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2019 Trafficking in Persons Report: Brazil

BRAZIL: Tier 2

The Government of Brazil does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Brazil remained on Tier 2. These efforts included convicting more traffickers; investigating and prosecuting more cases of sex trafficking; identifying more victims of *trabalho escravo*, many of whom might be victims of trafficking; and approving and funding a new national action plan. However, the government did not meet the minimum standards in several key areas. State authorities identified and assisted fewer victims of *trabalho escravo*, and protection efforts available for all victims were insufficient given the scope of the problem. The government's efforts to criminally investigate, prosecute, and convict labor trafficking cases decreased and the government treated forced labor as a distinct crime from human trafficking; it treated most cases as administrative matters rather than criminal.

PRIORITIZED RECOMMENDATIONS

Provide shelter and specialized assistance to victims of sex trafficking and forced labor. • Vigorously investigate, prosecute, and convict traffickers, including those involving complicit officials. • Strengthen efforts to combat forced labor, including *trabalho escravo*, such as by ensuring suspected labor traffickers are criminally prosecuted and by providing adequate services to victims of forced labor. • Improve interagency, federal, and state coordination efforts to combat trafficking, including among law enforcement. • Amend the 2016 anti-trafficking law to criminalize child sex trafficking without elements of force, fraud, or coercion in accordance with the 2000 UN TIP Protocol. • Implement the third national action plan. • Strengthen the mandate of CONATRAP to assist in the development of anti-trafficking offices in every state, including those with limited funding and high prevalence of trafficking. • Prosecute labor traffickers in criminal courts and punish them with adequate penalties. • Train federal, state, and municipal law enforcement officials on trafficking indicators and proactive identification of victims. • Increase specialized services for child trafficking victims, including case management assistance and oversight of local guardianship councils. • Compile comprehensive data on the identification of victims, the assistance provided, investigations, prosecutions, and convictions at the federal and state level, disaggregated between sex and labor trafficking cases. • Update referral mechanism guidance to reflect the provisions covered under the 2016 trafficking law.

PROSECUTION

The government maintained law enforcement efforts. Law 13.344 criminalized some forms of sex trafficking and all forms of labor trafficking and prescribed penalties of four to eight years' imprisonment and a fine, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 149a of Law 13.344 required force, fraud, or coercion for child sex trafficking cases and therefore did not criminalize all forms of child sex trafficking. However, Article 244a of the child and adolescent statute criminalized inducing a child to engage in sexual exploitation without the need to prove the use of force, fraud, or coercion and prescribed penalties of four to 10 years' imprisonment and a fine, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 149 of Law 13.344 prescribed penalties of two to eight years' imprisonment and a fine. It prohibited *trabalho escravo*, or reducing a person to a condition analogous to slavery, defining forced labor to include degrading work conditions and exhausting work hours, going beyond situations in which people are held in service through force, fraud, or coercion.

Law enforcement data provided by the government reflected efforts made under federal jurisdiction. Authorities reported conducting 172 investigations (133 investigations under Article 149 and 39 under Article 149a), compared with 190 in 2017 (171 investigations under Article 149 and 19 investigations under Article 149a). The government reported prosecuting 37 suspected traffickers (27 under Article 149, eight individuals under Article 149a, and two others under a different article criminalizing complicity into the trafficking of others), compared with 57 prosecutions in 2017 (55 under Article 149 and two under Article 149a). Authorities reported 128 convictions (seven under Article 149a and 121 under Article 149), compared with 81 convictions in 2017 (six under Article 149a

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and 75 under Article 149). In 2018, sentences imposed ranged from one to five years' imprisonment. However, most convicted traffickers served sentences under house arrest or by spending only nights in prison while being free during the day. Most sex and labor traffickers convicted by lower courts appealed their convictions; there were three appeals related to trafficking cases in the federal court system in 2018 (compared with 78 in 2017). The lengthy appeals process lasted years.

The government treated forced labor as a distinct crime from human trafficking, and labor inspectors and labor prosecutors only had the authority to apply civil penalties. The Ministry of Labor's (MTE) inspectors handled administrative cases of *trabalho escravo* while referring cases with evidence of serious violations to the labor court and public ministry for criminal prosecution. In 2018, labor inspectors identified 1,745 cases of *trabalho escravo* and the MTE issued administrative penalties to 100 employers guilty of *trabalho escravo*. The government did not report how many were guilty of forced labor as defined under international law or if labor inspectors referred any of those cases for criminal prosecution. In coordination with a local university, the government trained 31 labor inspectors on combating *trabalho escravo*. During the reporting period, the government announced plans to integrate the MTE and its efforts to combat *trabalho escravo* under the purview of the Ministry of Economy.

Interagency coordination and data collection efforts were inadequate. Data remained spread across multiple databases at the federal and state level, making it difficult to obtain and analyze comprehensive data. The Brazilian Federal Police (DPF) had a unit in every state and was involved in the investigation of most trafficking crimes. In some states, the DPF worked efficiently with state and municipal law enforcement entities; however, law enforcement cooperation and communication among the DPF and state and municipal entities was generally insufficient. Observers reported trafficking cases were often under-reported and, in some instances, misclassified by police as other crimes. Law enforcement units at all levels had insufficient funding, expertise, and staff to investigate trafficking. The government provided some training for law enforcement entities on investigations and prosecutions; however, international organizations and foreign governments conducted and funded most anti-trafficking capacity-building efforts. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not report any new investigations, prosecutions, or convictions of complicit officials; however, cases from previous years remained open, including the investigation of an elected official who was arrested and removed from his position in Parana state in October 2016 after allegations surfaced of his involvement in a child sex trafficking ring. Similarly, there were no updates on the prosecution's appeal of an inadequate sentence given to a civil police investigator in 2016 for his involvement in a sex trafficking ring involving children.

PROTECTION

The government maintained inadequate protection efforts. Authorities continued to use guidance provided by the Ministry of Justice and Public Security (MJSP) for all federal, state, and local governments on victim identification and assistance, but the government did not report updating the guidance to reflect provisions of the 2016 trafficking law or making efforts to proactively train officials on its use. The MJSP maintained 12 posts at airports and bus stations known as transit points for victims to identify cases. Law 13.344 mandated the government provide victims with temporary shelter, legal, social, and health assistance, and protection against re-victimization. Seventeen of 27 state governments continued to operate state-level anti-trafficking offices (NETPs) that refer victims to social assistance centers for victims of sexual abuse, exploitation, domestic violence, and trafficking. NETPs in some of the wealthier states in the country had effective assistance and coordination teams that comprised police officers, prosecutors, and mental health professionals, whereas other state offices were not well funded or equipped to assist victims.

Several government agencies at various levels provided data on victim identification, totaling 98 victims in 2018, compared with 116 in 2017. In 2018, three of the 27 NETPs reported identifying 30 victims and assisting nine (22 of “labor exploitation for prostitution,” three for “sexual exploitation,” two for forced labor, one for “criminal activity,” and two unspecified). Two other NETPs reported identifying four victims of sex trafficking and 64 victims of *trabalho escravo*, compared with 10 sex trafficking victims and 101 *trabalho escravo* victims identified and assisted across seven states during the first half of 2017. The government did not report how many were victims of trafficking as defined in international law or what services it provided. MTE officials identified 1,113 potential victims of *trabalho escravo*—some of whom may be victims of trafficking—compared with 1,104 in 2017. Specialized MTE divisions provided victims of forced labor with job training services, three months of unemployment pay, and limited counseling services. The MTE and Ministry of Social Development continued to provide *trabalho escravo* victims access to public services by including the victims in the registry for social programs, granting them priority access to a cash transfer program, unemployment insurance, subsidized housing, a discount on energy bills, and technical assistance—all implemented at municipal-level centers for social assistance. The government did not report the number of victims who received assistance through the MTE. In addition, the MTE reported identifying 1,409 children working in violation of minimum working age laws, some of whom may be trafficking victims.

The federal government did not fund specialized or long-term shelters for trafficking victims, and general victim services and shelters varied in quality from state to state. Some states placed victims in shelters for victims of domestic violence, migrants, or the homeless. States did not have specialized shelters for child sex trafficking victims, and guardianship councils often did not have the

expertise or resources to identify child victims correctly and refer them to services. The state of Sao Paulo maintained a shelter where female victims and their children could receive health benefits, education, food, and housing for three to six months; another shelter in Sao Paulo provided temporary assistance for refugees and trafficking victims. The government did not report how many victims stayed at either shelter. NETPs referred victims of sex trafficking to social assistance centers (CREAS) where psychologists and social workers could assist vulnerable individuals; approximately 38 percent of centers nationwide had certification to assist victims of trafficking. The government did not report how many victims authorities assisted through the centers in 2018. Authorities did not refer victims of *trabalho escravo* to CREAS for assistance and victims remained vulnerable to re-trafficking due to inconsistent access to assistance; however, some state governments sought to address this issue by offering vocational training. The state governments in Mato Grosso, Ceara, and Bahia offered vocational training to victims of *trabalho escravo*.

The government had measures to encourage victims to testify in the case against their traffickers, including allowing remote live video testimony. However, authorities have never reported using these measures for trafficking cases. Observers continued to express concern about the under-reporting of trafficking crimes, attributing it in part to victims' lack of awareness of protection services and fear that filing complaints will lead to further exploitation, deportation, or other harm. Foreign trafficking victims were entitled to permanent visa status, but for the third consecutive year authorities did not report how many victims received it. The government could assist repatriated victims of trafficking but did not report assisting victims, compared with 24 victims in 2017. During the reporting period, authorities reported two-thirds of the victims owed compensation in the Fazenda Brasil Verde case had been compensated.

PREVENTION

The government maintained efforts to prevent trafficking. The government approved the 2016-2022 third national action plan for the elimination of trafficking and allocated 639,250 reais (\$164,750) for the implementation of the plan. During the reporting period, coordination among agencies at the national and state level was uneven and varied in efficacy. The MJSP continued to oversee the National Committee to Combat Human Trafficking (CONATRAP), comprising 26 representatives, including federal government agencies and NGOs. At the state government level, officials from different agencies in 17 states continued to convene and address trafficking unilaterally and in a decentralized manner through the state NETPs. Municipal and state governments hosted workshops, training, art installations, performances, and roundtable discussions to commemorate World Day against Trafficking. In Sao Paulo, the MTE organized an event during “Fashion Week” simulating a sweatshop to educate the public on *trabalho escravo* often found in the garment industry. In Amazonas, the state government reached more than 1,900 students in public schools in a campaign to educate on identification and prevention of trafficking. Authorities in the same state held chats at a border shelter for Venezuelan migrants on the vulnerabilities to trafficking. In Sao Paulo, the government cooperated with Bolivian community leaders on a prevention campaign focused on educating this highly vulnerable population on forced labor and domestic violence. The government operated a human rights hotline that received two calls reporting child slave labor, 14 calls reporting child trafficking victims, and eight calls reporting child sex tourism. The government did not report whether it identified any victims or initiated any investigations as a result of calls to the hotline. The government did not make efforts to reduce the demand for commercial sex; however, efforts to reduce the demand for forced labor continued. In 2018, the MTE published a new version of the *lista suja*, or dirty list, and included 78 new employers to the list. The list identified individuals and businesses responsible for *trabalho escravo* and listed businesses could not access credit by public and private financial institutions. The government did not report any new investigations, prosecutions, or convictions of child sex tourists in 2018. The government did not report providing anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Brazil, and traffickers exploit victims from Brazil abroad. Traffickers exploit Brazilian women and children, in sex trafficking within the country. Traffickers exploit Brazilian women in sex trafficking abroad, especially in Western Europe and China. Traffickers exploit women and girls from other South American countries, especially Paraguay, in sex trafficking in Brazil. Venezuelan migrants in border cities within Brazil, and those who have relocated to other parts of the country, were highly vulnerable to sex trafficking and forced labor. Traffickers recruited Venezuelans living in Brazil and those still in Venezuela via online advertisements and social media platforms offering fraudulent job opportunities, later exploiting them in sex trafficking in major cities, like Sao Paulo or Rio de Janeiro. Traffickers exploit transgender Brazilian women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they are unable to pay the cost of the procedure. Traffickers have exploited Brazilian men and transgender Brazilians in sex trafficking in Spain and Italy. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe and the United States. Traffickers exploit Brazilian men, notably Afro-Brazilian, and to a lesser extent women and children, in situations that could amount to labor trafficking, in rural areas (including in ranching, agriculture, charcoal production, salt industries, logging, and mining) and cities (construction, factories, restaurants, and hospitality). Traffickers exploit Brazilians in forced labor for the harvest of sugar, coffee, and carnauba wax. Traffickers exploit Brazilian women and children, as well as girls from other countries in the region, in forced labor for domestic servitude. Traffickers force some Brazilian victims to engage in criminal activity,

including drug trafficking, in Brazil and neighboring countries. Traffickers exploit Brazilians in forced labor in other countries, including in Europe. Traffickers exploit men, women, and children from other countries—including Bolivia, Paraguay, Haiti, and China—in forced labor and debt-based coercion in many sectors, including construction, the textile industry (particularly in Sao Paulo), and small businesses. NGOs and officials report some police officers ignore the exploitation of children in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding identification of sex trafficking victims.

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