

BRAZIL

Brazil is among the most influential democracies in regional and global affairs, yet it continues to confront very serious human rights challenges at home. Faced with high levels of violent crime, some Brazilian police units engage in abusive practices with impunity, instead of pursuing sound policing practices. Justice officials who seek to hold police officers accountable for unlawful practices face threats of violence.

Detention centers in various states are severely overcrowded, lengthy pre-trial detention is common, and torture continues to be a serious problem. Forced labor persists in some states despite federal efforts to eradicate it.

In 2012, Brazil took significant steps toward addressing grave human rights abuses that were committed during the country's military dictatorship (1964-1985). In May, a national truth commission began investigating abuse cases from that era, and in August, a federal judge ordered the first criminal trials of former state agents for their alleged roles in enforced disappearances committed in 1973 and 1974.

Public Security and Police Conduct

Widespread violence perpetrated by criminal gangs and abusive police plague many Brazilian cities. In Rio de Janeiro, for example, drug gangs routinely engage in violent crime and militias composed of police, jail guards, firefighters, and others have been implicated in far-reaching extortion schemes.

According to official data, police were responsible for 214 killings in the state of Rio de Janeiro and 251 killings in the state of São Paulo in the first 6 months of 2012. Police routinely claim these are "resistance" killings that occur in confrontations with criminals. While many police killings undoubtedly result from legitimate use of force by police officers, others do not, a fact documented by Human Rights Watch and other groups and recognized by Brazilian criminal justice officials.

In 2012, the state of Rio de Janeiro continued to award financial compensation for meeting crime reduction targets, including police homicides, as part of the System of Goals and Results Tracking, which was established in 2009. In April, more than US\$20 million were distributed among 9,000 police officers. In addition, as of October, 28 Pacifying Police Units (UPP) had been installed in Rio since 2008 in order to establish a more effective police presence at the community level. However, the state has not yet taken adequate steps to ensure that police who commit abuses are held accountable.

The São Paulo state government issued a resolution in January 2013 prohibiting military police officers from removing the victims of shootouts from the crime scenes, following a new guideline by the national Human Rights Defense Council.

Judges and magistrates who take on cases of violence by illegal militia and government corruption face threats of violence. On August 23, 2012, human rights defender Diego Luiz Barbare Bandeira was gunned down outside his home in the state of São Paulo, apparently in retaliation for exposing abuses and corrupt practices by police officers and prison authorities in Caraguatatuba.

President Dilma Rousseff signed a law in July 2012 to allow criminal cases involving organized crime to be adjudicated by panels of three judges. In September, the president signed a law increasing prison sentences for paramilitary and militia activities.

Detention Conditions, Torture, and Ill-Treatment of Detainees

Many Brazilian prisons and jails are violent and severely overcrowded. According to the Ministry of Justice's Integrated System of Penitentiary Information (InfoPen), Brazil's incarceration rate increased approximately 40 percent over the last five years and the prison population now exceeds half a million people—two-thirds more than the prisons were built for. Delays within the justice system contribute to the overcrowding: nearly 175,000 inmates are in pre-trial detention. For example, the Unidade de Internação do Plano Piloto juvenile detention center in Brasilia operated at more than double its capacity in 2012. Three children were killed there in August and September, reportedly by gang members.

Inhumane prison conditions facilitate the spread of disease, and prisoners' access to medical care remains inadequate. In April 2012, nearly 500 detainees at the Complexo Penitenciário Advogado Antônio Jacinto Filho in the state of Sergipe rioted in protest against alleged beatings by prison guards and inadequate food.

Torture is a chronic problem throughout Brazil's detention centers and police stations. The United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment visited penitentiary and police institutions in the states of São Paulo, Rio de Janeiro, Espírito Santo, and Goiás in September 2011 and reported receiving "repeated and consistent" accounts from inmates of beatings and other allegations of ill-treatment during police custody such as the obligation to sleep in unsanitary cells without proper access to water and food.

At this writing, the Chamber of Deputies had yet to vote on legislation proposed by President Rousseff in September 2011 to create a national mechanism—the National System to Prevent and Combat Torture—to monitor detention centers throughout the country and investigate allegations of torture and ill-treatment.

Reproductive Rights and Gender-Based Violence

Although Brazil has significantly lowered its maternal mortality rate over the last two decades, national statistics mask severe disparities based on race, economic status, region, and urban or rural settings.

In February 2012, the Supreme Court upheld the constitutionality of Federal Law 11340 on domestic violence (the Maria da Penha law) and ruled that prosecutors may bring domestic violence cases regardless of whether the victim presses charges or not.

Brazil's criminal code criminalizes abortion except in cases of rape or when necessary to save a woman's life. Women and girls who obtain an abortion outside of these two exceptions face sentences of up to three years in jail, while people who perform abortions face up to four years. In March 2012, federal police in the states of Mato Grosso and Goiás arrested a doctor and 10 pharmacy workers for allegedly providing illegal abortions or selling abortion-inducing drugs.

On April 12, the Supreme Court ruled that abortion is also constitutional in cases of anencephaly, in which the fetus has a fatal congenital brain disorder, given the woman's right to dignity, autonomy, privacy, and physical, psychological, and moral integrity.

Sexual Orientation and Gender Identity

In May 2012, the Senate Human Rights Committee approved a bill providing for civil unions between two persons, without specifying gender, and the conversion of civil unions to civil marriages. This follows the 2011 rulings by the Supreme Court and the Superior Justice Court that recognize equal rights for same-sex unions and that same-sex marriage is permitted under the civil code.

Forced Labor

The federal government has taken important steps to eradicate forced labor since 1995, and official data suggests that more than 41,000 workers have been freed from slave-like conditions since then. However, the Pastoral Land Commission reported that nearly 4,000 workers were subject to forced labor in 2011. Criminal accountability for offending employers remains relatively rare.

Congress approved a constitutional amendment in May 2012 that permits the government to confiscate properties where forced labor is used without providing compensation.

Rural Violence

Indigenous leaders and rural activists continue to face threats and violence. According to the Pastoral Land Commission, 29 people involved in land conflicts were killed and 38 were victims of attempted murder throughout the country in 2011, and the number of rural conflicts nationwide rose to 1,363 that year. More than 2,000 rural activists have received death threats over the past decade.

Confronting Past Abuses

In May 2012, a truth commission, charged with "examining and clarifying" human rights abuses committed between 1946 and 1988, began its work. The commission announced in

September that it will only investigate grave human rights violations committed by or on behalf of state agents.

Prosecutors in São Paulo state filed criminal charges against a retired army colonel and a civil police precinct chief in April 2012 for grave abuses committed in the 1970s. This was the second case in Brazil in which criminal charges have been brought against a Brazilian official for human rights crimes committed during the country's military dictatorship. A 1979 amnesty law has thus far been interpreted to bar most prosecutions of state agents, an interpretation that the Supreme Court reaffirmed in April 2010.

Brazil has granted more than US\$1 billion in financial compensation to more than 12,000 victims of abuses committed by state agents during the military dictatorship.

Freedom of Expression and Access to Information

At least seven journalists were killed in Brazil in 2012 and many more were threatened and assaulted. In May 2012, the Ministry of Human Rights proposed creating an observatory to monitor violence against journalists.

An access to information law went into effect in May 2012, expanding access to documents under the custody of local, state, and federal government officials. The law ensures that information regarding violations of fundamental rights shall not be subject to access restrictions.

In September, a state court in São Paulo ordered Youtube to remove the movie "Innocence of Muslims" from its website in a lawsuit brought by the National Union of Islamic Entities against Google Brasil Internet Ltda.

Key International Actors

The Inter-American system has played an important role in addressing key human rights issues in Brazil. In November 2010, the Inter-American Court of Human Rights (IACrHR) ruled that the country's amnesty law cannot prevent the investigation and prosecution of serious human rights violations and crimes against humanity committed by state agents during the military regime. In February and September 2011 resolutions, the court also

instructed the state of Espírito Santo to take steps to address alleged abuses against juveniles detained at the Unidade de Internação Socioeducativa (UNIS) detention center.

In April 2011, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures for Brazil due to an alleged failure to consult with indigenous groups prior to beginning the construction of the Belo Monte hydroelectric dam, slated to be the world's third largest. The Rousseff administration publicly rejected the commission's findings and characterized them as "premature and unjustified." It also recalled its ambassador to the Organization of American States (OAS) and withdrew its candidate for the Inter-American Commission. It has since supported efforts to weaken the Inter-American system of human rights—most recently at the OAS annual assembly in June 2012—including a proposed reform that would reduce the commission's power to issue precautionary measures.

In August 2012, a federal district court in Brasília halted construction of the Belo Monte dam on the grounds that Brazil's congress had failed to consult local indigenous communities before construction. However, when this judgment was appealed to the Supreme Court, the chief justice authorized the work at Belo Monte to proceed. In September 2012, federal prosecutors requested that the chief justice reconsider his decision.

Brazil has emerged as an important and influential voice in debates over international responses to human rights issues at the UN. At the UN Human Rights Council (HRC) from July 2010 to June 2011, Brazil consistently voted in support of resolutions addressing country situations, including on Sudan, North Korea, Iran, Belarus, and Syria. Brazil will again be a member of the council in 2013.

At the UN General Assembly, Brazil voted in favor of two resolutions condemning state-sponsored violence in Syria in February and August 2012. During a Universal Periodic Review (UPR) at the HRC in September 2012, Brazil accepted most of the country recommendations regarding torture, detention conditions, and public security.

The UN special rapporteur on adequate housing expressed concern in April 2011 regarding allegations of displacement and evictions potentially leading to human rights violations as Brazil prepares to host the 2014 World Cup and 2016 Olympic Games.

In February 2012, the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) acknowledged the country's efforts to implement measures for reducing the maternal mortality rate, but also expressed concern that the sole focus on care services for pregnant women may not sufficiently address all causes of maternal mortality in Brazil.