjoy record popularity levels. Yet aside from an economic growth acceleration program (PAC) announced in January 2007, Lula has not advanced other structural reforms." [26a]

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RECENT EVENTS AND POLITICAL DEVELOPMENTS

The BBC Timeline, updated 4 December 2008, recorded the following events in 2008:

“May – Environment minister Marina Silva resigns, after conflicts with the government over Amazon development

July – A congressional commission rejects a bid to legalise abortion in the world’s most populous Catholic nation

August – Government launches scheme offering cash payments and immunity for illegal weapons, in an effort to get 300,000 guns off the streets

September – President Lula suspends intelligence chiefs amid allegations their agencies spied on officials, politicians and judges

October – Brazil turns down an invitation from Iran to join the international oil cartel, Opec

November – Floods in southern state of Santa Catarina kill 84 people and force 54,000 from their homes.” [7b]

A BBC News item of 9 September 2008, “Brazil oil boom ‘to end poverty’ ”, noted that President Luiz da Silva vowed “Brazil will use revenue from newly discovered offshore oil fields to eradicate poverty. In a TV address, President Lula said Brazil would not squander the money but invest in technology and education. The exact scale of the deepwater fields, discovered last year, is not known but President Lula believes they could triple Brazil’s reserves...It was not clear how many millions of barrels the reserves of oil and gas contained but they would make Brazil one of the biggest producers in the world, the president said.” [7e]

Another BBC News item of 6 October 2008, “Brazil poll result mixed for Lula”, stated that “Brazil’s local elections have brought mixed results for President Luiz Inacio Lula da Silva’s Workers’ Party. Almost 130 million Brazilian voters went to the polls on Sunday to elect mayors and councillors. The Workers’ Party won mayoral votes in six out of 27 regional capitals but did worse than expected in Brazil’s biggest city, Sao Paulo. The elections are seen as an indicator of who may succeed president Lula when he steps down in 2010. Brazilians voted amid heavy security, with more than 5,000 soldiers joining 27,000 police in Rio de Janeiro to ensure that militias and drug gangs did not influence the ballot.” [7d]

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ECONOMY

GDP: US\$ 1, 314 trillion (2007 est.)

GDP per head: US\$ 9,500 (2007 est.)

Annual Growth: 5.4% (2007 est.)

Inflation: 3.7% (2007 est.)

Major Industries: textiles, shoes, chemicals, cement, lumber, iron ore, tin, steel, aircraft, motor vehicles and parts, other machinery and equipment

Major trading partners: US 14.1%, China 9.5%, Argentina 8.3%, Germany 4.4%, Netherlands 4.3% [10a] (Central Intelligence Agency (CIA) World Factbook, updated 4 December 2008)

Exchange rate: £1 = 3.46830 Brazilian Real (as at 13 November 2008) US\$1= 2.26689 Brazilian Real. (Oanda.com, FX Converter, Currency Converter, 13 November 2008) [1]

On the economy of Brazil, the FCO Country Profile, last reviewed January 2009, stated:

“Brazil has the tenth-largest economy in the world. It is a diversified middle income economy, but with wide variations in development levels. Most large industry is agglomerated in the South and Southeast. The Northeast is the poorest region of Brazil, but it is beginning to attract new investment. Brazil has a history of economic boom and bust, where high inflation and foreign debt have hampered its development. Economic reforms in the 1990s, however, helped to bring stability to the country’s finances. These reforms included the launch of a new currency (the Real) to tackle inflation, an extensive programme of privatisation and a focus on fiscal discipline...Investment has historically been low but the Government’s Accelerated Growth Plan (PAC), launched in January 2007, aims to rectify this..” [4a]

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HUMAN RIGHTS

OVERVIEW

The US State Department (USSD) 2007 Country Report on Human Rights Practices, published 11 March 2008, recorded that:

“The federal government generally respected the human rights of its citizens; however, there continued to be numerous serious abuses, and the record of several state governments was poor. The following human rights problems were reported: unlawful killings, excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; harsh prison conditions; prolonged pretrial detention and inordinate delays of trials; reluctance to prosecute as well as inefficiency in prosecuting government officials for corruption; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous peoples and minorities; failure to enforce labor laws; widespread forced labor; and child

labor in the informal sector. In several cases human rights violators enjoyed impunity for crimes committed.” [2a]

Amnesty International’s 2008 Annual Report, published 28 May 2008, covering events from January to December 2007, expressed particular concern in Brazil over high levels of violence from both organized criminal gangs and the police; overcrowded and underfunded prisons; forced labour; violence against women; land disputes; and impunity of violators of human rights. [11a]

The Freedom House 2008 World Report, reporting on civil and political rights generally, noted that Brazil is:

- ♦ An electoral democracy. The October 2006 elections were free and fair. Brazilians are able to form their own political parties.
- ♦ Corruption was a serious and seemingly growing problem in Brazil, though some attempts were being made to address this.
- ♦ Freedom of expression was guaranteed in law but journalists were frequently the target of attacks. The government did not impose restrictions on use of the internet, nor did it restrict academic freedom.
- ♦ The constitution guaranteed freedom of religion and the government generally respected this right in practice.
- ♦ The rights of freedom of association and assembly were generally respected, as was the right to strike.
- ♦ The country’s largely independent but weak judiciary was overburdened, plagued by chronic corruption and virtually powerless in the face of organized crime. Because the judiciary used its independence above all to resist change, there had been less progress in judicial reform in Brazil than in any other large country of the region.
- ♦ Despite the creation of a law aimed at reducing violence against women in 2006, violence against women and children remained a common problem and protective laws were rarely enforced. [26a]

INDIGENOUS PEOPLE’S RIGHTS AND MOVEMENTS

Minority Rights Group International, in its State of the World’s Minorities 2008 report, published 11 March 2008, stated:

“According to official government figures Brazil’s indigenous population numbers close to 460,000 and belong to 225 ‘nations’. In 2007 more than half continued to live in poverty in communities where traditional ways of life are increasingly threatened by land development, agricultural expansion and mining.

“The National Foundation for Indigenous Peoples (FUNAI), a government agency, reports that Brazil’s indigenous people continue to face disease and poor health care, loss of native culture and recurring incursions, especially in rainforest regions.

“Since 1988 Brazil has set aside roughly 12.5 per cent of the country’s total land area and 26.4 per cent of the Amazon basin for the indigenous population. However, there was continued evidence in 2007 of eroding government concern over indigenous land rights.” [21b]

It was reported in the US State Department 2007 Country Report on Human Rights in Brazil, published on 11 March 2008, that:

“According to the Indigenous Missionary Council (CIMI), 76 indigenous persons were killed during the year [2007], compared with 40 in 2006. This represented the highest number in almost 30 years. Of those killed, 48 were members of the Guarani-Kaiowa tribe in Mato Grosso do Sul State.” [2a]

Amnesty International’s (AI) 2008 Annual Report, published in May 2008, stated “The state of Mato Grosso do Sul remained the focal point for violence against Indigenous Peoples.”

The same AI report recorded:

“In June [2007], the Indigenous leader Ortiz Lopes was shot dead in his house in Coronel Sapucaia. As the gunman opened fire, he reportedly told Ortiz Lopes that he had been sent by the farmers to settle a score. An active defender of Guarani-Kaiowa land rights, Ortiz Lopes had previously received death threats.

“In August [2007], the federal government announced its decision to declare 11,009 hectares in the region of Aracruz, Espirito Santo State, Indigenous land. The ruling followed a long-running dispute between the Tupinikim and Guarani Peoples and a paper pulping company.” [11a]

“The Brazilian Supreme Court’s vote in favour of the Raposa Serra do Sol reservation is a victory for all Indigenous Peoples in the country”, according to an Amnesty International report of 12 December 2008, ‘Brazil: Supreme Court vindicates indigenous land rights’.

This report continued:

“However, the organization [Amnesty International] warned that delays in delivering a final ruling on the case - scheduled for next year - means that large-scale rice farmers, who are illegally operating on the reservation will not be immediately evicted... In the past rice growers have used violence against the indigenous peoples who live on the Raposa do Sol reservation. In May 2008 masked men threw petrol bombs and fired shots, injuring 10 Indigenous People. More recently, there have been further reports of petrol bomb attacks, as well as sightings of men on motorcycles riding close to indigenous areas and firing shots into the air.

The report added:

“Eight out of eleven Supreme Court judges voted to maintain the original demarcation of the Reposa (sic) Serra do Sol indigenous reservation as a single, continuous area, after state politicians and local farmers challenged the constitutionality of the reservation. The vote is a milestone in the thirty year battle of the Makuxi, Wapixana, Ingariko, Taurepang and Patamona Indigenous Peoples for the recognition of their right to their ancestral lands.

The same report provided the following background information:

“Raposa Serra do Sol is a 1.7 million hectare indigenous reservation on the frontier between Brazil and Guyana/Venezuela, home to 20,000 indigenous people, the majority of them Macaxi. The reservation was decreed by President Lula in April 2005,

ending a thirty year struggle for the recognition of the lands. During that period, at least twenty indigenous people were killed, hundreds more beaten and their homes and livestock destroyed by local landowners, settlers and members of the military police. The state government continues to oppose the process of demarcation, supporting illegal settlements in the area and rice farmers who, despite an earlier offer of compensation to leave the area, have illegally maintained their operations on indigenous land. Army officials have also criticised the existence of the reservation on the grounds that it is a threat to national sovereignty. In April, the Supreme Court suspended a federal police operation to evict the rice farmers pending a ruling on an appeal against the ratification process brought by the state government and federal deputies. In August, the Supreme Court hearing was adjourned after one of the judges requested time for further consideration.” [11d]

POLITICAL RIGHTS

The USSD 2007 Report on Human Rights Practices stated:

“The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Military conscripts may not vote...Political parties operated without restriction or outside interference.

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

“There were 17 self-identified Afro-Brazilians among the 594 members of Congress, according to the Black Parliamentary Center. There were three self-identified Afro-Brazilians in the cabinet and one on the Federal Supreme Court.” [2a](section 3)

PRISON CONDITIONS

The Freedom House, “Freedom in the World Report 2008”, published in July 2008, noted that:

“The prison system in Brazil is anarchic, overcrowded, and largely unfit for human habitation. Over 400,000 people are incarcerated in Brazil, despite the official prison capacity of 234,000. Human rights groups charge that torture and other inhumane treatment common to most of the country’s detention centers turn petty thieves into hardened criminals.” [26a]

The USSD 2007 Report on Human Rights Practices stated:

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

The same report continued:

“Overcrowding, poor conditions, prisoner riots, drug abuse, and accusations of sexual abuse and torture, continued to pervade Sao Paulo’s juvenile detention system. There were no reports that the abuses and poor health and sanitary conditions in juvenile detention centers in Rio de Janeiro State improved.

“According to the Prosecutor’s Office for the Defense of Children and Youth, the police stations of the Federal District that deal with issues related to children and adolescents did not meet the requirements and recommendations established by the National Socio-Educational System and the Statute of the Child and Adolescent.” [2a](section 1c)

The Amnesty International 2008 Annual Report stated that:

“Severe overcrowding, poor sanitary conditions, gang violence and riots continued to blight the prison system. Ill-treatment and torture were commonplace.”

The same AI report continued:

“In August, 25 inmates were burned to death in the Ponte Nova in Minas Gerias after factional fighting.

“In Espirito Santo State, amid accusations of torture and ill-treatment, the government barred the State Human Rights Council, an officially mandated body which under state law has the power to monitor the prison system, from entering prison cells.

“More than 20 people died in the Anibal Bruno prison, Pernambuco State in 2007. The prison, which was chronically understaffed and housed more than three times the number of prisoners it was designed to hold, has long been the subject of allegations of torture and ill-treatment.” [11a]

The USSD 2007 Country Report on Human Rights Practices in Brazil reported:

“In November in Abaetetuba, Para, a 15 year old girl was held for a month in a police cell with at least 20 men who repeatedly abused her sexually. Women’s rights groups stated that this was not an isolated case. The Para governor and the country’s president condemned police actions in this case. The National Justice Council began an investigation into possible negligence by the Para judicial system, and Congress created a committee to investigate prisons throughout the country. The girl and her father were placed in a witness protection program due to fears of retribution by police involved in the case.” [2a](section 1c)

COMBATING CRIME

The Amnesty International Annual Human Rights Report 2008, published in May 2008, recorded:

“Poor communities remained trapped between criminal gangs which dominated the areas in which they lived and the violent and discriminatory methods used by police. As a result, many living in such communities experienced entrenched social and economic deprivation.

“The federal and state governments’ responses to criminal violence were mixed. The federal government introduced the National and Public Security and Citizenship

Programme (Programa Nacional de Seguranca Publica com Cidadania, PRONASCI) which focuses on crime prevention, social inclusion, rehabilitation of prisoners and improved salaries for police officers. However, despite extensive reports of human rights violations by police, President Lula and leading members of his administration publicly supported certain high-profile militarized police operations, especially in Rio de Janeiro.

“At state level, although some governments promised reform most state police forces continued to adopt violent, discriminatory and corrupt methods when combating and containing crime in poor communities with scant oversight or control. Nowhere was this more apparent than in Rio de Janeiro, where early promises of reform were abandoned and the state governor adopted an increasingly draconian and bellicose public stance on issues of security. The policy of large-scale militarized police operations was intensified at the cost of hundreds of lives. According to official figures, police killed at least 1,260 people in the state in 2007 – the highest total to date. All were officially categorized as ‘acts of resistance’ and underwent little or no serious investigation.” [11a]

The UN Special Rapporteur, from the Office of the United Nations High Commissioner for Human Rights, in his report on extrajudicial, summary or arbitrary executions, Mission to Brazil 29 August 2008, stated that the country’s police were responsible for one out of every five killings in the country. [25c]

PEOPLE TRAFFICKING

The USSD 2008 Report on Trafficking of People, published in June 2008, noted:

“The Government of Brazil does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Over the past year, the government significantly increased efforts to rescue victims of slave labor through mobile inspection operations in the Amazon and remote locations, and also increased efforts to provide greater services for victims. At the same time, however, the government did not report any criminal investigations, prosecutions, convictions, or punishments of forced labor crimes and only limited investigation of sex trafficking crimes. A lack of government resources and dedicated personnel impeded Brazil’s ability to combat its trafficking problem, although the government committed to allocate more funding to anti-trafficking efforts in its recently instituted national work plan to combat trafficking in persons and forced labor.”

The same report added:

“The Brazilian Federal Police estimate that 250,000 children are exploited for prostitution, although NGOs put the number as high as 500,000. Between 25,000 to 100,000 men are subjected to slave labor within the country. Approximately half of the nearly 6,000 men freed from slave labor in 2007 were found exploited on plantations growing sugar cane for the production of ethanol, a growing trend. A large number of Brazilian women and girls are trafficked for sexual exploitation to destinations in South America, the Caribbean, Western Europe, Japan, the United States, and the Middle East.” [2d]

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