

**HS Law Corp.  
Otavio Haverroth Silva, SBN#343486  
P.O. Box 90487  
San Diego, CA 92169  
(510) 241-9336**

**Non-Detained**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
100 Montgomery ST., SUITE 800  
San Francisco, CA 94104**

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**In the Matter of** )  
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 )  
**Michelle Quintao Ferreira Luna** )  
**Weverton Silva Moreira** )  
 )  
**In Removal Proceedings** )  
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**File No. A 226-096-303  
File No. A 226-096-234**

**Immigration Judge: N/A**

**Next Hearing: N/A**

**RESPONDENTS' COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND  
WITHHOLDING OF REMOVAL**

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# **Exhibit 1**

**Michelle Quintao Ferreira Luna A#226-096-303**  
**Weverton Silva Moreira A#226-096-234**

## **EXCERPTS FROM COUNTRY CONDITIONS REPORTS**

**CC 1**

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### **BRAZIL 2024 HUMAN RIGHTS REPORT - U.S DEPARTMENT OF STATE**

The human rights situation in Brazil declined during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists.

The government did not always take credible steps to identify and punish officials who committed human rights abuses.

Nongovernmental criminal elements at times subjected journalists to threats or violence due to the journalists's reporting on their criminal activities.

Lengthy pretrial detention was a problem. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime, according to the National Security Forum. As of 2023, approximately one-quarter of the prison population was awaiting court trial, according to the Brazilian Forum on Public Security.

**CC 2**

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### **BRAZIL 2023 HUMAN RIGHTS REPORT - U.S DEPARTMENT OF STATE**

There were no significant changes in the human rights situation in Brazil during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on freedom of expression and media freedom, including violence or threats against journalists; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting Afro-Brazilians and Indigenous peoples; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not always take credible steps to identify and punish officials who may have committed human rights abuses.

Gender-based violence persisted and increased, according to observers. A study released on March 2 by the Brazilian Public Security Forum reported that one-third of women older than 16 suffered physical or sexual violence from partners or former partners in their lives. Also, in 2022, there was an increase in all forms of violence against women, such as beatings and threats with a knife or firearm. In 2022, more than 1,440 women were victims of femicides; 80 percent were killed by a current or former partner or a relative.

CC 3

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## **WORLD REPORT 2025: BRAZIL - HUMAN RIGHTS WATCH**

About 3,060 women and girls were killed from January through September. Police registered about a third of them as femicide, defined under Brazilian law as killings “on account of being persons of the female sex.”

There were about 51,400 reports of rapes of women and girls from January through September. In 2023, girls under 14 were victims of three-quarters of all reported rapes. Black girls were twice as likely to be victims of rape as white girls, a study found.

Homicides fell by 5 percent from January through September, compared to the same period in 2023.

Police had killed 4,565 people as of September. Analysis from previous years showed that more than 80 percent of the people killed by police were Black. While some police killings are in self-defense, many result from illegal use of force.

In São Paulo, police killings increased 55 percent from January through September, compared to the same period in 2023. Police killed at least 84 people in two operations in the Baixada Santista region, in 2023 and 2024. Prosecutors had filed charges in just five killings, as of November.

In two rulings published in March, the Inter-American Court of Human Rights found police in São Paulo and Paraná states had committed serious human rights violations. The court ordered Brazil to stop trying crimes against civilians committed by military police in military courts, and instead use civilian courts.

In a report presented to the United Nations Human Rights Council in October, UN experts on racial justice and equality in law enforcement denounced systemic racism and urged Brazil to adopt a national strategy to reduce killings by police and ensure adequate investigations into police abuse cases.

CC 4

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### **COUNTRY POLICY AND INFORMATION NOTE, BRAZIL: ORGANISED CRIMINAL GROUPS MARCH 2025 - UNITED KINGDOM'S HOME OFFICE (HO)**

As of 2024, more than 80 organised criminal groups (OCGs) exist in Brazil. The largest are the Primeiro Comando da Capital (PCC), based in São Paulo, and the Comando Vermelho (CV), based in Rio de Janeiro. Both operate throughout Brazil. Militias, OCGs made up of current and former state agents, also operate in low-income communities (known as favelas) in Rio de Janeiro, where they extort populations under their control. The Amazon, border areas and urban favelas are particularly affected by OCG activity.

Persons who fear OCGs in Brazil are not at a general risk of persecution by OCGs. They are likely to face persecution or serious harm when they:

- disrespect a group leader, or take (or are perceived to take) a stand against the organised criminal group, including public figures such as journalists, prosecutors and politicians
- are, or are perceived to be, an informant
- have stolen from the group, or owe the group a debt
- are members or former members of the group who have (or are perceived to have) transgressed the rules of the group.

Whether a person is at risk from an OCG and the extent of the risk, will depend on:

- their actions, and the reason(s) for the group's interest
- the area the person usually resides in and will return to
- the group's intent, size, reach and capabilities

In the communities OCGs dominate (generally low-income communities and favelas on the peripheries of large cities), OCGs exercise significant social control. The PCC is highly organised, with a strict set of rules its members must follow. In cases of both rule-breaking by members and disputes brought to them by community members, the CV and PCC impose their own form of justice through 'crime courts', where penalties for perceived wrongdoing are not standardised and can be minimal, or as severe as execution. In neighbourhoods which are under the control of an OCG, residents are generally not permitted to go to the police and are instead required to bring any disputes to the OCG who will mediate. Examples of accusations that may result in a person being at risk of serious harm include being an informant, personally disrespecting a group leader, stealing drugs or money from the group, and owing and not repaying a debt.

In general, internal relocation is likely to be reasonable, particularly to Brasilia in the Federal District. However, decision makers must consider the size, reach, capability and intent of the group or gang the person claims to fear, as well as the reasons why the group has an interest in them.

Different factions of the same OCG can and do communicate with each other meaning that the PCC and CV would have the ability to track a person of interest across Brazil, due to their presence throughout the country. Whether they would have a desire to do

so would depend on the alleged infraction. In general, stealing from an OCG, informing on them, personally disrespecting a group leader and failure to repay a large debt could result in a person being tracked.

OCGs are present in every state of Brazil, and the PCC and CV have near nationwide and international reach. The PCC has approximately 100,000 members operating in almost every Brazilian state as well as internationally, with its base in Sao Paulo. The CV has approximately 30,000 members, operating in about 20 Brazilian states and other Latin American countries, and has its base in Rio de Janeiro. The majority of other OCGs are present in 3 states or less and generally ally with either the PCC or the CV.

CC 5

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#### **THE INTERNATIONALIZATION OF ORGANISED CRIME IN BRAZIL - BROOKINGS INSTITUTION**

Over the past three decades, the Primeiro Comando da Capital (PCC) has transformed from a prison gang founded in São Paulo into a transnational criminal “leviathan,” with a presence throughout South America, Africa, and Europe. In response to this growing threat, in 2021 the U.S. government cited the PCC as “the most powerful organized crime group in Brazil and among the most powerful in the world.” What can we expect from the PCC moving forward? And how might policymakers stall this international expansion?

In the coming year, the PCC will likely continue to vie for dominance in strategic areas of contested control throughout Brazil and look for opportunities to consolidate gains abroad. Confrontation with rival groups, including the Comando Vermelho (CV), born in the Rio de Janeiro prisons, and its allies in areas such as the Amazon, is also likely to continue. This is particularly the case due to the region’s importance for drug smuggling and access to other illicit markets, such as illegal logging, mining, and wildlife trade.

Internationally, the PCC is likely to become further entrenched in neighboring countries and continue to probe opportunities for a

direct presence in Europe, while at minimum maintaining profitable links to groups such as Italy's 'Ndrangheta mafia.

## CC 6

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### **FIRST CAPITAL COMMAND (PCC) PROFILE - INSIGHT CRIME**

The First Capital Command (Primeiro Comando da Capital – PCC) is Brazil's biggest and best-organized criminal network. It was born in São Paulo in the 1990s and has forged a bloody path to dominance throughout the country. The group is believed to have members in all of the country's states, and has expanded its operations internationally to other Latin American nations in addition to Europe and Asia.

The PCC is run at the highest level by a group of powerful regional leaders, many of whom are incarcerated. It organizes itself in cells, with local leaderships working on a vertical hierarchy. The gang's highest cell is known as the General High Command (Sintonia Final Geral), and is run by Marcola and other six leaders. Dues are collected from members of the organization and are used to pay lawyers, buy off prison guards and police, and to purchase drugs and weapons.

## CC 7

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### **BRAZILIANS TAKE TO THE STREETS CALLING ATTENTION TO A CRISIS OF VIOLENCE AGAINST WOMEN - GLOBAL VOICES**

The 2025 annual report of the non-governmental organization Brazilian Forum of Public Security (Fórum Brasileiro de Segurança Pública) showed that, although violent deaths had declined in Brazil, cases of violence against women and children increased.

Data gathered with state systems showed 3,870 victims of attempted femicide — a 19 percent growth compared to the previous year. In 2024, Brazil had 1,492 victims of femicide, a 0.7 percent increase, and the highest number registered since the 2015 law became effective. That means an average of four

women are killed for reasons linked to their gender every day. Eight out of 10 were killed by their partners or ex-partners.

CC 8

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## **THE ALARMING RISE OF GENDER-BASED VIOLENCE IN BRAZIL - AMERICAS QUARTERLY**

Gender-based violence in Brazil, a longstanding problem in Latin America's most populous country, has reached alarming levels. In the last 12 months, 37.5% of women aged 16 and over experienced some form of violence. This is the highest rate recorded since the local think tank Fórum Brasileiro de Segurança Pública, known as FBSP, started monitoring the issue in 2017.

The data presents a concerning situation for the 21.4 million women involved in these incidents and for our society as a whole: Despite extensive public debate on gender roles and gender-based violence, there has not been a significant reduction in the number of victims, nor have more individuals sought help. It is our responsibility to understand these statistics and advocate for public policies that address this issue.

According to a 2025 survey by the FBSP, 40.7% of Brazilian women aged 16 and over say they have suffered physical, sexual, and/or psychological violence in their lifetime from a partner or ex-partner. Approximately 60% of these cases reported in the last 12 months occurred at the victim's home.

The data shows that women don't trust the state to guarantee access to justice and health, or to assign responsibilities to perpetrators of gender-based violence correctly. They feel they are on their own. The majority of women who have suffered severe violence in the last 12 months say they did nothing about the aggression they endured. In addition, most women say they were assaulted in front of witnesses, and 25% say they were assaulted in front of their children.

A factor contributing to this violence is the de-funding of public policies to prevent and combat gender-based violence during the government of former President Jair Bolsonaro, and under governors and mayors aligned with its views. On his first day in office, January 1, 2019, Bolsonaro abolished the Ministry of Women's Affairs and created the Ministry of Women, Family and

Human Rights, a gesture in line with his stated opposition to “gender ideology.” As a result, certain public policies were discontinued and the notion that women are primarily meant to be daughters and mothers was reinforced.

Finally, there is a cultural aspect to this. A society immersed in misogynistic rhetoric repeatedly uttered by leaders and decision-makers engenders a cultural environment that authorizes aggressors to behave as such. Bolsonaro’s shocking public comments about women have caused uproar, and although he is currently banned from running for public office, *bolsonarismo*—the far-right movement originally built around him—remains a powerful political and social force in Brazil, continuing to shape public discourse, influence elections, and mobilize large segments of the population.

The Maria da Penha Law, approved in 2006, is considered a landmark piece of legislation in Brazil and one of the most significant tools in the world for combating violence against women. Since the mid-2010s, Brazil has enacted new regulatory frameworks that, when well-resourced and well-implemented, have made a big difference.

In 2015, the Femicide Law was enacted, establishing femicide as an independent crime specifically targeting women due to their gender. The Law on Sexual Harassment was enacted in September 2018 to criminalize sexual acts committed without the victim’s consent, whether in public spaces or in the workplace. A law was approved in 2021 to criminalize and penalize stalking.

But this work is far from over. Brazil can and desperately needs to do more when it comes to designing, implementing and monitoring effective prevention and protection policies. The women’s movement fights tirelessly to ease the hardships faced by Brazilian girls and women, constantly advocating for the creation of new penal types and pushing for new legislation and updated laws.

Brazil has a long road ahead. While enhancing the criminal justice system is essential, it does not tackle the entire problem, which demands a broader response from policymakers and civil society. Brazil must create opportunities for at-risk women to earn a living and gain autonomy, enabling them to escape the cycle of violence.

## **BRAZIL: PUBLIC (IN) SECURITY EXPERIENCES IN SÃO PAULO AND RIO DE JANEIRO - THE DIALOGUE**

In 2020, the Latinobarometer survey evaluated public perceptions on a range of critical issues, including democracy, trust in institutions, the economy, social inequality, justice, crime, and security. Among the questions posed, one particularly stands out and has served as the trigger for this analysis: the perception as to the presence of organized crime, armed groups, drug trafficking organizations, or gangs in the respondents' municipality or neighborhood. The results are especially striking in the case of Brazil, where 75% of respondents confirmed the presence of such groups. This places Brazil at the top of the rankings, with the highest reported prevalence of these criminal elements compared to other Latin American countries.

São Paulo and Rio de Janeiro have, respectively, the country's largest and second largest populations, with 46 million inhabitants and 17 million inhabitants, respectively; These two states are the operational centers of Brazil's two largest factions: Primeiro Comando da Capital (PCC) and Comando Vermelho (CV), whose influence spreads to all other regions of the country.

Brazil recorded more than 46,000 violent deaths in 2023, resulting in a rate of 22.8 violent deaths per 100,000 inhabitants, primarily resulting from the conflicts among different organized criminal organizations and from the use of lethal force by the police. Violent deaths include murders, robbery leading to death, fatal injury, or police action. The Global Study on Homicide, published by the UN in 2023, reveals that Brazil ranks first globally in absolute numbers. Of the 458,000 homicides registered worldwide in 2021, 10.4% occurred in Brazil, a country that accounts for 3% of the world's population. The global average of violent deaths is 5.8 per 100,000 inhabitants.

The PCC may plausibly be deemed Brazil's most influential criminal faction. Although its origins may be traced to the state of São Paulo, it now operates in all Brazilian states. Over the past 20 years, the group's revenues have grown exponentially. Ten years ago, the PCC was making around 40 million dollars annually. In 2024, it has accumulated revenues in excess of 1 billion dollars.

The PCC can now be seen as a large federation of criminal factions overseeing market activities, much like a regulatory agency, controlling pricing, access, and opportunities. It has established a horizontal organizational and logistical structure that attracts other groups. Under this structure, there is no need to be affiliated with the PCC to benefit from the services they provide, as they impose rules, standardization, conduct norms, prices, etc.

The organizational structure of crime in Brazil may be better understood through the notion of “Criminal Insurgency”, which refers to groups that operate similarly to rebel armies, with heavily armed “soldiers” controlling areas, as if they were in a state of war. However, unlike political insurgencies, the factions in Brazil are primarily financially driven, seeking profit rather than political power. Additionally, one important element to consider is that these groups have significant capacity to infiltrate various areas of public and political life. It is precisely in this gray zone, between legal and illegal activities, that these problems become more acute and harder to identify

CC 10

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### **THE MOST UNSAFE PLACE TO BE A WOMAN SHOULDN'T BE THEIR HOME: A CLOSER LOOK AT FEMICIDE RATES IN BRAZIL - EQUAL MEASURES**

The most recent report by UN Women and UNODC found that 85,000 women and girls were killed intentionally by men in 2023, with 60% of these deaths committed by someone close to the victim, be it intimate partners or family members. The report also shows that 140 women and girls die every day at the hands of their partner or a close relative, which means one woman or girl is killed every 10 minutes. According to data from the World Bank, 109 countries (out of 190) have not yet developed comprehensive mechanisms to address violence against women.

Femicide, a term used to refer to the murder of women due to their gender, is one of the most extreme forms of gender-based violence. In Brazil, the annual report by the Brazilian Forum on Public Safety showed that, for the second year, the country has recorded the highest number of women killed for gender-related reasons since the publication of the Lei Maria da Penha and the Law No. 13,104/2015, which defines and typifies femicide as a

crime. When we take a closer look at the data, it shows that most of the women and girls who were victims were black women (63.6% of the victims), 71.1% were between 18 and 44 years old, and 64.3% were killed inside their own homes. It also shows that 63% of the victims were killed by an intimate partner and 21.2% by a former intimate partner.

The report also recorded unprecedented levels of rape and other forms of gender-based violence: reported cases of rape rose by 6.5% from the previous year to a new historic high of 83,988 – or one woman being raped every six minutes. Despite this horror, there are continued efforts to criminalize rape victims who have an abortion, compounding the violence inflicted upon these women and their bodies.

According to ECLAC, in 2023 all countries in Latin America and the Caribbean currently had laws aimed at preventing and ending violence against women and 19 countries have passed laws and protocols penalizing femicide or the violent deaths of women for gender-related reasons. However, despite legislative progress, violence against women and girls remains a persistent reality in the region: In 2023, 11 out of the 18 Latin American countries that reported data on femicide had rates exceeding one victim per 100,000 women (the region's goal is a 0 femicide rate), Brazil being third with the highest femicide rate.

The concept of femicide in Brazil was first introduced into the Brazilian Penal Code in 2005, with the approval of Law No. 13.104/2015, classifying the murder of women motivated by gender as a more severe crime with harsher penalties.

[...] Civil society organizations have criticized the focus on increased penalties, arguing that similar measures enacted with the 2005 law have failed to reduce the number of crimes.

Legislative changes need to move beyond punitive measures only and should also focus on a more holistic and comprehensive system of support for women, including education, prevention and support, as well as effective enforcement of protective laws, which can address the root causes of violence and ensure long-term safety.

**POLICE CONCLUDE THAT THE TRIPLE HOMICIDE IN IPATINGA WAS MOTIVATED BY A DISPUTE OVER DRUG TRAFFICKING - G1 NEWS**

The Civil Police concluded the investigation into the triple homicide registered in January of this year, in the Bethânia neighborhood, in Ipatinga. The result of the investigation was presented Friday morning (3), at the 12th Department. For the PC, the crimes were committed by a gang involved with drug trafficking and that planned other murders in the region.

Four people were indicted for the homicides, one of whom, a 17-year-old teenager, died after a shootout on BR-381, in Santana do Paraíso, in early March.

According to police chief Marcelo Marino, the quartet was part of a gang linked to the Primeiro Comando da Capital (PCC) that orchestrated a series of murders in the region. Their objective was to control drug trafficking, which was then dominated by sympathizers of another criminal faction known as Comando Vermelho (CV).

**CIVIL POLICE CONSIDER THE TRIPLE HOMICIDE FROM JANUARY OF THIS YEAR IN THE BETHÂNIA NEIGHBORHOOD TO BE SOLVED - DIARIO DE AÇO NEWS**

The head of the homicide Division in Ipatinga, Marcelo Franco Marino, announced Friday (3) the conclusion of the investigations into the triple homicide that occurred on the night of January 5th of this year in front of “bar do salvador”, in the Bethânia neighborhood in Ipatinga. On that occasion, three people were murdered by gunfire and a fourth was hit, but survived.

As result of the investigation by the security forces, three investigated criminals are in custody and a fourth died in a shootout with the PM on the side of BR-381. Among those arrested, one is from Governador Valadares, another from Belo

Horizonte and the third from Ipatinga. The crime in Bethânia, however, is considered to be just one of a series of murders and shootouts with police forces in Ipatinga.

For the Civil Police, the motivation for the crimes is related to an action by rival groups involved in drug trafficking. Among the group would be members of the Primeiro Comando da Capital (PCC) organization. The same members of this faction are believed to be involved in three other high-profile crimes in Ipatinga this year. The organization's expansion into the Vale do Aço region is attributed to the escalation of murders in Ipatinga in 2024. The city has recorded 25 homicides from January to the present.

# **Exhibit 2**

# Brazil 2024 Human Rights Report

## Executive Summary

The human rights situation in Brazil declined during the year. The courts took broad and disproportionate action to undermine freedom of speech and internet freedom by blocking millions of users' access to information on a major social media platform in response to a case of harassment. The government undermined democratic debate by restricting access to online content deemed to "undermine democracy," disproportionately suppressing the speech of supporters of former president Jair Bolsonaro as well as journalists and elected politicians, often in secret proceedings that lacked due process guarantees. The government also suppressed politically disfavored speech on the basis that it constituted "hate speech," a vague term untethered to international human rights law.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists.

The government did not always take credible steps to identify and punish officials who committed human rights abuses.

## Section 1. Life

### a. Extrajudicial Killings

There were several reports police committed arbitrary or unlawful killings during the year. Some killings were attributed to a police operation against transnational criminal organizations in Sao Paulo State in the first half of the year and a police operation that took place from July 2023 to April in Baixada Santista, a coastal area including the port city of Santos.

In July, a São Paulo court charged two officers from a police shock battalion (ROTA) with aggravated homicide and obstructing evidence in the death of Fábio Oliveira Ferreira, who was killed in the operation in July 2023. One defendant was Captain Marcos Correa de Moraes Verardino, one of the coordinators of the operation, who allegedly fired three shots at Ferreira after he had surrendered. The other defendant, Corporal Ivan Pereira da Silva, also of ROTA, allegedly shot the victim twice in the chest while the victim was lying on the ground. In December, the two defendants were acquitted by courts in São Paulo State. The São Paulo Public Prosecutor's Office of appealed the decision, and higher courts were considering that appeal at year's end.

In April, Roraima State Civil Police reported it launched an operation to dismiss a group of officers from the military police of Roraima suspected of being part of a militia and an extermination group, according to a *Globo*

news report. More than 100 officers were investigated, and several arrests were made. The investigation examined cases in which police officers allegedly provided armed security for illegal miners, robbed and tortured competing invaders, and robbed the miner bosses themselves.

There were developments in the politically motivated 2018 killing of city councilwoman Marielle Franco and her driver Anderson Gomes, in Rio de Janeiro. In March, police arrested Chiquinho Brazão, a Federal Chamber deputy (representative), and his brother, Domingos Brazão, a member of the Rio de Janeiro State Audit Court, for their alleged role in ordering the 2018 killing of Franco. The brothers remained in custody and were charged with qualified homicide and attempted homicide. Rivaldo Barbosa, who was the chief of police of Rio de Janeiro when Franco was killed, was also arrested in March for allegedly helping plan the killing and for obstruction of justice. In November, two former police officers were sentenced for the killings. Ronnie Lessa was sentenced to 78 years and nine months for firing the shots that killed Franco and Gomes and injured one of Franco's aides. Élcio de Queiroz was sentenced to 59 years and eight months for driving the getaway car.

## **b. Coercion in Population Control**

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

## **Section 2. Liberty**

### **a. Freedom of the Press**

The constitution and law provided for freedom of expression, including for members of the press and other media. Supreme Court (STF) rulings, however, restricted the freedom of expression for individuals it deemed to be in violation of the law prohibiting antidemocratic speech.

#### **Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups**

The law prohibited politically motivated judicial censorship, but there were reports of censorship. The government censored online content deemed in violation of STF orders, which instructed platforms to remove content that allegedly spread misinformation related to the electoral system or judicial institutions or to disparage judicial officials with online threats or harassment. Court records reveal that Justice Alexandre de Moraes personally ordered the suspension of more than 100 user profiles on the social media platform X (formerly Twitter), disproportionately suppressing the speech of advocates of former president Jair Bolsonaro instead of taking narrower measures to penalize content that incited imminent lawless action or harassment. The government telecommunications regulator Anatel ordered internet service providers to block X by order of the STF on August

31, after the company failed to appoint a legal representative and pay outstanding fines for failure to remove content in compliance with orders issued by the STF and the Superior Electoral Court. The STF authorized fines of 50,000 reais (\$9,000) per day to individuals or companies who accessed the platform via a virtual private network (VPN), although no fines were reportedly assessed. The STF authorized X to resume its operations in the country on October 8 after the company complied with court orders and paid outstanding fines. Other media companies were subject to similar content removal orders. This broad repression blocked Brazilians' access to information and viewpoints on a range of national and global issues. Additionally, the court's temporary prohibition on the use of a VPN, under penalty of fine, further eroded freedom of the press by removing privacy protections from individuals whose ability to blow the whistle on government corruption hinged on their capacity to do so anonymously.

Nongovernmental criminal elements at times subjected journalists to threats or violence due to the journalists' reporting on their criminal activities.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The law provided for freedom of association for all workers (except members of the military, military police, and firefighters), the right to

bargain collectively with some restrictions, and the right to strike. The law prohibited antiunion discrimination, including the dismissal of employees who were candidates for, or holders of, union leadership positions, and it required employers to reinstate workers fired for union activity.

New unions were required to register with the Ministry of Labor, which would accept the registration unless objections were filed by other unions. The law stipulated certain restrictions, such as *unicidade* (in essence, one union per occupational category per city), which limited freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represented workers in the same geographical area and professional category could contest another union's registration.

The law stipulated a strike could be ruled "disruptive" by the labor court and the union could be subjected to legal penalties if the strike violated certain conditions, such as if the union failed to notify employers at least 48 hours before the beginning of a walkout or end a strike after a labor court decision. Employers were not allowed to hire substitute workers during a legal strike or fire workers for strike-related activity, provided the strike was not ruled abusive as defined in the law.

The law obliged a union to negotiate on behalf of all registered workers in the professional category and geographical area it represented, regardless of whether an employee paid voluntary membership dues. The law included

collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely. The law permitted the government to reject clauses of collective bargaining agreements that conflicted with government policy.

Freedom of association and the right to collective bargaining were generally respected, according to observers. Collective bargaining was widespread in establishments in the private sector.

In the view of nongovernmental organization (NGO) experts, the government usually effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators.

### **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Acceptable Work Conditions**

#### **Wage and Hour Laws**

The law provided for a minimum wage, which was higher than the official poverty income level. The law limited the workweek to 44 hours and specified a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provided for paid annual vacation, prohibited

excessive compulsory overtime, limited overtime to two hours per workday, and stipulated any hour worked above the monthly limit had to be compensated with at least time-and-a-half pay; these provisions generally were enforced for all groups of workers in the formal sector. The constitution also provided for the right of domestic employees to work a maximum of eight hours per day and 44 hours per week, and to receive a minimum wage, a lunch break, social security, and severance pay.

### **Occupational Safety and Health**

The Ministry of Labor set occupational safety and health (OSH) standards that were consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction, according to media reports. The law required employers to establish internal committees for accident prevention in workplaces. Inspectors identified unsafe conditions and responded to worker complaints, but the number of inspections conducted was lower than necessary. The law also prohibited firing employees for their committee activities. Workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment, although those in forced labor situations without access to transportation were particularly vulnerable to situations that endangered their health and safety.

## **Wage, Hour, and OSH Enforcement**

The Ministry of Labor addressed problems related to minimum wage, overtime, and OSH laws. In the view of NGO experts, officials effectively enforced OSH laws. Penalties for violations included fines that varied widely depending on the nature of the violation. Penalties were in general commensurate with similar crimes such as fraud or negligence. Penalties were regularly applied against violators. The number of labor inspectors was insufficient to enforce compliance, according to the Labor Inspectors Union. Inspectors had the authority to make unannounced inspections and initiate sanctions.

According to the Brazilian Institute of Geography and Statistics, the informal sector represented almost 40 percent of the workforce.

Gig workers were not considered employees, and food delivery and ride-share companies did not consider the workers who provided services through their platforms to be employees. These workers were not protected by labor laws.

## **c. Disappearance and Abduction**

### **Disappearance**

There were no reports of enforced disappearances by or on behalf of government authorities.

In July, President Luis Inácio Lula da Silva reinstated the Special Commission on Political Deaths and Disappearances to deal with state crimes and political repression that occurred from 1961 to 1979. The commission was created in 1995 but was closed in 2022 by the government of then President Bolsonaro.

### **Prolonged Detention without Charges**

The constitution prohibited arbitrary arrest and detention and provided for the right of persons to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements; however, political figures and rights groups alleged the government held hundreds of individuals accused of participation in protests that led to the invasion of government buildings on January 8, 2023, in detention for several months without filing charges. They also alleged these protesters were denied access to legal counsel.

Lengthy pretrial detention was a problem. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime, according to the National Security Forum. As of 2023, approximately one-quarter of the prison population was awaiting court trial, according to the Brazilian Forum on Public Security.

## **d. Violations in Religious Freedom**

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **e. Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Section 3. Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibited such practices, but there were credible reports government officials employed them.

Military police officers in Porto Alegre, capital of the state of Rio Grande do Sul, were accused of torturing Vladimir Abreu de Oliveira for approximately 40 minutes before attempting to hide his body by throwing him from a bridge in May. An investigation revealed Abreu de Oliveira suffered multiple severe injuries while alive, leading to his death. Five officers were indicted, with charges ranging from torture resulting in death to omission of assistance, and two were in preventive detention. Civil police were

conducting a separate investigation.

## **b. Protection of Children**

### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **Child Marriage**

The legal minimum age of marriage was 18, or 16 with parental or legal representative consent. While child marriage declined in recent years, the practice of early marriage (marriage before age 18), especially among girls, was common, according to UNICEF. The government did not always effectively enforce the law.

In March, a report from the newspaper *Econômico Valor* noted approximately one in five women married before turning 18.

## **c. Protection to Refugees**

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

## **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

## **d. Acts of Antisemitism and Antisemitic Incitement**

According to the Brazilian Israelite Federation, there were approximately 120,000 Jewish Brazilian citizens, of whom approximately 70,000 lived in the state of São Paulo, according to 2021 data, and 34,000 in the state of Rio de Janeiro.

The law criminalized the manufacture, sale, distribution, or broadcast of symbols, emblems, ornaments, badges, or advertising that used the swastika for purposes of publicizing Nazism. The penalty was two to five years' imprisonment.

In June, the Brazilian Israelite Confederation (CONIB) and the Israelite Federation of the State of São Paulo (FISESP) reported a sharp increase in the number of cases of antisemitism after the Hamas attack on Israel in October 2023. From January to May, 886 cases of antisemitism were recorded, almost six times more than in the same period in 2023. Most of the attacks occurred in digital environments, such as social networks and messaging apps.

Following Israel's military response in Gaza to the Hamas October 2023

terrorist attacks, on February 18, President Lula da Silva stated that “what is happening in the Gaza Strip... it’s a genocide.” In the speech, he then compared what was occurring in Palestine with “when Hitler decided to kill the Jews.” On February 19, CONIB stated it “repudiated the unfounded statements by President Lula comparing the Holocaust to the State of Israel’s defense against the terrorist group Hamas,” saying the government had adopted an “extreme and unbalanced posture in relation to the tragic conflict in the Middle East.”

On October 21, the Public Ministry of Santa Catarina’s Special Task Force to Combat Organized Crime arrested four individuals, allegedly members of a neo-Nazi group, for inciting discrimination and planning violent acts in different regions of the country. The arrests were part of “Operation Overlord,” which took place in the states of Santa Catarina, São Paulo, Sergipe, Paraná, and Rio Grande do Sul. According to CNN Brasil, the operation aimed to combat antisemitism and hate speech and prevent the planning of violent acts. The individuals arrested allegedly were part of a band that performed at neo-Nazi events in several regions.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State’s annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

# **Exhibit 3**

# **Brazil 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Brazil during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on freedom of expression and media freedom, including violence or threats against journalists; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting Afro-Brazilians and Indigenous peoples; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not always take credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or**

## Politically Motivated Killings

There were numerous reports that state-level civil and military police committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

The Rio de Janeiro Institute of Public Security reported that as of July, 651 persons died from incidents involving police violence, an 18 percent decline compared with the same period in 2022. According to the Rio de Janeiro Public Attorney's Office, as of May police conducted 612 raids in the state. Rio de Janeiro City was the focus of more than one-half of these operations. There was a persistent pattern of impunity for police operations, which often resulted in significant fatalities, accusations of excessive force, extrajudicial killings, and denial of medical care for injured criminal suspects, with accusations involving several different law enforcement entities.

In March the newspaper *O Globo* reported that a police raid conducted in the favela of Salgueiro, Niteroi, in Rio de Janeiro State, resulted in the death of 13 suspects. The raid was carried out by police officers, including from the Military Police Battalion of Special Operations and the Civil Police Coordination of Special Resources. There was no information regarding an investigation of the incident.

According to *O Globo*, on June 17, Federal Highway Police officers killed a woman while she and her husband were driving through a police checkpoint

on a highway in Rio de Janeiro State. The officer who fired the fatal shot was briefly arrested but later released.

Authorities stated the case regarding an operation in May 2022 to arrest Commando Vermelho gang members in the city of Rio de Janeiro remained open and no one had been charged or arrested. The joint operation, involving military police agents from Rio de Janeiro State's Special Operations Battalion and agents from the Special Operations Command of the Federal Highway Police, resulted in 23 deaths.

Investigations remained open, but no indictments or convictions were reported regarding the 2021 police operation in Rio de Janeiro City's Jacarezinho neighborhood. As of October, 10 of the 13 investigations into police abuses in the operation had been closed according to press reports, despite autopsy reports indicating at least four victims were shot in the back at less than three feet.

According to the São Paulo Public Security Secretariat, the number of deaths resulting from military and civil police operations in the state of São Paulo in the first semester of the year increased by 9 percent, compared with the same period in 2022. From 2020 to 2021, the total number of cases decreased by 30 percent, a result attributed by security experts in part to the use of body cameras by military police officers along with the implementation of new strategies and the use of nonlethal weapons, such as tasers.

In operations to combat criminal groups in the coastal area of Guarujá, São Paulo State, from the end of July to September 5, São Paulo military police killed 28 persons. Human rights organizations reportedly accused police of using excessive force, violating human rights, and committing extrajudicial killings. The Public Prosecutor's Office was investigating the deaths. On September 5, the São Paulo State Secretariat of Public Security, responsible for the operation, stated all deaths resulted from direct confrontations with criminals and added that two internal inquiries were underway.

On August 14, Minister of Justice and Public Security Flávio Dino announced that he had accepted the resignation of the three Federal Highway Police officers accused of asphyxiating and killing Genivaldo de Jesus Santos in Sergipe State in May 2022. The officers were to be tried for murder and torture. In September a court in Recife, Pernambuco State, authorized an indemnity of one million reais (\$200,000), to be paid to Genivaldo's son.

In July the nongovernmental organization (NGO) Brazilian Public Security Forum reported that police (including federal, state, and municipal) killed 6,429 persons nationwide in 2022, an increase of 284 persons compared with 2021. Afro-Brazilians represented 83 percent of victims. According to some civil society organizations, victims of police violence throughout the country were overwhelmingly young Afro-Brazilian men.

On April 5, the NGO Forum for Justice reported that fewer than one-half of the investigations of police homicides resulted in an indictment. The study

analyzed more than 4,500 cases from 2011 to 2021, noting that 39 percent resulted in indictments, while the rest were archived due to self-defense claims or lack of evidence. The study also highlighted the length of the process, with an average of four years for charges to be filed and eight years for cases to be closed.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution prohibited torture and inhuman or degrading treatment, but there were reports government officials sometimes employed such practices.

According to the newspaper *Folha de São Paulo*, on June 23, during an inspection conducted by the State Public Defender's Office in the Elias Alves da Silva Prison Unit in Itaitinga, located in Fortaleza, Ceará State, inspectors identified signs of torture techniques used against prisoners, including physical and psychological torment in which inmates were forced to balance on their heads and were then beaten when they fell. On June 26, the judge ordered the suspension of the prison's leadership for 90 days.

In February Rio de Janeiro's Court of Justice sentenced Alisson Pires Barreto, a male guard at the juvenile correctional facility DEGASE, to 43 years in prison for raping and sexually abusing two teenage girls in 2021 at his workplace in the city of Rio de Janeiro. Authorities dismissed the director and replaced all male guards with women.

Civil society organizations said impunity and a lack of accountability for security forces, particularly at the local level, was a problem. Most examples of impunity involved the military police and civil police, with some also reported to occur in the armed forces and Federal Highway Police. The law mandated that special police courts exercise jurisdiction over state military police except those charged with "willful crimes against life," primarily homicide. Police personnel often were responsible for investigating charges of torture and excessive force carried out by fellow officers. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

### **Prison and Detention Center Conditions**

Prison conditions were poor and sometimes life threatening, mainly due to overcrowding and violence, according to the NGO National Security Forum. Abuse by prison guards continued, and poor working conditions and low pay for prison guards encouraged corruption, according to the NGO.

**Abusive Physical Conditions:** According to the National Penitentiary

Department, as of 2021 the number of incarcerated persons exceeded 204,185, which indicated that nationally the system was 45 percent above capacity, a decrease from the 67 percent recorded in 2020.

Minister Rosa Weber, president of the Federal Supreme Court, visited the Curado Prison Complex in Recife, Pernambuco State in April and noted the poor infrastructure and chaotic environment. The Pernambuco prison system had approximately 35,000 inmates in facilities designed for 14,400. The overcrowding led the Inter-American Court of Human Rights to denounce the government of Pernambuco.

Conditions in most prisons were inadequate, according to the National Security Forum. Prisoners often lacked access to potable water, adequate nutrition, clothing, and hygiene items. Rats and cockroaches infested many cells. In the Federal District's prison system, observers said problems included poor quality of food and hygiene conditions, overcrowding, lack of access to health care, and inadequate infrastructure.

Reports of abuse by prison guards continued. Prisoners convicted of petty crimes frequently were held with murderers and other violent criminals, according to the National Security Forum. Authorities attempted to hold pretrial detainees separately from convicted prisoners, but lack of space often required placing convicted criminals in pretrial detention facilities. In many prisons, including those in the Federal District, officials attempted to separate violent offenders from other inmates and keep convicted drug

traffickers in a wing apart from the rest of the prison population. Multiple sources reported adolescents were held with adults in poor and crowded conditions.

According to the publication *Metropoles*, on May 12, the National Council of Justice reported 112,000 deaths in prisons between 2017 and 2021. The report concluded that diseases accounted for 62 percent of deaths. Some of the most cited diseases included heart conditions, pneumonia, and tuberculosis. The likelihood of inmates contracting tuberculosis was 30 times higher than in the general population. The study also indicated underreporting of deaths and concluded that many instances of so-called natural deaths were, in fact, the result of a long process of illness and lack of assistance.

According to the National Security Forum, prisons suffered from insufficient staffing and lack of control over inmates. Violence was rampant in prison facilities. Poor administration of the prison system contributed to the violence, as did overcrowding, the presence of gangs, and corruption, according to the National Security Forum. Media reports indicated that incarcerated leaders of major criminal gangs continued to control their expanding transnational criminal enterprises from inside prisons.

Prison riots were common occurrences, according to media reports. On January 7, the news publication *Bahia 190* reported that a clash between members of the drug faction Red Command in the Penitentiary Conjunto

Penal in the municipality of Feira de Santana, Bahia State, resulted in a riot of inmates and the death of three inmates.

**Administration:** Authorities monitored prison and detention center conditions and conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police were required to advise persons of their rights at the time of arrest or before taking them into custody for interrogation. The law prohibited use of force during an arrest unless the suspect attempted to escape or resisted arrest. According to human rights observers, some detainees complained of physical abuse while being taken into police custody.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention, according to observers. The law

permitted provisional detention for up to five days under specified conditions during an investigation, but a judge could extend this period. Judges were also authorized to order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days was permitted if police suspected a detainee might flee the area.

Defendants arrested in the act of committing a crime were required to be charged within 30 days of arrest. The law required other defendants to be charged within 45 days, although this period could be extended. In cases involving heinous crimes, torture, drug trafficking, and terrorism, pretrial detention could last 30 days with the option to extend for an additional 30 days.

Often the period for charging defendants was extended because of court backlogs. The law did not provide for a maximum period of pretrial detention, which was decided on a case-by-case basis. Bail was available for most crimes, and defendants facing charges for all but the most serious crimes had the right to a bail hearing. Prison authorities generally allowed detainees prompt access to a lawyer. Detainees who were unable to pay for legal counsel had the right to a lawyer provided by the state. Detainees had prompt access to family members. If detainees were convicted, time in detention before trial was subtracted from their sentences.

**Arbitrary Arrest:** On April 11, the Niteroi Court of Justice acquitted Danilo Felix Vicente de Oliveira of all charges brought against him for a 2020 armed

robbery. The victims supposedly identified him from a photograph police obtained from Facebook. This was the third instance in which robbery victims wrongfully identified him for same crime through a photograph lineup.

On June 9, the Niteroi Court of Justice in Rio de Janeiro State acquitted Luiz Carlos da Costa Justino of all charges brought against him for a 2017 car theft. He was arrested in 2020 after, according to police, the robbery victim identified Justino from a photograph lineup in the police station. According to media outlets, Justino, an adolescent at the time of the robbery, had no criminal record and therefore police should not have had access to photographs of him. Video evidence showed that at the time of the crime, Justino, an Afro-Brazilian musician, was performing at an event four miles from the crime scene.

**Pretrial Detention:** Lengthy pretrial detention was a problem. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime, according to the National Security Forum. According to the Ministry of Justice's National Penitentiary, in 2021 there were approximately 900,000 incarcerated persons in the country, 25 percent of whom were awaiting trial.

## **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary, and the government

generally respected judicial independence and impartiality. Local NGOs, however, argued that corruption within the judiciary, especially at the local and state levels, prevented fair trials.

### **Trial Procedures**

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right, although NGOs reported that in some rural regions – especially in cases involving land rights activists – police, prosecutors, and the judiciary were perceived to be susceptible to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed.

Although the law required trials be held within a set time, there were millions of backlogged cases at state, federal, and appellate courts, and cases often took many years to be concluded. While the law provided for the right to counsel, the Ministry of Public Security stated many prisoners could not afford an attorney. The court was required to furnish a public defender or private attorney at public expense in such cases, but staffing deficits persisted in all states, according to the National Security Forum.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Authorities at times evicted persons from their places of residences or seized their properties without due process or adequate restitution, although this happened most frequently with traditional communities, such as Quilombolas (Afrodescendants of enslaved persons).

The government had no laws or mechanisms in place for Holocaust restitution, and NGOs and advocacy groups reported the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens. The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited arbitrary or unlawful interference with privacy,

family, home, or correspondence, but there were reports that the government failed to respect these prohibitions. NGOs reported that police occasionally entered homes without judicial or other appropriate authorization to conduct police operations against criminal activity. Human rights groups, other NGOs, and media reported incidents of excessive searches in poor neighborhoods during the operations. Police stopped and questioned persons and searched cars and residences without warrants.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Violence and Harassment:** The broad use of social media facilitated hate speech online against journalists, citizens, and institutions, and courts were dealing with cases that took place completely online and often convicted persons who used fake names. On May 3, the NGO Reporters Without Borders reported that press freedom improved. According to the

organization, the improvement was attributed to the departure of former President Jair Bolsonaro, who verbally attacked journalists and media outlets.

**Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media:** National laws prohibited politically motivated judicial censorship, but there were reports of censorship.

**Libel/Slander Laws:** Libel, slander, and defamation were criminal offenses. Penalties ranged from three months to two years plus a fine. The laws were enforced.

**Nongovernmental Impact:** Nongovernmental criminal elements at times subjected journalists to threats or violence due to the journalists' reporting on their criminal activities.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. Nonetheless, according to news reports, the online environment remained constrained by threats of violence against independent bloggers and websites, as well as criminal defamation laws and restrictive limits on content related to elections.

The electoral law regulated political campaign activity on the internet. The law prohibited paid political advertising online and in traditional media.

During the three months prior to an election, the law also prohibited online and traditional media from promoting candidates and distributing content that deliberately caused offense to a candidate.

## **b. Freedoms of Peaceful Assembly and Association**

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

## **e. Protection of Refugees**

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, returning refugees, or asylum

seekers, as well as other persons of concern.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. By law, refugees were provided official documentation, access to legal protection, and access to public services. The law codified protections for asylum claimants and provided for a humanitarian visa and residency status that served as an alternative to refugee claims for some categories of regional migrants, particularly from Venezuela.

As of June, according to UNHCR, there were more than 460,000 Venezuelan refugees and migrants in the country, the majority of whom arrived in the northern state of Roraima. According to the International Organization for Migration and UNHCR, the government continued the process of resettling Venezuelan refugees and asylum seekers and migrants, voluntarily relocating more than 100,000 individuals from the border states in the north to other states to relieve pressure on the resource-strapped state of Roraima and provide increased opportunities for education and work.

**Abuse of Refugees and Asylum Seekers:** NGOs reported that refugees were susceptible to human trafficking for the purposes of forced commercial sex and forced labor.

**Temporary Protections:** As of December 2022, UNHCR reported the

government provided temporary protection to approximately 350,000 individuals who may not have qualified as refugees.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

According to a report released in May by the Internal Displacement Monitoring Centre, the country had approximately 708,000 internally displaced persons, due in large part to natural disasters such as storms and floods. The government promoted the safe return and resettlement of affected persons to the areas they were forced to leave. Additionally, in 2022, 5,600 persons were displaced due to violence related to land ownership by land-grabbers and farmers, mainly in the state of Goiás.

For further information regarding internally displaced persons in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

## **Section 3. Freedom to Participate in the Political Process**

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

## **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

In 2020, the Superior Electoral Court ruled that publicly provided funds for campaign financing and advertising time on radio and television had to be divided proportionally between Black and White candidates in elections. The decision was in effect for the October 2022 elections. Electoral authorities reported instances of political parties failing to adhere to the legal requirements.

The Organization of American States Electoral Observation Mission report noted complaints regarding electoral harassment in which “business owners and other authority figures allegedly tried to influence, intimidate, or coerce employees and subordinates into voting for a particular candidate.”

Observers also noted the Federal Highway Police increased inspections of public buses in the Northeast, causing voter delays and perceived harassment. Following meetings with the electoral authority, police ended the actions, and the electoral authority declared no voters had been prevented from voting because of the actions.

Voters shared on social media anecdotal accounts that militias and drug trafficking organizations interfered in electoral processes by using violence and intimidation to manipulate votes, influence candidate lists, and limit

rival candidates' ability to access and campaign in some neighborhoods. International and national observer missions, however, did not cite any negative trends in their reports.

On June 30, the Superior Electoral Court voted to bar former President Jair Bolsonaro from elected office until following the 2030 general election after determining statements he made in July 2022 to members of the diplomatic community suggesting electoral vulnerabilities violated electoral law.

## **Section 4. Corruption in Government**

The law provided criminal penalties for convictions of corruption by officials and stipulated civil penalties for corruption committed by Brazilian citizens or entities overseas. There were numerous reports of corruption during the year at various levels of government, and delays in judicial proceedings against persons accused of corruption were common, often due to constitutional protections from prosecution for elected officials. This often resulted in de facto impunity for the accused.

**Corruption:** In May Rio de Janeiro's state attorney general alleged that from 2009 to 2018, Rio de Janeiro municipal Councilman Carlos Bolsonaro's chief of staff received payments of approximately two million reais (\$400,000) from six of his staff. The report stated the payments were evidence of a staffing kickback scheme within Bolsonaro's office. Investigators were investigating whether Bolsonaro, son of former President Jair Bolsonaro,

participated directly in the scheme, according to local media. Carlos Bolsonaro was already facing several civil and criminal investigations for alleged improprieties in his office dating back to 2019.

According to the publication *NSC Total*, in April Santa Catarina state police continued serving arrest and search-and-seizure warrants to mayors and other high-level public servants involved in a widespread corruption network. Police arrested 15 mayors in five months on suspicion of fraud in bidding and contracting services, which included bribes to criminal organizations and money laundering in trash collection contracts in Santa Catarina cities. The Public Ministry of Santa Catarina planned to serve municipal secretaries, businessmen, and civil servants with warrants as part of the corruption scandal.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Many domestic and international human rights groups generally operated

without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were cooperative and responsive to the views of these groups. Federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems.

**Government Human Rights Bodies:** The Chamber of Deputies and the Senate had human rights committees and subcommittees that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations. Most states had police ombudsmen, but their independence and effectiveness varied, depending on such factors as funding and outside political pressure, according to human rights groups.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The national law criminalized rape, including spousal rape and domestic or intimate partner rape and other forms of domestic and sexual violence. The law did not criminalize so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law criminalized physical, psychological, and sexual violence against women, as well as defamation and damage to property or finances by someone with whom the survivor had a marriage, family, or

intimate relationship. The law defined femicide as homicide of a woman due to her gender, including but not limited to homicide that escalated from other forms of domestic violence, discrimination, or contempt for women. The law stipulated a sentence of 12 to 30 years in prison. The government did not enforce the law effectively.

Gender-based violence persisted and increased, according to observers. A study released on March 2 by the Brazilian Public Security Forum reported that one-third of women older than 16 suffered physical or sexual violence from partners or former partners in their lives. Also, in 2022, there was an increase in all forms of violence against women, such as beatings and threats with a knife or firearm. In 2022, more than 1,440 women were victims of femicides; 80 percent were killed by a current or former partner or a relative.

Each state secretariat for public security had police stations dedicated exclusively to addressing crimes against women. In March a police operation resulted in the arrest of more than 300 suspects accused of domestic violence in the state of Espírito Santo. State and local governments also operated reference centers and temporary women's shelters, and many states maintained domestic violence hotlines.

On International Women's Day, President Luis Inácio Lula da Silva presented a series of measures regarding women's rights. Among the measures announced were salary equivalence to promote equal pay between men

and women who performed the same function, free distribution of sanitary pads, the donation of 270 vehicles to the Maria da Penha Patrol in all states to combat gender-based violence, an 8 percent quota of the federal government workforce for women survivors of violence, and a declaration that Marielle Franco Day be commemorated every March 14 to raise awareness of political violence based on gender and race. Maria da Penha became an activist who campaigned against domestic violence because her husband tried to kill her, and she survived. Marielle Franco was an activist and a councilwoman in Rio de Janeiro who advocated against police violence; she was killed in 2018, allegedly by police.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was a criminal offense, punishable by up to two years in prison. The law included actions performed outside the workplace. Perpetrators were infrequently held accountable, according to *O Globo*.

**Discrimination:** The law provided for the same legal status and rights for women as for men in all circumstances. A law passed during the year required equal pay for equal work but was not yet enforced. According to the International Labor Organization, women not only earned less than men but also had difficulties entering the workplace; 78 percent of men held paid jobs, compared with 56 percent of women.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraception and postexposure prophylaxis as part of clinical management of rape. According to the UN Population Fund (UNFPA), persons in remote regions had trouble accessing reproductive health services. On March 2, a law came into effect allowing tubal ligation and vasectomy without the need for spousal consent. On April 20, President Lula sanctioned changes to the law to stipulate that emergency protective measures be immediately granted upon request. The law was not fully enforced or sufficiently funded.

The UNFPA reported that the adolescent birth rate per 1,000 girls between ages 15 to 19 averaged 53 births for the period 2003-18. The Ministry of Health reported the maternal mortality ratio was higher among Black women than among White women. Data published in 2021 by the Oswaldo Cruz Foundation found that the risk of death of pregnant Brown and Black women from COVID-19 was almost twice that of White women and noted that Black women were less likely to have gynecological and prenatal care and had to travel farther to reach a maternity ward.

In 2021, UNICEF and the UNFPA published a report on menstrual poverty experienced by girls who lived in conditions of poverty and vulnerability, sometimes without access to basic sanitation services, hygiene resources, and minimal knowledge about the body. More than 700,000 girls had no access to a bathroom or shower in their homes. More than four million girls

experienced at least one type of hygiene problem in schools, including lack of access to feminine care products and basic facilities such as toilets and soap. Nearly 200,000 of these students were completely deprived of the minimum conditions to handle menstruation at school. A study from Girl Up Brazil, a network aiming to end menstrual poverty in the country, found that one in four girls had missed school due to lack of access to feminine products.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibited racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibited the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets, and it stipulated prison terms for such acts. The government did not enforce the law effectively.

According to the Brazilian National Institute of Geography and Statistics, Black and Brown citizens represented an estimated 57 percent of the population. These populations encountered disproportionate discrimination, according to media reports such as in *Folha de São Paulo* and civil society organizations such as the National Coordination of Quilombo Articulation. They also experienced a higher rate of unemployment and earned wages below those of White persons in similar positions. In

addition, there was a sizeable education gap. Afro-Brazilians were disproportionately affected by crime and violence.

The law provided for quota-based affirmative action policies in higher education, government employment, and the military. Nevertheless, Afro-Brazilians were underrepresented in the government, professional positions, and middle and upper socioeconomic classes, according to media reports.

Many government offices maintained internal committees to validate the self-declared ethnicity claims of public service job applicants by using phenotypic criteria, assessing “Blackness” to reduce abuse of affirmative action policies and related laws. University administrators regularly conducted investigations and expelled students for fraudulently claiming to be Black or Brown to claim racial quota places in universities.

According to the General Comptroller’s Office, in the first five months of Lula’s administration, there was a 94 percent increase in the number of racism complaints against the federal government, compared with the same period in 2022.

For the first time, Quilombolas, one of the country’s traditional communities, were included in the country’s census, released in July. According to the 2022 census, Quilombolas numbered 1.3 million, corresponding to 0.65 percent of the total population. Almost 70 percent of the Quilombolas resided in the northeastern states and almost one-third

resided in the Legal Amazon region. Many Quilombolas lived in rural communities known as *quilombos* and practiced subsistence agriculture. Although Quilombolas self-identified as a distinct group, they faced many of the same obstacles as other Afro-Brazilians, including lack of access to quality education, health care, and employment.

On April 27, at the Inter-American Court of Justice, the government apologized and recognized it had violated the rights of Quilombolas by displacing them during the construction of the Alcântara Air Force Base in Maranhão State in 1983.

On August 17, prominent Quilombola leader Maria Bernadete Pacífico was killed by unidentified persons, according to media reports. In 2017, her son Fábio Gabriel Pacífico was shot and killed in Pitanga dos Palmares quilombo, in the state of Bahia. Pacífico's remaining son Jurandir Wellington alleged in a nationwide broadcast on August 19 that both his mother and brother were killed by local farmers and land speculators intent on seizing Quilombola lands.

## **Indigenous Peoples**

The constitution acknowledged that Indigenous peoples were the original inhabitants of the country and provided for the exclusive possession of their territories and respect for their social organizations, customs, languages, beliefs, and traditional lands.

President Lula established the first Ministry of Indigenous Peoples in the country. The government also re-established the National Council for Indigenous Policy and restructured the National Foundation of Indigenous Peoples. Approximately 14 percent of the country's land area was designated as Indigenous territory. Requests to exploit mineral and water resources, including ones with energy potential, on Indigenous lands required approval by congress, in consultation with the Indigenous communities. Despite several proposals, congress passed no legislation to regulate these activities. Illegal land occupations often resulted in violence and even death, according to the annual report from Land Pastoral Commission.

According to the report *Violence Against Indigenous Peoples in Brazil*, by the Indigenous Missionary Council, between 2019 and 2022, 795 Indigenous persons were killed, most in the states of Roraima (208), Amazonas (163), and Mato Grosso do Sul (146). In 2022, the number of land invasions and conflicts increased in Indigenous territories, with 467 cases of violence against properties, 158 cases of territorial conflicts, and 309 records of land invasions, illegal exploitation of resources, and damage to property.

Violence against Indigenous peoples increased to 416 cases in 2022, almost 10 percent more than in 2021. On average, these incidences of violence rose during the four years of President Bolsonaro's administration, when cases numbered an average of 374. NGOs claimed a lack of regulation and

attempts to create new legislation or change existing legislation to promote economic development, along with impunity in cases of illegal land invasions, resulted in the illegal exploitation of natural resources.

## Children

**Child Abuse:** The law prohibited child abuse and neglect, but the government did not enforce the law effectively. Sexual abuse against children increased, according to 2022 data from the federal government's human rights hotline, Dial 100.

On May 19, a presidential decree created a commission to address sexual violence against children and adolescents, including updating the national plan to confront sexual violence against children and adolescents. The commission also served as an advisory, research, and coordination body for the child and adolescent protection network and was responsible for developing guidelines for government action in addressing sexual violence against children and adolescents.

According to the publication *A Gazeta*, in April a girl, age 2, died in a hospital in the municipality of Guarapari, Espirito Santo State. According to the hospital, the child displayed signs that she had been raped. The father was arrested as a suspect.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18, or 16 with parental or legal representative consent. The government did

not enforce the law effectively. The practice of early marriage was common, according to UNICEF. A study of child marriage in the northeastern states of Bahia and Maranhão found that pregnancy was the main motivation for child marriage in 15 of 44 cases.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or sexual exploitation of children and other vulnerable persons and such acts were punishable by four to 10 years in prison. The law defined sexual exploitation as child sex trafficking, sexual activity, production of child sexual abuse material, and public or private sex shows. The law set a minimum age of 14 for consensual sex, with the penalty for statutory rape ranging from eight to 15 years in prison. The government enforced the law unevenly, according to the judiciary and executive branches.

The country was a destination for child sex tourism, according to the government and media reports. While no specific laws addressed child sex tourism, it was punishable under other criminal offenses. Girls from other South American nations were also exploited in sex trafficking in the country.

The law criminalized child sexual abuse material. The creation of child sexual abuse material carried a prison sentence of up to eight years and a fine. The penalty for possession of child sexual abuse material was up to four years in prison and a fine.

## Antisemitism

According to the Brazilian Israelite Federation, there were approximately 120,000 Jewish citizens in the country, of whom approximately 70,000 lived in the state of São Paulo, according to 2021 data, and 34,000 in the state of Rio de Janeiro.

The law criminalized the manufacture, sale, distribution, or broadcast of symbols, emblems, ornaments, badges, or advertising that used the swastika for purposes of publicizing Nazism. The penalty was two to five years' imprisonment. Federal judge Claudia Dadico noted that legislation on hate speech lacked clarity and therefore made it difficult to enforce the law effectively.

On April 3, Santa Catarina Civil Police arrested 10 members of a neo-Nazi cell linked to the Hammerskins, a white supremacist and neo-Nazi group founded in the United States. Police alleged the individuals were responsible for recruiting and radicalizing youth online and in person in the state of Santa Catarina, where police made two additional arrests of men involved in organized crime and neo-Nazi activities.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

## Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** No laws criminalized consensual same-sex sexual conduct between adults.

**Violence and Harassment:** Violence against LGBTQI+ individuals was a concern. While such violence generally had declined since 2017, violence specifically targeting transgender individuals increased, according to Dial 100.

The Federal Public Ministry was responsible for registering reports of crimes committed based on gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime, including sex trafficking, or committing suicide.

Dial 100 registered 2,536 complaints from January to May, an increase of more than 300 percent compared with the same period in 2022. The states

of São Paulo, Rio de Janeiro, and Minas Gerais reported approximately one-half of the total registered in the country.

According to a survey by the NGO Gay Group of Bahia released on June 28, between January and June, 139 LGBTQI+ persons were victims of violent deaths. The survey recorded 256 deaths in all of 2022. Gay men and women were the main victims (48 percent), followed by transgender persons (42 percent). Half of the victims identified as Brown or Black, while White victims represented almost 12 percent.

In January a transgender woman was killed and her body dismembered in Vigário Geral neighborhood, Rio de Janeiro. The victim, a prostitute, left home to meet with a customer and disappeared. Her family discovered the customer's address, where they found the victim's body and the suspect, who escaped. Police were investigating the case.

**Discrimination:** The Federal Supreme Court criminalized discrimination based on sexual orientation and gender identity. Offenders faced sentences of one to three years' imprisonment and a fine, or two to five years' imprisonment and a fine if the offender disseminated the incident via social media, thereby exposing the victim. The law did not explicitly recognize LGBTQI+ couples. In 2022, the Superior Court of Justice unanimously ruled that protective measures through the Maria da Penha Law, which aimed to reduce gender-based and domestic violence, were valid for a transgender woman, the first time such a ruling had taken place.

Same-sex marriage was available; same-sex couples had the legal rights and benefits afforded to different-sex spouses, including monetary rights such as inheritance and survivor rights, and medical rights including hospital visitation and medical decision making.

NGOs cited lack of economic opportunity for LGBTQI+ persons as a concern. According to Grupo Gay da Bahia, 33 percent of companies avoided hiring LGBTQI+ employees, and 90 percent of transgender women engaged in commercial sex because they could find no employment alternative. Transgender women often paid human traffickers for protection and daily housing fees. When unable to pay, they were beaten and starved. Traffickers targeted transgender women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they were unable to repay the cost of the procedure.

On April 6, the federal government created the National Council for the Rights of Lesbian, Gay, Bisexual, Transvestite, Transgender, Queer, Intersex, Asexual, and Other Persons. The council was a reformulation of the former National Council to Combat LGBT Discrimination, eliminated at the beginning of Jair Bolsonaro's government. The responsibilities of the council included monitoring legislative proposals that had implications for the LGBTQI+ population, promoting studies and debates, supporting campaigns, proposing ways to evaluate and monitor government actions, and collaborating with the national secretariat for the rights of LGBTQI+ persons

in the elaboration of parameters for actions and policies.

**Availability of Legal Gender Recognition:** A presidential decree standardized the use of a person’s social name (versus the name given to the person at birth) by bodies and entities of federal public administration. In federal institutions, respect for the social name was mandatory; persons had the right to be respected by the name and gender by which they identified themselves. This also applied to health-care units and hospitals. Many of these institutions reserved a field in forms and documents intended for social names.

Individuals were able to change their gender identity marker on legal and government identification documents to align with their gender identity. There were no options available for “nonbinary/intersex/ gender nonconforming.” Individual self-identification was usually sufficient, but sometimes judges required gender-affirming surgery.

**Involuntary or Coercive Medical or Psychological Practices:** The Federal Council of Psychology in Brazil prohibited any professional from applying so-called conversion therapy practices to LGBTQI+ persons. Nevertheless, there were many reports of conversion attempts conducted or recommended by evangelical and Catholic churches.

A 2022 report by All Out and Instituto Matizes identified 26 types of “gay cures” in the country, divided into four categories: religious,

medical/psychological, familial, and academic. Of the 365 persons interviewed, 193 had been subjected to an attempted “gay cure.”

During the June Pride month, an evangelical pastor, André Valadão, from a church in the state of Minas Gerais, promoted “gay cure” practices through his cult entitled “God Hates Pride.” This practice and speech were common in evangelical churches. On October 12, digital influencer Karol Eller committed suicide in São Paulo, one month after she announced she would undergo a “gay cure” and that she became an evangelical. In September Eller stated in a post on social media that she had “renounced homosexual practice.”

Surgeries were commonly performed on newborns at the advice of medical doctors to “choose a gender.” There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

**Persons with Disabilities**

The law provided the right to education, employment, health services, public buildings, and transportation. The law prohibited discrimination against persons with physical and mental disabilities, and the federal

government generally enforced these provisions. The law required private companies with more than 100 employees to hire 2 to 5 percent of their workforce from persons with disabilities. While federal and state laws mandated access to buildings for persons with disabilities, states did not enforce them effectively, according to Grupo Globo's news media organization G1 and others.

The lack of accessible infrastructure and school resources significantly limited the ability of persons with disabilities to participate in the workforce, according to observers and advocates.

On July 7, the Brazilian Institute of Geography and Statistics reported that persons with disabilities encountered barriers to accessing studies and the job market, and when employed, they received a lower wage than persons without disabilities. Civil society organizations acknowledged monitoring and enforcement of disability policies remained weak and criticized a lack of accessibility to public transportation, weak application of employment quotas, and a limited medical-based definition of disability that often excluded learning disabilities.

## **Other Societal Violence or Discrimination**

Followers of Afro-Brazilian religions such as Candomblé and Umbanda faced more discrimination and violence than other religious groups, according to BBC Brasil. Although less than 2 percent of the population was affiliated

with Afro-Brazilian religions, most of the religious persecution cases registered by the human rights hotline involved victims who were practitioners of Afro-Brazilian religions.

Followers of Afro-Brazilian religions faced physical attacks on and in their places of worship and other forms religious intolerance. According to one religious leader, these attacks resulted from a mixture of religious intolerance and racism (called “religious racism” by civil society and Afro-Brazilian religious communities), systemic societal discrimination, media’s perpetuation of harmful stereotypes, and attacks by public officials and members of other religious groups against these communities.

Drug-trafficking organizations and other groups contributed to societal violence, according to media reports and observers. There was evidence these heavily armed organizations participated in vigilante justice, holding “trials” and executing persons accused of wrongdoing. A victim was typically kidnapped at gunpoint and brought before a tribunal of gang members, who then tortured and executed the victim. In Rio de Janeiro City’s favelas, the practice of police-affiliated criminal organizations, known as militias, using violence to extort payments for protection was a common occurrence, according to media reports and observers. Militia groups, often composed of off-duty and former law enforcement officers, penitentiary officials, and firefighters, reportedly took policing into their own hands. Many militia groups intimidated residents and conducted illegal activities,

such as extorting protection money and providing pirated utility services, according to media reports and observers. The groups also exploited activities related to the real estate market and the sale of drugs and arms.

Militias were the fastest growing criminal enterprise in the state of Rio de Janeiro, according to a recent study conducted by the Instituto Fogo Cruzado, in partnership with the Grupo de Estudos de Novos Ilegalismos (a group dedicated to studying new illegal practices) at the Universidade Federal Fluminense. The study showed that militias controlled an area of almost one thousand square miles, mostly in the western part of the city and the adjacent Baixada Fluminense area.

Civil society organizations and the press reported discrimination against persons with HIV or AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for freedom of association for all workers (except members of the military, military police, and firefighters), the right to bargain collectively with some restrictions, and the right to strike. The law prohibited antiunion discrimination, including the dismissal of employees who were candidates for, or holders of, union leadership positions, and it

required employers to reinstate workers fired for union activity.

New unions were required to register with the Ministry of Labor, which accepted the registration unless objections were filed by other unions. The law stipulated certain restrictions, such as *unicidade* (in essence, one union per occupational category per city), which limited freedom of association by prohibiting multiple, competing unions of the same professional category in a single geographical area. Unions that represented workers in the same geographical area and professional category could contest another union's registration.

The law stipulated that a strike could be ruled "disruptive" by the labor court, and the union could be subjected to legal penalties if the strike violated certain conditions, such as if the union failed to notify employers at least 48 hours before the beginning of a walkout or end a strike after a labor court decision. Employers were not allowed to hire substitute workers during a legal strike or fire workers for strike-related activity, provided the strike was not ruled abusive as defined in the law.

The law obliged a union to negotiate on behalf of all registered workers in the professional category and geographical area it represented, regardless of whether an employee paid voluntary membership dues. The law included collective bargaining rights, such as the ability to negotiate a flexible hourly schedule and work remotely. The law permitted the government to reject clauses of collective bargaining agreements that conflicted with government

policy.

Freedom of association and the right to collective bargaining were generally respected, according to observers. Collective bargaining was widespread in establishments in the private sector.

In the view of NGO experts, the government usually effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a minimum wage, which was

higher than the official poverty income level. The law limited the workweek to 44 hours and specified a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provided for paid annual vacation, prohibited excessive compulsory overtime, limited overtime to two hours per workday, and stipulated that hours worked above the monthly limit had to be compensated with at least time-and-a-half pay; these provisions generally were enforced for all groups of workers in the formal sector. The constitution also provided for the right of domestic employees to work a maximum of eight hours per day and 44 hours per week, a minimum wage, a lunch break, social security, and severance pay.

According to *O Globo*, in March Federal Highway Police and the Labor Prosecutor's Office identified 82 persons in the state of Rio Grande do Sul working in unpaid and coerced labor harvesting rice. Those rescued included 11 children, ages 14-17, according to authorities. They were employed by BASF, a multinational company, which signed an agreement with the Ministry of Labor and Employment to compensate victims and pay fines.

**Occupational Safety and Health:** The Ministry of Labor set occupational safety and health (OSH) standards that were consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country, especially in construction, according to media reports. The law required employers to establish internal committees for

accident prevention in workplaces. The government identified unsafe conditions and responded to worker complaints, but the number of inspections conducted was lower than necessary. It also provided for the protection of employees from being fired for their committee activities. Workers could remove themselves from situations that endangered their health or safety without jeopardy to their employment, although those in forced labor situations without access to transportation were particularly vulnerable to situations that endangered their health and safety.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor addressed problems related to nonpayment of wages and minimum wage, excessively long workdays, and OSH work conditions. In the view of NGO experts, officials effectively enforced OSH laws. Penalties for violations included fines that varied widely depending on the nature of the violation. Penalties were in general commensurate with similar crimes such as fraud or negligence. Penalties were regularly applied against violators. The number of labor inspectors was insufficient to enforce compliance, according to the Labor Inspectors Union. Inspectors had the authority to make unannounced inspections and initiate sanctions.

According to data collected by the Brazilian Institute of Geography and Statistics, the informal sector represented almost 40 percent of the workforce. Part-time workers were covered by wage, hour, OSH, and other labor laws and inspections.

Gig workers were not considered employees, and food delivery and ride-share companies did not consider the workers who provided services through their platforms to be employees. These workers were not protected by labor laws.

# **Exhibit 4**

# World Report 2025: Brazil | Human Rights Watch

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[hrw.org/world-report/2025/country-chapters/brazil](https://www.hrw.org/world-report/2025/country-chapters/brazil)

December 8, 2024

## Brazil

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The administration of President Luiz Inácio Lula da Silva took important measures to reduce Amazon deforestation but is planning to invest billions of dollars in fossil fuels. There was devastating flooding in the south and a record drought nationwide that contributed to ravaging fires.

Police abuse continued to plague Brazil. In São Paulo state, there has been a dramatic increase in killings by police since the current governor took office in 2023.

Brazil made progress in the protection of children's digital rights.

## Democratic Rule

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As of November, prosecutors had [charged](#) more than [1,600 people](#) who allegedly supported or were part of a crowd that ransacked federal buildings in Brasília on January 8, 2023, calling for a coup. Of those, [284](#) had been convicted. Meanwhile, Congress was considering a [bill](#) to grant them amnesty.

In November, police [accused](#) former President Jair Bolsonaro and 36 others, including former ministers and military officers, of planning a coup. Police detained four military officers and a police officer for allegedly plotting to kill President Lula, Vice-President Geraldo Alckmin and Supreme Court Justice Alexandre de Moraes in 2022 to prevent Lula from taking office.

Also in November, a man [detonated explosives](#) and killed himself in front of the Supreme Court, after allegedly making threats against the Supreme Court.

Congress [eliminated](#) a requirement that parties allocate the same level of public electoral funds to Black and non-Black candidates. The parties also granted pardons to themselves after widely violating the allocation rule in the previous elections, in which several parties [favored](#) white candidates.

Researchers [compiled](#) 338 cases of threats and violence, including 33 killings, against individuals engaged in politics—or their relatives—in the run-up to October's municipal elections.

## Corruption and Transparency

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Congress was considering a [bill](#) that [would reduce](#) the period politicians convicted of crimes are banned from running for office.

Federal police recommended charges against former President Bolsonaro in [March](#) based on allegations that he falsified health records, and in [July](#) that he appropriated jewelry received from foreign governments.

In May, prosecutors [charged](#) a member of Congress and his brother, a state official, with ordering the 2018 killing of councilwoman and human rights defender Marielle Franco, whom they allegedly saw as an “[obstacle](#)” to illegal activities, involving land-grabbing and paramilitary groups. Prosecutors also charged the then-civil police chief of Rio de Janeiro with aiding them. Franco’s driver Anderson Gomes was also killed. In October, two former police officers who confessed to carrying out the murder were [sentenced](#) to decades in prison.

In August, the Supreme Court [suspended](#) budget allocations decided by lawmakers until Congress adopts rules to ensure greater transparency. In 2024, Congress controlled a quarter of all government discretionary spending, amounting to [49 billion](#) reais (US\$9 billion). The attorney general [charged](#) three Congress members with corruption over the use of those funds.

In 2023, the government denied [1,339](#) information requests, claiming that they contained personal data. It [classified](#) as confidential for 100 years the list of meetings by the first lady and a declaration of conflict of interest by a Cabinet member. In September, the government announced some [measures](#) to increase transparency.

## Freedom of Expression

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A [study](#) identified more than 47,800 social media posts attacking the media during the electoral campaign.

In May, the Supreme Court ruled that campaigns to file multiple lawsuits against journalists in different jurisdictions constituted [judicial harassment](#) intended to silence them. It found that journalists are only liable for defamation if there is “unequivocal” evidence of malicious intent or “evident negligence” in their reporting.

## Digital Rights

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In August, a Supreme Court justice [suspended](#) the operations of X in Brazil for more than five weeks after the social media platform refused to block accounts that likely engaged in [doxing](#). The justice also ordered fines for users who accessed X through virtual private networks (VPNs). Lack of transparency about account removal orders by the Supreme Court and inadequate content moderation by X have [harmed](#) users.

In June, the personal photos of 358 Brazilian children were discovered to have been [misused](#) to build artificial intelligence (AI) tools that in turn were used by others to create malicious deepfakes of other children.

Between November 2023 and April 2024, at least 85 girls from six states told police that their social media photos had been manipulated, using AI, into sexually explicit deepfakes of them.

In June, the government committed to developing a national policy to protect the digital rights of children.

In July, the National Data Protection Authority [prohibited](#) Meta from using personal data from its child users to train its AI systems.

## Education

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Racial disparities in access to education continued. [Forty-eight percent](#) of Black Brazilians aged 25 and older had completed secondary school in 2023, compared to 62 percent of white Brazilians of the same age.

In June, the government-supported National Observatory of Violence against Educators [launched](#) an initiative to research harassment against teachers who discuss gender and sexuality, racism, and other topics in the classroom. In August, the government [created](#) a working group to address bullying, prejudice, and discrimination in schools.

## G20

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In November, the G20 [agreed](#) to ensure that very wealthy individuals are effectively taxed by fighting tax evasion and fostering dialogue on tax issues, as proposed by Brazil. The G20 also endorsed Brazil's global alliance to fight hunger and poverty, which [seeks to](#) promote cash transfer programs and school meals, among other initiatives.

## Public Security and Police Conduct

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[Homicides](#) fell by 5 percent from January through September, compared to the same period in 2023.

Police had killed [4,565](#) people as of September. [Analysis](#) from previous years showed that more than 80 percent of the people killed by police were Black. While some police killings are in self-defense, many result from illegal use of force.

In São Paulo, police killings increased 55 percent from January through September, compared to the same period in 2023. Police killed at least 84 people in two operations in the Baixada Santista region, in 2023 and 2024. Prosecutors had filed charges in just [five killings](#), as of November.

Since a Supreme Court [ruling](#) in 2020 ordered Rio de Janeiro state to take measures to curb police abuse, killings have dropped dramatically. From January through September, they fell [24 percent](#), compared to the same period in 2023.

In June, the Supreme Court [decriminalized](#) marijuana possession for personal use. In response, Congress was considering a [constitutional amendment](#) to criminalize it. Brazilian police regularly use drug law enforcement as a justification for lethal raids into low-income neighborhoods.

In 2023, 118 police officers died of suicide, a 26 percent increase compared to 2022, the nonprofit Brazilian Forum of Public Security (FBSP) [reported](#), exceeding the number of killings on duty (54) and off duty (73).

In [two rulings](#) published in March, the Inter-American Court of Human Rights found police in São Paulo and Paraná states had committed serious human rights violations. The court ordered Brazil to stop trying crimes against civilians committed by military police in military courts, and instead use civilian courts.

In a [report](#) presented to the United Nations Human Rights Council in October, UN experts on racial justice and equality in law enforcement denounced systemic racism and [urged](#) Brazil to adopt a national strategy to reduce killings by police and ensure adequate investigations into police abuse cases.

## Detention Conditions

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More than [668,500](#) people were incarcerated as of June 2024, exceeding the capacity of Brazilian facilities by 37 percent. Another 220,221 people were under house arrest.

The [National Mechanism for the Prevention and Combat of Torture](#) and the [National Council of Justice](#) reported overcrowding, unhealthy conditions, and ill-treatment and torture in at least six states in 2023.

The number of children and young people held in youth detention—[11,757](#)—continued to decline, dropping 6 percent in 2023 compared to 2022.

## Gender-Based Violence

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About 3,060 women and girls were [killed](#) from January through September. Police registered about a third of them as femicide, defined under Brazilian law as killings “on account of being persons of the female sex.”

There were about 51,400 reports of rapes of women and girls from January through September. In 2023, girls under 14 were victims of [three-quarters](#) of all reported rapes. Black girls were [twice as likely](#) to be victims of rape as white girls, a study found.

In a nationwide [survey](#) published in 2024, almost half of women said they had [suffered domestic violence](#).

In September, President Lula [fired](#) the human rights minister after allegations that he had sexually harassed the racial equality minister and other women. He denied wrongdoing. Between January and August, ombudspersons’ offices [received](#) 557 complaints of sexual harassment involving public servants.

## Abortion

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Abortion is legal in Brazil only in cases of rape, to save a woman’s life, or in cases of fetus anencephaly. Criminalization of abortion pushes women, girls and pregnant people out of the health system. People who have illegal abortions can face up to three years in prison, and those who perform them face up to four years in prison.

In June, thousands of people [protested](#) a bill that would make abortions after 22 weeks equivalent to homicide, even after rape.

## Military-Era Abuses

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Since 2012, prosecutors have filed charges in more than [50 criminal cases](#) for human rights abuses during Brazil’s military rule (1964-1985). Courts have dismissed most, citing the statute of limitations or an amnesty law passed by the

dictatorship and upheld by a 2010 Supreme Court ruling, which the Inter-American Court of Human Rights found violated international law.

In May, prosecutors [charged](#) four former officials and a medical examiner for the 1969 killing of Carlos Marighella, a former member of Congress who led armed opposition to the dictatorship, and its cover-up. Prosecutors also filed civil [suits](#) against more than 100 former officials for torture, disappearances, and killings.

In March, President Lula [instructed](#) his administration not to hold events in memory of the 60th anniversary of the coup. The [UN special rapporteur on truth, justice and reparation](#) said that silence “revictimizes” the victims.

The Lula administration [apologized](#) for abuses against Indigenous peoples during the dictatorship and [re-established](#) a commission to investigate killings and enforced disappearances that the Bolsonaro administration had dismantled.

## **Rights of Indigenous People, Afro-Descendant People, and Environmental Defenders**

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The Lula administration has [titled 13](#) Indigenous territories and made progress in the recognition of [another 11](#), but [hundreds](#) of claims are still pending.

A key obstacle has been an attempt by agribusiness interests to deny Indigenous peoples’ right to their traditional lands if they were not physically present on them when Brazil’s Constitution was adopted in 1988. In 2023, the Supreme Court [ruled](#) that such a cut-off date was unconstitutional, but Congress passed it into [law](#). The issue is pending before the court again.

Titling Indigenous lands is key to securing land rights and can curb deforestation. From 1985 to 2023, Indigenous territories lost less than [1 percent](#) of their native vegetation, compared to 28 percent in private areas, MapBiomass, a consortium of scientists, reported.

In September 2024, the Lula administration issued 21 land [titles](#) to Afro-descendant rural communities. Yet, at the current pace, it would take [2,708 years](#) for the government to conclude pending titling requests, a study by the non-profit Terra de Direitos showed.

People defending environmental and land rights continued to face violence.

The non-profit Pastoral Land Commission [registered](#) in the first half of 2024 more than 1,000 conflicts over land and resources across Brazil, many of them involving illegal logging, mining, or land-grabbing. These conflicts resulted in 11 killings, as of November.

As of November, Congress was considering approval of the [Escazú Agreement](#), which requires protection of environmental defenders and access to information and public participation in environmental matters.

## Environment

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Extreme weather events caused severe health and environmental impacts in Brazil. Experts said climate change increases the [likelihood](#) and [intensity](#) of such events.

Between April and May, more than [180 people](#) died in the worst flooding in [80 years](#) in Rio Grande do Sul state, which displaced tens of thousands.

Brazil as a whole suffered the worst drought [on record](#). And fires raged across the country, many of them linked to clearing land for cattle grazing or agriculture, [experts said](#). From January through October, more than [27 million hectares](#) were burned, more than double the number of the previous year.

Brazil contributes to the climate crisis as [one of the world's top 10](#) greenhouse gas emitters.

The Lula government has reduced deforestation, a key [source](#) of emissions. From August 2023 through July 2024, [6,288](#) square kilometers of Amazon rainforest were cleared, a 31 percent decrease compared to the same period in 2023.

In May, the agriculture ministry [established](#) a working group to design a system to track cattle, in response to a European Union law that restricts the sale of several products linked to deforestation, including meat and leather. Cattle ranching is the largest driver of deforestation in the Amazon.

In August, Brazil adopted a [National Energy Transition Policy](#) that experts [said](#) lacked concrete timelines and commitments. The Lula administration has planned [288 billion reais](#) (US\$47 billion) in investment in oil and gas, the vast majority public money, from 2023 through 2026 compared to just about [87 billion reais](#) (\$11 billion) in investment in renewable energy, all expected to come from the private sector. President Lula [advocated](#) for fossil fuel exploration.

In May, Congress [overturned](#) a presidential veto of a bill that granted the agriculture ministry the primary authority over pesticide regulation, reducing the role of health and environmental authorities. Pesticides cause severe health and environmental harm.

## Disability Rights

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About 18.6 million adults and children over 2 years old with disabilities live in Brazil. Thousands are [confined](#) in institutions—sometimes for life—where some face neglect and abuse. The government launched a [plan](#) for people with disabilities, but failed to include concrete measures to foster deinstitutionalization.

Congress was [discussing](#) a bill to implement a care policy that includes support for people with disabilities.

## Migrants, Refugees, and Asylum Seekers

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Thousands of Venezuelans have crossed the border into Brazil in recent years, fleeing hunger, lack of health care, or persecution.

About 568,000 Venezuelans [lived in Brazil](#) as of early June, of whom 23 percent had refugee status, and over 84 percent had residence permits. [A voluntary relocation program benefited](#) over 141,000 people as of October.

In August, the government [prohibited](#) people transiting without visas from applying for asylum, requiring them to continue to their destination or return to their home country.

Browse countries

# **Exhibit 5**



Home Office

# **Country Policy and Information Note**

## **Brazil: Organised criminal groups**

**Version 1.0**

**March 2025**

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## Executive summary

As of 2024, more than 80 organised criminal groups (OCGs) exist in Brazil. The largest are the Primeiro Comando da Capital (PCC), based in Sao Paulo, and the Comando Vermelho (CV), based in Rio de Janeiro. Both operate throughout Brazil. Militias, OCGs made up of current and former state agents, also operate in low-income communities (known as favelas) in Rio de Janeiro, where they extort populations under their control. The Amazon, border areas and urban favelas are particularly affected by OCG activity.

A person who fears an armed group or criminal gang is not likely to be able to demonstrate a link to the Refugee Convention on the grounds of political opinion, unless they have been living in a community controlled solely by the PCC or CV.

Those most affected by OCG activity are people living in poor communities. Young, black males from low socio-economic backgrounds are vulnerable to joining OCGs due to the perceived benefits they offer. Indigenous peoples are also affected by the general impacts of OCG activity due to the resource-rich, strategic regions in which these communities generally live. However, they are not likely to be targeted or face persecution or serious harm due to their race alone.

A person is likely to face persecution or serious harm from non-state actors or, in the case of militias, rogue state actors when they have taken, or are perceived to have taken a stand against the group, or: are members or former members of the group who have, or are perceived to have, transgressed the rules of the group. Whether and to what extent a person is at risk from a group will depend on: the reason(s) for the group's interest; the area the person usually resides in and will return to; the group's intent, size, reach and capabilities.

In general, the state is willing and able to provide effective protection, but consideration must be given to the circumstances of the case and the OCG they claim to fear.

Internal relocation is generally possible but will depend on the size, reach, capability and intent of the group or gang the person claims to fear, as well as the reasons why the group has an interest in them.

Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

All cases must be considered on their individual facts, with the onus on the person to demonstrate they face persecution or serious harm.

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# Assessment

Section updated: 27 March 2025

## About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**, a person:

- faces a real risk of persecution/serious harm from an organised criminal group
- can obtain effective protection from the state (or quasi state bodies)
- can relocate within a country or territory to avoid persecution/serious harm
- if a claim is refused, it is likely to be certified as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, consider all claims on an individual basis, taking into account each case’s specific facts.

The term ‘organised criminal group’ (OCG) is used in place of ‘gangs’ as sources differentiate between criminal gangs (which generally have no connection to the state) and militia groups (which are made up of current or former state agents).

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#)

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

1.1.4 Decision makers must also consider making an international biometric data-sharing check (see [Biometric data-sharing process \(Migration 5 biometric data-sharing process\)](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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### Official – sensitive: Not for disclosure – End of section

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## 2. Convention reason(s)

- 2.1.1 A person who fears an armed group or criminal gang is not likely to be able to demonstrate a link to the Refugee Convention on grounds of political opinion. This is because, while non-state armed groups maintain (and vie for) pockets of territorial control and carry out some state-like functions in areas of control, their presence and capacity are not so pervasive to be considered ‘political’ in nature.
- 2.1.2 In the country guidance case of [EMAP \(Gang violence, Convention Reason\)](#), heard on 27 April and 9 June 2022 and promulgated on 16 November 2022, the Upper Tribunal (UT) considered whether persons who fear a gang in **EI Salvador** fall within the scope of the Refugee Convention on the grounds of political opinion and membership of a PSG.
- 2.1.3 The UT in [EMAP](#) held that the main gangs operating in EI Salvador, MS-13 and Barrio 18, are ‘political actors’ and that:
  - ‘... (ii) Individuals who hold an opinion, thought or belief relating to the gangs, their policies or methods hold a political opinion about them.
  - ‘(iii) Whether such an individual faces persecution for reasons of that political opinion will always be a question of fact. In the context of EI Salvador it is an enquiry that should be informed by the following:
    - ‘(a) The major gangs of EI Salvador must now be regarded as political actors;
    - ‘(b) Their criminal and political activities heavily overlap;
    - ‘(c) The less immediately financial in nature the action, the more likely it is to be for reasons of the victim’s perceived opposition to the gangs.’ (Headnote, paragraphs (ii) and (iii))

- 2.1.4 The UT in [EMAP](#) provided further analysis of the applicability of political opinion in paragraphs 112 to 122 of the determination. It considered that there are a range of reasons why a gang (or gangs) target a person, not all of which will fall within the Refugee Convention.
- 2.1.5 The UT's findings in [EMAP](#) **are specific to the circumstances in El Salvador at the time of the ruling**. However, the situations in El Salvador and Brazil have some similarities and merit comparison. Both have high levels of organised crime dominated by gangs which have de facto control over parts of the country (in El Salvador) and certain communities (in Brazil) and have sought to influence the state.
- 2.1.6 However, there are significant differences between the 2 countries:
- Brazil has a more diverse criminal landscape with approximately 80 criminal gangs as well as armed militia groups working and competing with the largest 2 groups, the Primeiro Comando da Capital (PCC) and the Comando Vermelho (CV), for control over territory and drug trafficking routes. Although the PCC and CV have a presence in most states of Brazil and exercise de facto control over the communities they dominate, they are not necessarily as dominant as their equivalents in El Salvador.
  - The PCC and the CV are relatively smaller (approx. 130,000 members altogether, or 0.06% of the population) than the MS-13 and Barrio 18 in El Salvador (60,000 members, 1% of the total population).
  - The PCC, CV and militia groups have sought to influence the state. However, their influence on political affairs is not as extensive as in El Salvador. Whilst corruption exists within state agencies in Brazil, particularly at the local level, the state continues to take action against OCGs, including corrupt officials, at a federal level (see [Risk](#), [Protection](#)).
- 2.1.7 On the available evidence, the situations are sufficiently different to conclude that OCGs in Brazil are not 'political actors' in general, and that the UT's findings in [EMAP](#) **do not generally apply** to a fear of an OCG in Brazil, in relation to political opinion. However, in low-income urban communities or favelas that are controlled by the PCC or CV, the influence of these OCGs is significant and they exercise extensive social control over residents. Therefore, although a person who fears an OCG in Brazil does **not** generally fall within scope of the Refugee Convention on grounds of political opinion, this may be applicable where they have been living in an area controlled by the PCC or CV.
- 2.1.8 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.1.9 A person with a well-founded fear of persecution from an OCG for a non-convention reason may still qualify for humanitarian protection.
- 2.1.10 For further guidance on the 5 Refugee Convention grounds, see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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### 3. Risk

- 3.1.1 Those living in favelas and low-income communities dominated by OCGs

are not, in general, likely to face treatment amounting to persecution or serious harm solely by virtue of living there.

- 3.1.2 Persons who fear OCGs in Brazil are not at a general risk of persecution by OCGs. They are likely to face persecution or serious harm when they:
- disrespect a group leader, or take (or are perceived to take) a stand against the organised criminal group, including public figures such as journalists, prosecutors and politicians
  - are, or are perceived to be, an informant
  - have stolen from the group, or owe the group a debt
  - are members or former members of the group who have (or are perceived to have) transgressed the rules of the group
- 3.1.3 Whether a person is at risk from an OCG and the extent of the risk, will depend on:
- their actions, and the reason(s) for the group's interest
  - the area the person usually resides in and will return to
  - the group's intent, size, reach and capabilities
- 3.1.4 In general, family members of targeted persons do not become targets themselves, although there may be some instances in which family members do become targets, including where a major betrayal/transgression has occurred, or if the person had a leadership role. Some indigenous people also face displacement, exploitation and harm due to increasing OCG activity in their territories but in general they do not, as a group, face a real risk of treatment amounting to persecution or serious harm (see [Victims of OCG activity](#), [Environmental crimes](#), [Political violence](#)).
- 3.1.5 Brazil has a diverse criminal landscape, with approximately 80 criminal gangs and militia groups operating alongside and against the 2 largest gangs in the country, the PCC and the CV. The PCC has approximately 100,000 members operating in almost every Brazilian state as well as internationally, with its base in Sao Paulo. The CV has approximately 30,000 members, operating in about 20 Brazilian states and other Latin American countries, and has its base in Rio de Janeiro. The majority of other OCGs are present in 3 states or less and generally ally with either the PCC or the CV (see [Organised Criminal Groups \(OCGs\)](#), [Militias](#)).
- 3.1.6 The PCC and CV are rivals and compete for territory and control of drug trafficking routes. Expanding into the Amazon has led them to branch into environmental crimes such as illegal mining and logging. They are also involved in arms trafficking, kidnap, bank robberies and increasingly in financial crimes such as money laundering through legitimate businesses, extortion and loansharking. The PCC has reportedly begun infiltrating the state, through obtaining public contracts for services and funding candidates for municipal elections (see [OCG activities](#), [Primeiro Comando da Capital \(First Command of the Capital, PCC\)](#), [Comando Vermelho \(Red Command, CV\)](#), [Corruption](#)).
- 3.1.7 Militia groups formed of current and former law enforcement officers compete with the CV for territory in favelas or poor communities in Rio de

Janeiro, and there are reports of such groups developing in other states. Although these groups initially formed to counteract the drug gangs, sources report that they are now indistinguishable, as they also dominate and extort communities under their control, monopolising the provision of essential services and sometimes making alliances with the gangs, leading them to become 'narcomilitias'. It is unclear how many militia groups currently operate and in which states outside of Rio de Janeiro. Due to their connections to state apparatus, sources reported that militias pose more danger to individuals than other OCGs (see [Militias](#)).

- 3.1.8 The PCC and CV both originated in and exercise significant influence over inmates within the country's overcrowded state prison system, where they position themselves in opposition to the state and provide order and resources to inmates which the state cannot. Within Brazil's prisons, they recruit new members and incarcerated leaders continue to issue orders to members on the outside (see [Primeiro Comando da Capital \(First Command of the Capital, PCC\)](#), [Comando Vermelho \(Red Command, CV\)](#), [Recruitment and leaving OCGs](#), [Federal prisons and prisoner transfers](#)).
- 3.1.9 In general, OCGs in Brazil do not engage in forced recruitment. Most recruitment takes place within prisons. Sources stated that most OCG members are young, black males from low socio-economic backgrounds who view joining an OCG as a way to make money and attain a higher level of social status. Alongside those living in poor communities under the 'rule' of OCGs, this demographic are therefore the people most likely to be affected by OCG activity. As OCGs are diversifying their activities, sources reported that they have actively recruited IT and finance professionals and in some cases fund individuals' education to help them secure strategic positions, such as public service roles, which benefit the group. They may also recruit people who work in ports and airports to assist their drug trafficking activities (see [Recruitment and leaving OCGs](#)).
- 3.1.10 In general, the offer to work for an OCG can be refused without repercussion, although some sources suggest that it may be difficult to refuse, particularly in prisons. Generally, a person with a low-level position in an OCG may be able to leave the group. OCGs may also allow a person to leave for religious reasons. Anyone with more than a medium-level role may not be permitted to leave due to their knowledge of the group's operations. Those who owe a debt to the group would also be unable to leave until the debt is repaid. Those who leave the PCC are prohibited from engaging in any further criminal activity and will be monitored to ensure they comply with this rule. If they are found to be taking part in criminal activity, they are likely to be targeted (see [Recruitment and leaving OCGs](#)).
- 3.1.11 In the communities OCGs dominate (generally low-income communities and favelas on the peripheries of large cities), OCGs exercise significant social control. The PCC is highly organised, with a strict set of rules its members must follow. In cases of both rule-breaking by members and disputes brought to them by community members, the CV and PCC impose their own form of justice through 'crime courts', where penalties for perceived wrongdoing are not standardised and can be minimal, or as severe as execution. In neighbourhoods which are under the control of an OCG, residents are generally not permitted to go to the police and are instead

required to bring any disputes to the OCG who will mediate. Examples of accusations that may result in a person being at risk of serious harm include being an informant, personally disrespecting a group leader, stealing drugs or money from the group, and owing and not repaying a debt. People are reportedly also sentenced to death by OCGs for sexual crimes and child abuse (see [OCG 'crime courts' and punishments](#)).

- 3.1.12 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 4. Protection

- 4.1.1 In general, the state is willing and able to provide protection but there may be exceptions to this. Consideration must be given to the circumstances of the case and the OCG a person claims to fear. The onus is on the person to demonstrate that they would not be able to obtain effective protection.
- 4.1.2 Brazilian law criminalises being part of an OCG, and the government speaks out against organised crime. Multiple policy initiatives exist to combat organised crime, including citizen security initiatives, deployment of troops at ports, isolating group leaders in maximum security prisons and increasing resources to fight environmental crime. Police regularly conduct searches and seizures and arrest OCG members (see [Legal context](#), [Government rhetoric](#), [Policy initiatives](#), [Searches, seizures and arrests](#)).
- 4.1.3 High-profile OCG leaders have been arrested and transferred to high security federal prisons across the country, where they are kept in isolation. Sources indicate that this has had a positive effect in disrupting their communications. However, the same leaders have been convicted of crimes they have ordered when they are already in jail (see [Federal prisons and prisoner transfers](#), [Notable decisions](#)).
- 4.1.4 The federal police generally work hard to combat OCGs, but have limited human resource in relation to the size of the country (there are 13,000 federal police officers and Brazil has 16,000 kilometres of land border and a population of approximately 212 million people). A lack of cooperation and communication between federal and state entities challenges the efficacy of combatting OCGs. However, the federal police regularly carry out searches and seizures and investigations into OCG activity (see [Searches, seizures and arrests](#)).
- 4.1.5 State-level law enforcement is heavy-handed. Lengthy, violent confrontations between the police and OCGs in low-income/marginalised areas and favelas, result in local residents confined to those areas, including children, being caught in the crossfire and killed. These community members do not necessarily have any connection to OCGs and are predominantly of Afro-Brazilian descent. Such police operations also restrict the freedom of movement of people in the community. The duration of these operations varies (see [Operations in favelas](#), [Freedom of movement](#), [Witness protection](#)).
- 4.1.6 State police can treat complaints of threats or danger from an OCG with suspicion as such threats can be an indication of the complainant's involvement with the group, and they may not receive protection. Residents

of communities controlled by OCGs are forbidden by the groups to go to the police in general, and must instead bring any issues before the OCG itself (see [OCG 'crime courts' and punishments](#), [Operations in favelas](#), [Searches, seizures and arrests](#)).

- 4.1.7 Sources report that in general the judiciary is independent, but is overburdened and inefficient, with millions of backlogged cases. However, many OCG members have been convicted, and most OCG leaders have been sentenced and are in prison. Approximately 70% of the PCC's members are in prison (see [Judicial response to OCGs](#), [Searches, seizures and arrests](#)).
- 4.1.8 Corruption is widespread, with OCGs, particularly the PCC and militias, having made political connections to state officials, including in the state police and judiciary. The PCC have reportedly funded candidates to municipal elections. Militia members are reported to have official positions in state and local governments. Militia members are put on trial less frequently than gang members, and areas under their control are targeted less frequently in police operations. The federal government works hard to combat corruption but lacks the necessary resources (see [Corruption](#), [Operations in favelas](#)).
- 4.1.9 Brazil has a witness protection programme which is open to all. However, it is hampered by budgetary limitations and is not always effective in protecting a person's identity. Persons of political importance are generally well-protected. Witnesses against corruption and militias face a heightened risk of retribution due to these actors' connection to the state apparatus (see [Witness protection](#)).
- 4.1.10 For background information about the criminal justice system generally and an assessment of its effectiveness in providing protection, see the [Country Policy and Information Note, Brazil: Actors of protection](#).
- 4.1.11 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status Assessing Credibility and Refugee Status](#).

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## **5. Internal relocation**

- 5.1.1 In general, internal relocation is likely to be reasonable, particularly to Brasilia in the Federal District. However, decision makers must consider the size, reach, capability and intent of the group or gang the person claims to fear, as well as the reasons why the group has an interest in them.
- 5.1.2 Different factions of the same OCG can and do communicate with each other meaning that the PCC and CV would have the ability to track a person of interest across Brazil, due to their presence throughout the country. Whether they would have a desire to do so would depend on the alleged infraction. In general, stealing from an OCG, informing on them, personally disrespecting a group leader and failure to repay a large debt could result in a person being tracked. What constitutes a large debt would depend on the perception of the creditor. Former group members are monitored and are targeted if they break the conditions of being permitted to leave. Generally, these issues relate to people who have been part of the OCG. However,

prominent public figures such as prosecutors and politicians who attempt to disrupt OCG activity are also likely to be tracked throughout the country ([Political violence](#), [Tracking of persons by OCGs](#), [Leaving an OCG](#)).

- 5.1.3 Persons who do not fall within the above circumstances would generally be able to relocate, either to a different part of the same state or to a different state, depending on the group they are claiming to fear (see [Tracking of persons by OCGs](#)). For 2024 data on which OCGs operate in which states, see [Location of OCGs in Brazil](#). For a map of which neighbourhoods of Rio de Janeiro are occupied by which OCG, see [Rio de Janeiro OCGs](#).
- 5.1.4 OCGs are present in every state of Brazil, and the PCC and CV have near nationwide and international reach. The PCC has approximately 100,000 members operating in almost every Brazilian state as well as internationally, with its base in Sao Paulo. The CV has approximately 30,000 members, operating in about 20 Brazilian states and other Latin American countries, and has its base in Rio de Janeiro. The majority of other OCGs are present in 3 states or less and generally ally with either the PCC or the CV (see [Organised Criminal Groups \(OCGs\)](#)).
- 5.1.5 Brazil has a population of approximately 212 million people. In 2023, sources reported approximately 39,500 homicides (around 0.016% of the population). In 2023, the states with the highest number of murders per 100,000 inhabitants were Amapa, Pernambuco and Alagoas (all in the North and Northeast regions of the country) and the states with the lowest number of murders per 100,000 inhabitants were the Federal District, Santa Catarina and Sao Paulo. Sources do not disaggregate crime data based on the perpetrator, so it is unclear how many crimes are attributable to specifically OCG activity. However, sources reported that homicides were generally higher in areas where OCGs are in conflict and that recently OCGs have been competing for territory in the North and Northeast regions of Brazil (see [Homicides](#), [Freedom of movement](#)).
- 5.1.6 Freedom of movement within Brazil is generally possible. However, it can be restricted in territories where OCGs are in conflict and during police operations against OCGs which tend to be heavily armed. There have been reports of local residents being caught in the crossfire. This is usually in low-income communities and favelas. Local services such as schools and health centres may also close during these events. Residents who live in a neighbourhood dominated by one faction may not be able to cross into a neighbourhood dominated by another. People may also be expelled from their homes if the dominant OCG suspects they are connected to another faction (see [Freedom of movement](#)).
- 5.1.7 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the person.
- 5.1.8 For more on internal relocation within Brazil generally, see Country Policy and Information Note, [Brazil: Internal Relocation](#).
- 5.1.9 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

## 6. Certification

- 6.1.1 Where a claim is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Brazil is listed as a designated state. Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded.
- 6.1.2 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.3 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

# **Exhibit 6**

# BROOKINGS

## COMMENTARY

# The internationalization of organized crime in Brazil

Valerie Wirtschafter

January 24, 2024

**Editor's note:** This piece is part of a series titled "[Nonstate armed actors and illicit economies in 2024](https://www.brookings.edu/collection/nonstate-armed-actors-and-illicit-economies-in-2024) (<https://www.brookings.edu/collection/nonstate-armed-actors-and-illicit-economies-in-2024>) " from Brookings's [Initiative on Nonstate Armed Actors](https://www.brookings.edu/project/initiative-on-nonstate-armed-actors/) (<https://www.brookings.edu/project/initiative-on-nonstate-armed-actors/>) .

Over the past three decades, the Primeiro Comando da Capital (PCC) has transformed from a prison gang founded in São Paulo into a transnational criminal "[leviathan ↗](#)," with a presence throughout South America, Africa, and Europe. In response to this growing threat, in 2021 the U.S. government [cited ↗](#) the PCC as "the most powerful organized crime group in Brazil and among the most powerful in the world." What can we expect from the PCC moving forward? And how might policymakers stall this international expansion?

In the coming year, the PCC will likely continue to vie for dominance in strategic areas of contested control throughout Brazil and look for opportunities to consolidate gains abroad. Confrontation with rival groups, including the Comando Vermelho (CV), born in the Rio de Janeiro prisons, and its allies in areas such as the Amazon, is also likely to continue. This is particularly the case due to the region's importance for drug smuggling and access to other illicit markets, such as illegal logging, mining, and wildlife trade.

Internationally, the PCC is likely to become further entrenched in neighboring countries and continue to probe opportunities for a direct presence in Europe, while at minimum maintaining profitable links to groups such as Italy's 'Ndrangheta mafia. A

more focused push into other parts of South America, including Uruguay, Argentina, and Chile, where prison capacity and experience fighting organized crime is [limited](#), could propel the PCC's consolidation of power in the region as well.

In considering the nature of the PCC's growth, addressing this challenge will require both domestic policy changes and international coordination. Within Brazil, continued focus on hotspot areas, such as the [Amazon](#), will be vital. In addition, the Lula administration should devise a federal strategy for addressing organized crime, which has typically been left to state authorities despite the national-level threat.

To address the PCC's transnational expansion, Brazilian security personnel should deepen their collaboration with regional partners around organized crime. This issue could also provide an opportunity for the Brazilian government to engage in productive collaboration with the United States and the European Union, particularly as the PCC endeavors to expand overseas into areas where Brazilian intelligence operations are less robust.

Beyond these approaches, it remains important to address longstanding challenges that make cooperation with or participation in criminal groups an attractive option. These include efforts limiting pretrial detention, improving prison conditions, and addressing impunity within the security apparatus, among a range of other possible reforms.

## The PCC's continued expansion throughout Brazil

Born in 1993 in response to a brutal massacre in Carandiru prison in São Paulo, the PCC has since expanded to become a formidable global threat. With a [presence](#) in nearly every state in Brazil, the PCC has recruited tens of thousands of members, drawing on a prison population that has [grown](#) by more than 400% since 2000. Only the CV has a similar national scale, and in recent years, the PCC has wrestled control away from it in many parts of Brazil.

The PCC exerts control inside Brazil's prisons and outside its walls, overseeing a [complex](#) governance system that involves not only explosive violence but also the imposition of discipline and order. In recent years, the PCC has pushed into the Amazon, where groups such as the Família do Norte and CV have historically vied for control. This contestation has resulted in [high homicide rates](#) and [prison violence](#).

Due to the fact that the Amazon offers the greatest potential for illicit activities — with proximity to [suppliers ↗](#) in the northwest, [transport ↗](#) routes to ports in the northeast, vulnerable [migrants ↗](#) from countries such as Venezuela in the north, and the potential for [expansion ↗](#) into environmental crimes, such as illegal mining and fishing — it is likely to remain an area of PCC interest over the next year.

## The PCC's transnational agenda

Since the mid-2000s, the PCC has also [pursued transnational ties ↗](#). In addition to providing a steady supply of marijuana and cocaine to fuel domestic markets, this expansion seeks to stitch together all aspects of the drug supply chain, with Brazil's roads, rivers, and ports providing the transport routes to the Atlantic Ocean. To this end, the PCC has linked drug producers in countries such as Bolivia, Peru, and Paraguay to drug suppliers across Europe and parts of Africa. It also [worked to recruit ↗](#) former FARC fighters who opted out of peace talks with the Colombian government. Through trans-Atlantic ties with Italy's ['Ndrangheta ↗](#) mafia and in [West Africa ↗](#), the PCC serves as an important intermediary for cocaine supplied to Europe.

For now, the PCC tends to plug into and collaborate with existing international networks, yet there is evidence the group may establish more robust local presences as well. According to some estimates, PCC members have been [identified ↗](#) in at least 16 countries, including an estimated [1,000 ↗](#) affiliates alone in Portugal. Continued collaboration with other illicit actors operating in parts of Europe and Africa is likely to remain a priority for the PCC, but efforts to build a presence on the ground, particularly in Lusophone countries, seem increasingly possible as well.

## Lula's approach to organized crime

According to pollster Datafolha, respondents consistently rank public safety in Brazil as a [major problem ↗](#). As a result, any eruptions in violence could dent Brazilian President Luiz Inácio Lula da Silva's approval ratings and push voters toward more extreme politicians [promising ↗](#) policies akin to those seen in El Salvador.

To address this concern, Lula has attempted to reign in organized crime in a variety of ways. In the Amazon, he has worked to [bolster cross-national coordination ↗](#) to protect the rainforest. Although regional integration is a positive step, some critics have argued that these efforts do not go [far enough ↗](#) in addressing environmental crimes.

Security personnel have also sought to [decrease ↗](#) illegal logging and mining, with some success. However, there are already [signs ↗](#) that law enforcement has brought a resurgence in illicit activities to the very areas that the Lula administration had prioritized last year. Furthermore, tensions in Congress tied to support for large regional development projects and agricultural expansion threaten to stymie further progress and [drive ↗](#) illicit activity.

Beyond the Amazon, Lula has [retightened ↗](#) firearm restrictions, [reversing ↗](#) policies that made it easier for criminal groups to procure weapons legally. Other efforts, however, amount to little more than [new funding ↗](#) for the same ineffective solutions. For example, the government recently [announced ↗](#) the deployment of the armed forces to key ports and airports to reign in drug smuggling. This “guarantee of law and order” may lead to more drug apprehensions in the short term, but the root causes driving PCC expansion will remain intact.

## Denting the PCC's reach

Brazil continues to have one of the [highest prison population rates ↗](#) in the world and the third-highest number of prisoners. Prison occupancy levels are about 174%. As a result, any type of sweeping mass incarceration efforts to curb organized crime would likely be counterproductive in Brazil, particularly given the PCC's prison-based origins.

Instead, efforts to improve conditions in prisons and decrease the prison population will help alleviate stress on a system that provides the [best ↗](#) opportunities for PCC recruitment. Most recently, the National Council of Justice [reviewed ↗](#) the cases of over 100,000 inmates and found that nearly 22,000 had been wrongfully imprisoned, resulting in their release. Further efforts in this vein will be vital. Additionally, investing more in rehabilitation programs and security so that inmates are not forced to rely on gangs for their survival will also help decrease the pull factors inside Brazil's prisons that drive PCC membership.

Given the PCC's wide reach across Brazil — and internationally — cooperation and intelligence sharing also remain critical. At present, Brazilian states remain responsible for public safety, and the Brazilian federal government's responses have so far been [limited ↗](#). As a result, it is difficult to coordinate across security operations, despite a national-level threat. A national-level [strategy ↗](#) that facilitates communications and

sets priorities could help create a long-term response to public safety threats that extend well beyond state borders.

Internationally, coordination efforts could provide opportunities for productive collaboration with the United States and, the European Union due to the PCC's expansion into areas where the Brazilian government's intelligence efforts and relationships are weaker. It will also be critical to continue to invest in additional regional cooperation and capacity building, particularly in countries like Paraguay and Bolivia, where the [ability](#) to investigate organized crime is limited and law enforcement is corrupt.

More broadly, improving the public safety situation will require difficult reforms to tackle [impunity](#) within the security apparatus and regain the trust of populations that have historically been neglected by the state. Homegrown solutions, such as improvements in data usage to map crime or limitations on alcohol sales after 11 p.m., offer a blueprint for strategies that have [worked](#) — however, they take political will and time to succeed. In the interim, punitive solutions — which trade short-term political wins for long-term public safety — will likely exacerbate the PCC's transnational challenge.

## AUTHOR



**Valerie Wirtschafter** Fellow - Foreign Policy,  
Artificial Intelligence and Emerging Technology Initiative  
🦋 [@vwirtschafter.bsky.social](#)

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# **Exhibit 7**

Brazil Brazil Groups

## First Capital Command – PCC

by *InSight Crime*

28 Nov 2022 Updated 28 Aug 2025



The First Capital Command (Primeiro Comando da Capital – PCC) is Brazil’s biggest and best-organized criminal network. It was born in São Paulo in the 1990s and has forged a bloody path to dominance throughout the country. The group is believed to have members in all of the country’s states, and has expanded its operations internationally to other Latin American nations in addition to Europe and Asia.

## History

The PCC formed in the wake of a massacre in São Paulo’s Carandiru prison in **October 1992**, in which Brazilian security forces killed over 100 prisoners following a riot.

In August 1993, a group of eight prisoners who had been transferred to Taubaté prison formed the PCC to fight for justice for the massacre and to push for better prison conditions. They expressed solidarity with another prison-based gang, the **Red Command**, adopting its slogan “peace, justice, freedom,” and advocated for revolution and the destruction of the capitalist system.

In 1999, the group carried out the biggest bank heist in São Paulo’s history, stealing over \$7 million.

In subsequent years, the government moved to split up the PCC's leaders, transferring them to prisons across the country. However, this allowed the gang to forge stronger links with other crime groups and to spread its ideas more widely.

It had become impossible to deny the PCC's existence by 2001, when it coordinated the biggest prison rebellion the world had ever seen, with simultaneous shutdowns in 29 facilities across São Paulo state.

In 2006, the PCC launched an even more significant protest after members were transferred to remote facilities. Imprisoned gang members took control of more than 70 prisons across the country, holding visitors hostage. Simultaneously, the group launched coordinated attacks on the outside focused on São Paulo that left more than 150 people dead.

Over the next decade, the PCC **grew in strength** and sophistication, aided by a **virtually unimpeded** ability to conduct business in Brazil's underresourced prisons, as well as a reported truce with the São Paulo police. In the early 2010s, the group began branching out to establish drug and weapons trafficking operations in neighboring countries like **Bolivia** and **Paraguay**.

During the early 2010s, the PCC also **made attempts** to influence politics in its home state of São Paulo.

With increasing recruitment rates and revenues, the gang began to emerge as the **most powerful** criminal organization in Brazil. Boasting more than 11,000 members across the country, and with multimillion-dollar monthly revenues, the PCC **expanded** its criminal portfolio to include large-scale international drug trafficking operations. The group **developed ties** with the powerful Italian mafia, the 'Ndrangheta, and began **laundering money** in foreign countries like China.

In the latter half of the decade, the PCC grew bolder in its use of violence. The group was blamed for a **series of armed robberies** in Paraguay in 2015. And in early 2016, a **video surfaced** on the internet depicting the decapitation of a teenager, reportedly linked to a dispute between the PCC and its erstwhile ally, the First Catarinense Group (Primeiro Grupo da Catarinense – PGC).

In late 2016, the PCC **broke a longstanding truce** with the Red Command, setting off months of bloody prison riots that led to **hundreds** of deaths. Authorities linked the violence to **clashes** between the two groups over control of lucrative drug trafficking routes running through the remote northern Amazon region of Brazil. Reports also suggested that the PCC was **seeking to challenge** the Red Command in its home city of Rio de Janeiro, and that the PCC was **fending off challenges** from a rival group in São Paulo state, contributing to a spike in violence there.

In 2017, the PCC appeared to move into **expansion mode**. The group was linked to international drug shipments traveling through **Uruguay**, kidnappings and robberies in **Bolivia**, and **attempts to recruit** dissident members of the demobilizing Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia – FARC).

The PCC was also blamed for a spate of murders reportedly linked to conflict over the drug trade in **Paraguay**. And in April 2017, the gang reportedly carried out the **biggest armed robbery** in Paraguay's history.

The **fallout from the breakdown** of the PCC-Red Command truce continued to generate **violence** in early 2018, with the PCC seemingly undeterred in its **ongoing campaign** of domestic and international expansion.

By the end of the 2010s, the PCC **had become** a significant transnational criminal organization, with strong control over drug trafficking and other criminal activities in much of Brazil, and strong connections to the international drug trade.

In the early years of the 2020s, however, the group came under increasing pressure from Brazilian and international authorities. The group's senior leadership was destabilized after the government intercepted the group's communications, as well as ongoing warfare with rival organizations, and the transfers of top leaders to federal penitentiaries.

In 2024, the gang entered the worst internal **crisis** in its 30 years of existence, following the leak of a recording of a conversation in which top-ranking PCC leader Marcos Willians Herbas Camacho, alias "**Marcola**," calls fellow gang leader Roberto Soriano, alias "Tiriça," a "psychopath."

The recording of the conversation was used in the criminal case against Tiriça, and he declared that Marcola was a whistleblower. Together with Abel Pacheco, alias "Vida Loka," and Wanderson Nilton de Paula Lima, alias "Andinho," Tiriça issued a statement demanding Marcola's exclusion from the PCC leadership, which was responded to with another statement by Marcola and the PCC highest level leadership group declaring the expulsion and ordering the death of the other three leaders.

The crisis **remained** unsolved in 2025, but Marcola's exclusion was not unanimous. Marcola declared he was being slandered by the other leaders and most of the PCC members on the streets remained loyal to him, even as some of the gang's traditional leaders questioned his authority. Meanwhile, Tiriça and Vida Loka were expelled from the gang.

# Leadership

The PCC is run at the highest level by a group of powerful regional leaders, many of whom are incarcerated. It organizes itself in cells, with local leaderships working on a vertical hierarchy. The gang's highest cell is known as the General High Command (Sintonia Final Geral), and is run by Marcola and other six leaders. Dues are collected from members of the organization and are used to **pay lawyers**, buy off prison guards and police, and to purchase drugs and weapons.

Two founding members of the PCC, Jose Marcio Felicio, alias "Geleirão," and César Augusto Roriz da Silva, alias "Cesinha," were expelled from the organization in 2002 as Marcola took power. Geleirão and Cesinha founded a rival organization, the Third Capital Command (Terceiro Comando da Capital — TCC).

Marcola is the group's maximum leader, operating from prison, where he is serving a two-decade drug trafficking sentence. After him, six other members are **understood to be** the group's second-in-command, according to information by São Paulo's Public Ministry from June 2025. Among them, Cláudio Barbará da Silva, alias "Barbará," and Reinaldo Teixeira dos Santos, alias "Funchal," allegedly replaced Tiriça and Vida Loka after their expulsion.

The chart also mentions Antônio José Muller, alias "Granada," Eric Oliveira Farias, alias "Eric Gordão," Márcio Luciano Neves Soares, alias "Pezão," and Júlio César Guedes de Moraes, alias "Julinho Carambola," as second-in-command after Marcola.

# Geography

The PCC is strongest in his home base of São Paulo, Brazil's most populous and economically important state, though it maintains a presence around the country. In recent years, it has expanded its activities internationally, developing operations in nearly every country in South America in addition to establishing ties with European crime groups.

Paraguay has become an important stronghold for the Brazilian organization in Latin America. In Europe, Portugal is the country with the most PCC activity. According to a 2023 report by the Portuguese Security Intelligence Service, around 1,000 PCC members **operate** in the country.

# Allies and Enemies

A 20-year truce between the PCC and the Red Command broke down in late 2016, resulting in a rapid grab for territory and allies by both sides.

To shore up support in the northern territories, which are home to important drug trafficking routes, the PCC **allied** with rivals of the Red Command. However, some of those alliances appear to have **broken** down. The group **maintains** an alliance with the northeastern gang Bonde do Maluco (BDM), through which they trade drugs and weapons and enable the migration of criminals. Reports suggest that the Pure Third Command (Terceiro Comando Puro – **TCP**), a dissident **gang** from the Red Command, and criminal **groups** from the southern state of Rio Grande do Sul are also allied with the PCC.

Despite the rivalry, the PCC and the Red Command made some attempts at cooperation in 2025. In February, the gangs **established** a truce that **lasted** no longer than two months, due to local rivalries between branches of the groups across Brazil.

## Prospects


The PCC's ambitions are not limited to the domestic environment. Its recent spread throughout Latin America has resulted in it filling a void in countries where no homegrown criminal organization has taken charge. The gang has also been diversifying the types of crime in which it operates through participation in cybercrimes, such as money laundering with **cryptocurrencies** and **virtual fraud**, as well as **public contracting** graft.

The gang's diffuse leadership structure has made it resilient to challenges from rivals, as well as authorities' attempts to disrupt its leadership. Despite tensions among top leaders, the group will likely remain among Latin America's most powerful criminal organizations due to its strong territorial control and its involvement in a multitude of criminal economies.

# **Exhibit 8**

## Brazilians take to the streets calling attention to a crisis of violence against women · Global Voices

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 [globalvoices.org/2025/12/09/brazilians-take-to-the-streets-to-call-attention-to-a-crisis-of-violence-against-women](https://globalvoices.org/2025/12/09/brazilians-take-to-the-streets-to-call-attention-to-a-crisis-of-violence-against-women)

Posted 9 December  
2025

Thousands of women [marched in several cities in Brazil](#) over the weekend of November 6 and 7, to [deliver a message](#) that violence against women cannot be trivialized and that it is a crisis. The protests were organised under the title "Rise Women Alive" ([Levante Mulheres Vivas](#)), and followed a number of high-profile cases that have made the news in the past couple of weeks.

Among them, a social media influencer [known for creating "red pill" content](#) (a termcorpo [originating from the Matrix movies](#) and symbolizing "awakening" but which has been [co-opted by some politically conservative and misogynistic groups](#)), has been arrested for allegedly [assaulting his partner](#) and [trying to force her to have sex](#) with him. He has [denied](#) the accusations.

In São Paulo, a [man dragged a woman](#) with his car for one kilometer (0.6 miles), causing the amputation of both her legs. According to the police, the suspect [became "enraged"](#) after seeing the woman talking to another man at a bar. Her [family and friends said](#) they had dated for a while. The man [denied knowing her](#), despite witnesses claiming to see them arguing at the venue.

In Rio de Janeiro, a [public servant shot and killed](#) two women he worked with in a federal education unit, committing suicide right after. The police are investigating whether the case has a misogynistic factor because the attacker did not accept women in higher-ranking positions at the workplace. [CBN radio](#) says the crime "could be motivated by misogyny, which is hatred, despise or prejudice against women," based on accounts from the students' parents and other people close to the victims.

In Florianópolis, Santa Catarina state, a [five-year-old boy stood in front of his mother](#) trying to protect her while his father stabbed her, saving her life. The same city where a [31-year-old woman was raped and killed](#) on a hiking trail she took on her way to a swimming class, in the end of November.

In Brasília, the country's capital, [the charred body of a 25-year-old army corporal](#) was found after a fire in a military unit with a cut on her neck. A 21-year-old soldier confessed to killing her and setting the place on fire after an argument between them.

In São Tomé das Letras, Minas Gerais state, the same day, [a 26-year-old woman suffered burns to 60 per cent of her body](#). After she was taken to a hospital, she told police officers that her boyfriend had thrown gasoline over her and set the fire, also after an argument.

Anthropologist and writer [Debora Diniz](#) posted a call to the marches over the weekend on [her Instagram](#) profile, adding:

This is the paradox of our brutal time against women: marching to guarantee the right to life. Walking to interrupt the normalization of femicide. We occupy the city to remind the obvious: it shouldn't be necessary to ask not to die.

March on. And talk about his paradox, without softening it. Find it strange that survival needs a choir, posters, a cry in the throat. Find it strange that we still need to shout to live — and, yet, shout. Because every step together disavows the silence they are trying to impose on us.

Since 2006, [Brazil has had a law](#) aimed at combating gender violence, especially to protect domestic violence victims. It is named after [Maria da Penha](#), a woman who [became paraplegic](#) after being shot in the back by her ex-husband while she was sleeping. In 2015, [another law](#), signed by then-president [Dilma Rousseff](#), hardened penalties for the murder of women and girls, adding femicide as a qualifier to homicide in the country's penal code. This change introduced into the legislation the notion that there were women being killed because of their gender.

Last year, President Luiz Inácio Lula da Silva [signed another law](#) making femicide a crime of its own, with penalties up to [40 years in prison \(it can be increased to 60 years in certain cases\)](#). — the Brazilian justice system [doesn't have life imprisonment](#). After the latest protests, Lula [posted a video](#) on his X (former Twitter) account showing the event in Brasília, featuring women ministers from his cabinet and the First Lady [Rosângela Janja Lula da Silva](#), and wrote that "combating femicide is a job for all, especially men."

Yet, despite these existing laws, the protection of women and girls in the country [never seems fully guaranteed](#), and the number of such crimes is worrisome.

The 2025 annual [report](#) of the non-governmental organization [Brazilian Forum of Public Security](#) (Fórum Brasileiro de Segurança Pública) showed that, although violent deaths had declined in Brazil, cases of violence against women and children [increased](#).

Data gathered with state systems showed 3,870 victims of attempted femicide — a 19 percent growth compared to the previous year. In 2024, Brazil had 1,492 victims of femicide, a 0.7 percent increase, and the highest number registered since the 2015 law became effective. That means an average of four women are killed for reasons linked to their gender every day. Eight out of 10 were killed by their partners or ex-partners.

In a chapter analyzing this data in [the same report](#), experts wrote that violence against women remains “one of the biggest challenges faced by Brazilian public policies, in particular in the public security field, either in producing and systematizing data, or in terms of formulating and implementing these public policies, especially preventive ones.” They also gave a warning: “Laws are improving, but violence persists, and women remain at risk. These risks are varied.”

In [another report](#), published in 2023 analyzing numbers from 2022, when “all forms of violence against women had presented a surge,” the Forum noted:

Physical aggressions, sexual offenses and psychological abuse have become more frequent in the lives of Brazilian women. Sexual harassment, either in the workplace or public transportation, hit unimaginable records. (...) we are facing an acute growth of serious physical violence, which could result in death at any time.

A dire prediction that has since come true for many women. A couple of days before the marches, on November 4, the newspaper [Correio Braziliense published](#) an editorial stating:

Recent cases of gender violence that made national news leave no doubts about the existence of a rampant hatred against women in the country, converging into a scenario of dangerous normalization of atrocities. Not for nothing specialists warn about the widespread practice of exterminating women, and authorities highlight the risks of banalizing such crimes. (...)

The inaction is part of the gear that takes Brazilian women's lives everyday. Without a mobilization involving public agents, civil society, schools, churches, scholars, we cannot change structures that sustain an extended cycle of violence that has femicide at a chronic stage. The cruelty also lies in omission, and this, indeed, must be eradicated.

# **Exhibit 9**

# The Alarming Rise of Gender-Based Violence in Brazil

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 [americasquarterly.org/article/the-alarming-rise-of-gender-based-violence-in-brazil](https://www.americasquarterly.org/article/the-alarming-rise-of-gender-based-violence-in-brazil)

By Manoela Miklos and Samira Bueno | May 27, 2025

May 27, 2025

Reading Time: 4 minutes

SÃO PAULO—Gender-based violence in Brazil, a longstanding problem in Latin America’s most populous country, has reached alarming levels. In the last 12 months, 37.5% of women aged 16 and over experienced some form of violence. This is the highest rate recorded since the local think tank [Fórum Brasileiro de Segurança Pública](#), known as FBSP, started monitoring the issue in 2017.

The data presents a concerning situation for the 21.4 million women involved in these incidents and for our society as a whole: Despite extensive public debate on gender roles and gender-based violence, there has not been a significant reduction in the number of victims, nor have more individuals sought help. It is our responsibility to understand these statistics and advocate for public policies that address this issue.

In 2015, women from all over Brazil [took to the streets](#) to defend the few sexual and reproductive rights constitutionally guaranteed to women. According to Brazilian law, abortion is only allowed in three specific circumstances, and access to legal abortion can be limited due to a lack of services and medical professionals’ refusal. When former congressman Eduardo Cunha presented a bill aimed at extinguishing these few paths to legal abortion and criminalizing the procedure entirely, [protests](#) took place throughout the country for weeks until the bill was dismissed.

By then, protests were not just about the bill. Women were marching to denounce the many other aspects of gender inequality in Brazil—today, the period is referred to as the “women’s spring.” It lit a fuse: gender inequality has never been talked about so much in our country. Women finally have the language and the words to discuss this problem, a crucial step toward solving it.

Brazil is not the exception. In 2015, women’s protests surged across Latin America and the Caribbean as feminists mobilized against gender-based violence, restrictive abortion laws, and persistent inequality. The marches around the region brought unprecedented public attention to issues such as femicide, sexual harassment, and women’s bodily autonomy, challenging traditional norms and pushing for legal reforms.

Over the past decade, Brazil has created new regulatory frameworks and updated laws to hold perpetrators accountable, but these measures alone have not been enough. This complex problem demands a broader response, from policies to enable women's economic autonomy and improve education, to funding for programs benefiting at-risk women.

### Diagnosing the problem

According to a 2025 survey by the FBSP, 40.7% of Brazilian women aged 16 and over say they have [suffered](#) physical, sexual, and/or psychological violence in their lifetime from a partner or ex-partner. Approximately 60% of these cases reported in the last 12 months occurred at the victim's home.

The data shows that women don't trust the state to guarantee access to justice and health, or to assign responsibilities to perpetrators of gender-based violence correctly. They feel they are on their own. The majority of women who have suffered severe violence in the last 12 months say they did nothing about the aggression they endured. In addition, most women say they were assaulted in front of witnesses, and 25% say they were assaulted in front of their children.

A factor contributing to this violence is the de-funding of public policies to prevent and combat gender-based violence during the government of former President Jair Bolsonaro, and under governors and mayors aligned with its views. On his first day in office, January 1, 2019, Bolsonaro abolished the Ministry of Women's Affairs and [created](#) the Ministry of Women, Family and Human Rights, a gesture in line with his stated [opposition](#) to "gender ideology." As a result, certain public policies were discontinued and the notion that women are primarily meant to be daughters and mothers was reinforced.

It's also worth noting that the COVID-19 pandemic killed 700,000 people in Brazil in just three years and forced millions of Brazilians to change their habits and adopt social isolation measures. In the process, shelter services have been disrupted, and it has become even more challenging to assist women in situations of domestic violence.

Finally, there is a cultural aspect to this. A society immersed in misogynistic rhetoric repeatedly uttered by leaders and decision-makers [engenders](#) a cultural environment that authorizes aggressors to behave as such. Bolsonaro's shocking public [comments](#) about women have caused uproar, and although he is currently [banned](#) from running for public office, *bolsonarismo*—the far-right movement

originally built around him—remains a powerful political and social force in Brazil, continuing to shape public discourse, influence elections, and mobilize large segments of the population.

### **Legislative measures**

It's not all bad news. The Maria da Penha Law, approved in 2006, is considered a landmark piece of legislation in Brazil and one of the most significant tools in the world for combating violence against women. Since the mid-2010s, Brazil has enacted new regulatory frameworks that, when well-resourced and well-implemented, have made a big difference.

In 2015, the [Femicide Law](#) was enacted, establishing femicide as an independent crime specifically targeting women due to their gender. The [Law on Sexual Harassment](#) was enacted in September 2018 to criminalize sexual acts committed without the victim's consent, whether in public spaces or in the workplace. A law was approved in 2021 to criminalize and penalize [stalking](#).

But this work is far from over. Brazil can and desperately needs to do more when it comes to designing, implementing and monitoring effective prevention and protection policies. The women's movement fights tirelessly to ease the hardships faced by Brazilian girls and women, constantly advocating for the creation of new penal types and pushing for new legislation and updated laws.

### **A broader response**

Brazil has a long road ahead. While enhancing the criminal justice system is essential, it does not tackle the entire problem, which demands a broader response from policymakers and civil society. Brazil must create opportunities for at-risk women to earn a living and gain autonomy, enabling them to escape the cycle of violence.

In addition, the government should provide quality education for children from broken homes and ensure access to mental health resources for mothers. Investment in measures to prevent and eliminate violence against women must be a high priority at the local, state, and federal levels. This is essential for creating safer environments and ensuring effective responses to violence.

Funding should be allocated for the maintenance and expansion of women's shelters, investment in care facilities and health centers, and providing rent and transportation subsidies for at-risk women. Additionally, training and education

programs should be developed to empower victims and promote their autonomy. Resources must also be dedicated to data collection and public policy monitoring, along with the standardization of protocols for women to report crimes and seek assistance from public institutions.

President Luiz Inácio Lula da Silva's administration has generally made positive contributions toward alleviating these issues. However, with general elections approaching next year, Lula has recently changed the leadership of the [Ministry of Women's Affairs](#), which he restored on his first day in office. This move appears to cater to the demands of his allied parties ahead of the October 2026 vote.

Therefore, Brazilian civil society must remain vigilant, as elections tend to dominate the political landscape and may overshadow issues such as gender-based violence. This urgent problem demands more attention from policymakers, and there is no time to lose.

## ABOUT THE AUTHORS

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Manoela Miklos

*Miklos is a senior researcher at the Fórum Brasileiro de Segurança Pública*

**Follow Manoela Miklos:** [LinkedIn](#) |  
Samira Bueno

*Bueno is the executive director of the Fórum Brasileiro de Segurança Pública*

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**Tags:** [Brazil](#), [femicide](#), [Violence Against Women](#)

# **Exhibit 10**



# **BRAZIL**

## Public (In)Security Experiences in São Paulo and Rio de Janeiro

### Introduction: Challenges in Combating Organized Crime

In 2020, the Latinobarometer survey evaluated public perceptions on a range of critical issues, including democracy, trust in institutions, the economy, social inequality, justice, crime, and security. Among the questions posed, one particularly stands out and has served as the trigger for this analysis: the perception as to the presence of organized crime, armed groups, drug trafficking organizations, or gangs in the respondents' municipality or neighborhood. The results are especially striking in the case of Brazil, where 75% of respondents confirmed the presence of such groups. This places Brazil at the top of the rankings, with the highest reported prevalence of these criminal elements compared to other Latin American countries.

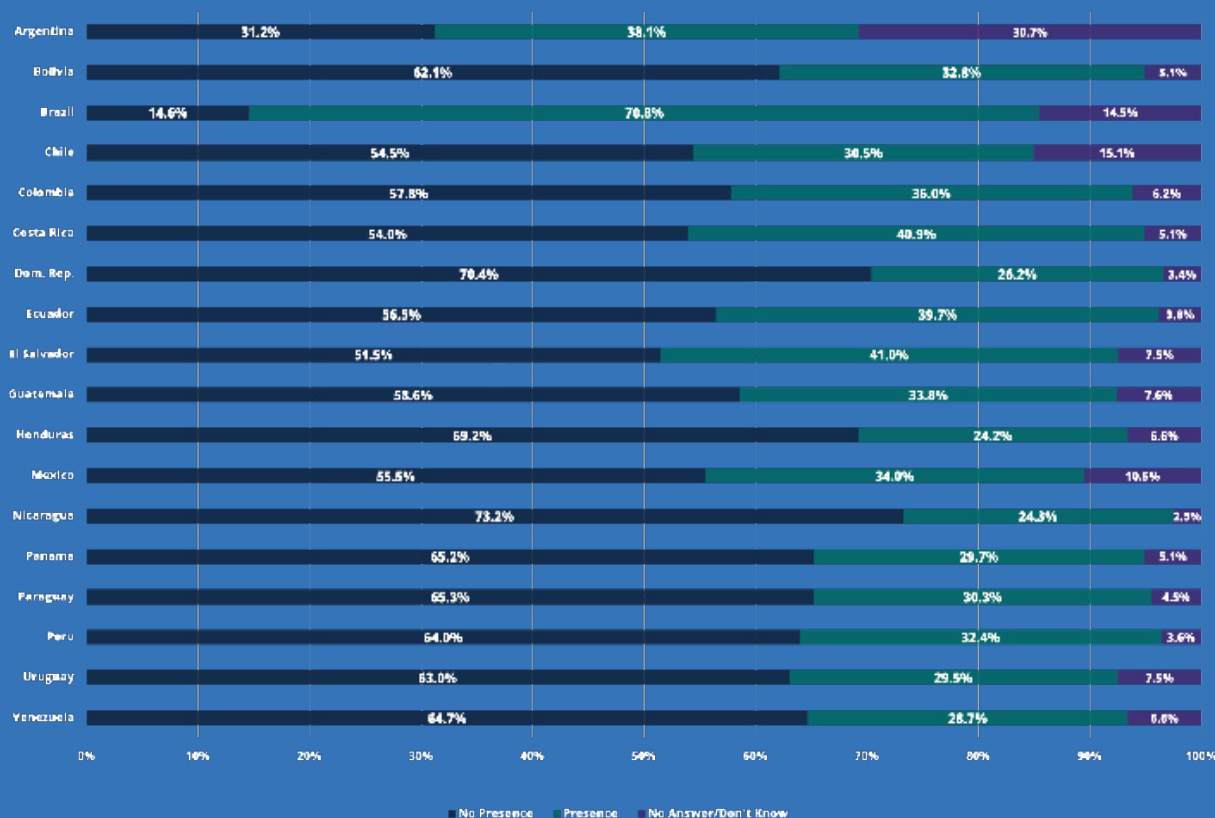
Since at least the early 1990s, there has been a persistent growth of organized criminal groups, initially rooted in the prison system, which have gradually spread to various territories, especially in São Paulo and Rio de Janeiro, in the southeast of the country. These groups originally

gained strength by accumulating capital, primarily through armed and tyrannical control of urban territories and illicit markets, with drug trafficking at the core of their activities. These groups exert significant influence over the lives of populations in the areas they control, usually in urban peripheries, where they regulate various aspects of social relations, such as the local economy, the movement of goods and people, social interactions, entertainment activities (like parties and dances), and parallel systems of justice.

It is common for these groups to also provide forms of assistance to the local community, intertwining aid with the imposition of dominance through force. According to data from the Brazilian Forum on Public Security and Esfera Brasil, there are at least 72 criminal factions involved in drug trafficking.<sup>1</sup> This reality has pushed the fight against organized crime to the top of the national public security agenda, posing numerous challenges to state institutions and the population at large.

## GRAPHIC 1: PRESENCE OF ORGANIZED CRIME, ARMED GROUPS, DRUG GROUPS, OR GANGS WHERE YOU LIVE

Source: Latinobarometer 2020.



Four critical factors are essential to understanding the primary challenges in confronting organized crime in the country, which has grown significantly in recent years in terms of financing, geographic presence, transnational ties, and technology, exerting influence through politics, money, and weapons:

1. The erosion of the state's legitimacy and sovereignty in prisons and territories controlled by crime. How can the state reassert its authority over these spaces?
2. The diversity of illicit markets controlled by criminal organizations that generate billions of dollars. How can such markets be identified and dismantled?
3. The pervasiveness of crime and corruption into state institutions, including the criminal justice system (police, judiciary, and prisons). How can corruption be identified and eradicated, particularly within police institutions?
4. The steady increase in violence. How can both police and criminal violence be controlled within the bounds of the law and with respect for human rights?

## Methodology

This document aims to provide a clear and informative overview of Brazil's most pressing public security challenges, with special focus on the activities of organized crime in São Paulo and Rio de Janeiro.

As part of a broader regional initiative aimed at developing democratic alternatives for public security policies led by the Rule of Law Program of the Inter-American Dialogue, this project results from a collaborative effort with the Fernando Henrique Cardoso Foundation. The primary goal of this project is to propose effective alternatives to the abusive or militarized policies that have become increasingly prevalent across the Americas in recent years, and to propose feasible solutions within the framework of the rule of law. The goal is to address these issues with a scientific and objective approach, identifying the key challenges and suggesting short- and medium-term solutions, while acknowledging the complexity of the issue.

Recognizing organized crime as the most significant challenge, the project convened a close meeting at the Fernando Henrique Cardoso Institute in São Paulo, bringing together experts from diverse fields of knowledge and government agencies. Participants included sociologists, anthropologists, political scientists, legal scholars, experts in international affairs, journalists, community educators, business people, economists, public servants, and policy-makers.

At the meeting, experts engaged in thorough discussions on several nuances of public security, including past challenges, lessons learned over the years, and potential avenues for improving public security. They provided valuable input to develop a comprehensive understanding of the issue and identify promising strategies for enhancing public security, strengthening democracy, and effectively communicating these security policies.

This document serves as a summary of that meeting, briefly presenting the main points discussed by the experts, with additional information from the research team. While it does not aim to answer all questions, it serves as a starting point for building consensus, identifying areas warranting deeper discussion.

## Why São Paulo and Rio de Janeiro?

Brazil is a very large country, which makes it even more difficult to contain criminal activities. Its vast continental territory of approximately 8.51 million square kilometers is divided into 26 states and the Federal District, or 27 federative units. In 2024, the population was estimated at approximately 217.24 million people,<sup>2</sup> making Brazil the world's fifth largest country, both in terms of territory and population. Conventionally, the country is divided into five regions.

If we were to account for the different historical, economic, geographical, cultural, political, and social contexts, dimensions that significantly shape criminal activities and criminal control in each area, each region would undoubtedly require its own dedicated report. In considering each of these territories, it is worth noting that in recent decades, Brazil has become a significant "transit corridor" for international drug trafficking routes, especially towards Europe and Africa. This affects all regions of the country, particularly port areas, which are prime targets for territorial disputes.

### NORTHERN REGION

In the Northern Region, a complex ecosystem of illicit activities has developed, featuring illegal logging, deforestation, land grabbing, wildlife trafficking, and illegal mining. These criminal activities directly challenge the ability of the country's law enforcement and the Armed Forces to control the territory.

These emerging threats are expanding not only in Brazil but also across other Pan-Amazonian countries. Addressing this challenge requires integrated and coordinated actions by regulatory and public security agencies, which has proven difficult to achieve so far. In addition to the numerous rivers and ports, which are highly targeted for illicit trafficking, the region features several tri-border areas (Brazil-Bolivia-Peru, Brazil-Colombia-Peru, Brazil-Colombia-Venezuela, and Brazil-Venezuela-Guyana). Border control is a significant challenge, not only because of the territorial extension but also because they are key points for trafficking, smuggling, money laundering, and other activities carried out by land, water and air routes.<sup>3</sup>

### NORTHEAST REGION

In the Northeast Region, there is a diversity of factions that violently control and dispute urban territories. These are armed groups that originated in the region, with the most influential being: Família do Norte (FDN), Grupo de Extermínio da Bahia (GEB), and Guardiões do Estado (GDE).<sup>4</sup> Because of the dynamics and conflicts between these groups, the Northeast is the region with the highest homicide rates, according to the 2024 Brazil Public Security Yearbook [Anuário Brasileiro de Segurança Pública].

## MID-WEST REGION

The Mid-West Region faces a variety of challenges related to land conflicts, trafficking routes, deforestation, smuggling, and illegal mining. The extensive borders with Bolivia and Paraguay make it even harder to implement effective border controls.

## SOUTHERN REGION

The Southern Region is home to criminal groups such as Os Manos (OM), Bala na Cara (BC), and Primeiro Grupo Catarinense (PGC). In this region, the tri-border area (Brazil, Paraguay, and Argentina) is perhaps the most attractive and strategic for organized crime, due to its connectivity potential, demographic density, and geographic position, with land, river, and air routes connecting the three neighboring countries.<sup>5</sup>

## SOUTHEAST REGION

This report focuses on the Southeast Region, the one with the largest population and economy, and highest urbanization levels of all Brazilian regions, with special emphasis on the cities of São Paulo and Rio de Janeiro. The reasons for this selection are laid down below:

1. São Paulo and Rio de Janeiro have, respectively, the country's largest and second largest populations, with 46 million inhabitants and 17 million inhabitants, respectively;
2. These two states are the operational centers of Brazil's two largest factions: Primeiro Comando da Capital (PCC) and Comando Vermelho (CV), whose influence spreads to all other regions of the country;
3. Rio de Janeiro was the city to witness the emergence of the militias—clandestine paramilitary groups, mostly composed of military police, firefighters, and civilian police, involved in a wide portfolio of illegal activities.

## Violence and Police Lethality in Brazil

Brazil recorded more than 46,000 violent deaths in 2023, resulting in a rate of 22.8 violent deaths per 100,000 inhabitants, primarily resulting from the conflicts among different organized criminal organizations and from the use of lethal force by the police. Violent deaths include murders, robbery leading to death, fatal injury, or police action. The Global Study on Homicide, published by the UN in 2023, reveals that Brazil ranks first globally in absolute numbers. Of the 458,000 homicides registered worldwide in 2021, 10.4% occurred in Brazil, a country that accounts for 3% of the world's population. The global average of violent deaths is 5.8 per 100,000 inhabitants.

Despite having lower crime rates compared to other states, São Paulo and Rio de Janeiro still report significant figures. In 2023, São Paulo recorded 3,481 intentional violent deaths. By August 2024, there was a rise in intentional homicides and rapes. Homicides increased by 5.63% compared to the same period in 2023, with 225 cases reported in August 2024, while rapes rose by 8%, with 216 incidents. Property crimes, including robberies and thefts, also saw notable spikes, increasing by 24.57% and 44.13%, respectively.

**A Black person in Brazil is nearly four times more likely to be killed by the police than a White person.**

The city of São Paulo, the capital of the state of the same name, ranks third among cities with the highest rates of cellphone thefts and robberies, with 1,781.6 incidents per 100,000 inhabitants. In Rio de Janeiro, the number of homicides in 2023 surpassed those in São Paulo, despite having one third of the population of São Paulo. That same year, Rio de Janeiro recorded 3,388 violent deaths, averaging nine per day, which places it third in absolute numbers of violent deaths. By 2024, this number had increased, with 4,270 intentional violent deaths reported. Part of this rise can be attributed to conflicts between criminal groups over territorial control. Despite these increases, São Paulo and Rio de Janeiro still register some of the lowest homicide rates among the most densely populated states.

Police lethality remains alarmingly high in Brazil, with 6,393 victims in 2023, marking an increase of 188.9% since 2013 and a 189% rise over the decade from 2013 to 2023. There were 6,393 deaths caused by police intervention between 2022 and 2023 alone. A crucial factor to consider is the profile of the victims, which remains consistent: predominantly young, black men, underscoring the racial dimension of these statistics. A black person is nearly four times more likely to be killed by the police than a white person.

According to the aforementioned Brazil Public Security Yearbook, 82.7% of those killed by the police are black, and of these, 72% are between the ages of 12 and 29. Criminal selectivity appears then as a critical aspect to consider. Racial discrimination and the selective nature of police intervention are present early in the lives of black children and adolescents, as highlighted in the 2023 report "A experiência precoce e racializada com a polícia" [The Early and Racialized Experience with the Police], produced by the Center for the Study of Violence of the University of São Paulo. The report shows that black adolescents in São Paulo were stopped by police up to twice as often at the ages of 11, 12, and 14. The racial disparity is also evident in Brazilian prisons. According to data from the 2024 Brazil Public Security Yearbook, 69.1% of Brazil's prison inmates in 2023 were black.

In addition to the challenges discussed above regarding the criminal justice system's efforts to strengthen institutional legitimacy and effectiveness in the eyes of the public, it is also necessary to consider the inherent difficulties in social control actions in a multiracial society marked by high levels of inequality, poor academic achievement, and structural deficiencies in the labor market. A critical stock-taking of the role of security and justice institutions within this socio-economic context, and the identification of pathways to eliminate discriminatory practices against the poor, black, and marginalized urban populations, remain among the key challenges in the field.

## Brazil's Social Context and the Democratic Transition

Brazil has concerning levels of economic and social inequality. According to the World Bank, the Gini Index—a measure of a country's income inequality—was 0.53 in 2021,<sup>6</sup> reflecting pronounced inequality and ranking Brazil among the world's most unequal nations. Data from the Brazilian Institute of Geography and Statistics (IBGE) indicates that by 2020, the wealthiest 1% of Brazilians controlled about 28% of the country's total income, while roughly 27% of the population lived on less than \$5.50 per day. These inequalities also impact other areas of social life, such as access to healthcare, education, employment, and leisure. Brazil continues to grapple with persistent inequalities, further compounded by racism and discrimination against the black population.

Over the nearly forty years gone by since its return to democracy, the country has gone through various cycles of debates on the agendas of public security reform and institutional development. During the political transition to democracy, the focus was on overcoming the negative legacy of the military dictatorship on police work practices. In the initial period of the New Republic, a series of institutional reforms were undertaken with the aim of eradicating the tradition of arbitrariness, as well as the blatant disregard for guarantees or rights by prisons and police forces under the authoritarian regime.

The implementation of the new democratic standard in the area of public security institutions progressed more slowly than in other areas. The public security agenda from the 1990s onwards was driven by the adoption of the new Federal Constitution in 1988 and the first cycles of open and free elections, in which the issues of security and justice also began to shape electoral debates. Several states have reformed their police academy curricula, adopted standard operating procedures and programs to curb police lethality, reformed their training procedures, strengthened their inspectorate structures, created of police ombudsmen, expanded the role of the Public Prosecutor's Office in the external control of police activity, and made progress towards the investigation and control of death squads with police officers among their members. This broad reform agenda progressed without much visibility on the front line of political-electoral debate, but was gradually institutionalized in the security and justice secretariats of Brazil's main states. Policies such as the creation of the PRONASCI program attempted to articulate an institutional development agenda for the police with designs for pacification and social inclusion

policies. Another important milestone in this journey was the creation of the Unified Public Security System (SUSP), a proposal that has been slowly evolving towards institutional consolidation, which fundamentally seeks to promote coordination and facilitate cooperation between federative agencies in the area.

Also, an important dimension in this debate concerns the problems faced by the Brazilian prison system. There are many political, social, and economic challenges involving prisons, such as the occurrence of possible selective penalization and overcrowding. According to the latest survey by the National Penitentiary Department (DEPEN), in 2023, the number of prisoners was approximately 820,000, thus exceeding facilities' capacity by 25%. This points to a serious level of overcrowding.

**In Brazil, the richest 1% controls 28% of the country's income, while 27% of the population lives on less than R\$5.50 per day.**

According to the National Secretariat of Criminal Policy, the country's most overcrowded facility is the Tiago Teles de Castro Domingues Prison, with a population three times its design capacity. This prison, located in the Metropolitan Region of Rio de Janeiro, has 640 places and hosts 1,855 inmates, i.e., 190% above its maximum capacity. Prisons in São Paulo face similar issues, holding the largest prison population in the country and housing 43,700 inmates in excess of their capacity. There are 195,700 individuals for 152,000 available spots, which represents a 29% capacity gap. Beyond structural and overcrowding issues, there is the problem of criminal organizations operating within the prisons.

In São Paulo and Rio de Janeiro, the prison system functions as a kind of command center for the activities of the PCC and the CV. These leading criminal networks organize, deliberate, and issue orders from within the prisons to their territories.

## Understanding the Issue of Organized Crime: Underneath the Tip of the Iceberg

The economic and social impacts imposed by so-called organized crime must be addressed and understood broadly. An objective approach to this issue calls for a thorough reflection on the wide range of criminal activities across the different territories. In this regard, it must be noted that criminal activities in Brazil are not limited to drug trafficking. There is an intricate network of relationships intertwining money laundering, financial fraud, hotel and gas station management, arms trade, extortion, security services, real estate rentals, TV and internet services, betting, online scams, fuel smuggling, and the illegal financing of political campaigns.

The range of activities is broader than traditionally thought and is constantly expanding. A concerning aspect is the recent involvement of organized crime in the fuel industry, which has been plagued by smuggling, counterfeiting, and tax evasion. It is estimated that the Brazilian economy loses around 30 billion reais annually on account of the fraud in this industry. Following the money trail is a complex but yet crucial strategy to understand the true scale and reach of these activities. This parallel economy moves significant amounts of money, not solely from cocaine trafficking.

**The PCC controls a parallel economy, generating over 1 billion dollars annually.**

The PCC may plausibly be deemed Brazil's most influential criminal faction. Although its origins may be traced to the state of São Paulo, it now operates in all Brazilian states.<sup>7</sup> Over the past 20 years, the group's revenues have grown exponentially. Ten years ago, the PCC was making around 40 million annually. In 2024, it has accumulated revenues in excess of 1 billion dollars. The PCC can now be seen as a large federation of criminal factions overseeing market activities, much like a regulatory agency, controlling pricing, access, and opportunities. It has established a horizontal organizational and logistical structure that attracts other groups.<sup>8</sup> Under this structure, there is no need to be affiliated with the PCC to benefit from the services

they provide, as they impose rules, standardization, conduct norms, prices, etc. In this light, conflicts with the authorities are not good for business, so levels of violence are always strictly controlled by the leadership.

The case of Rio de Janeiro is no less complex, especially given the disputes between the CV and the militias—paramilitary groups formed mainly by military police, firefighters, and civil police officers involved in a wide range of illegal activities. While the CV sees itself as a group opposing the state apparatus, the militias are composed of corrupt police officers.<sup>9</sup> The militias' business model has been spreading to other states, such as São Paulo. Rio de Janeiro's police strategies for combating organized crime have contributed to the rise of militias. Years of armed territorial occupation by the police allowed certain groups to use the state's force for private purposes. According to the Group for the Study of New Illegalisms (GENI) from the Federal Fluminense University, about 30% of the territory of Rio de Janeiro is controlled by criminal groups.<sup>10</sup>

Both the militia and the CV dominate areas where most activities are taxed, including commerce, housing, communications, energy, water, and entertainment. This again shows their revenue-generating activities extend far beyond drug trafficking, making the recovery of the territories controlled by these factions and militias—in São Paulo and Rio de Janeiro—one of the most pressing challenges for state authorities.

The organizational structure of crime in Brazil may be better understood through the notion of "Criminal Insurgency", which refers to groups that operate similarly to rebel armies, with heavily armed "soldiers" controlling areas, as if they were in a state of war. However, unlike political insurgencies, the factions in Brazil are primarily financially driven, seeking profit rather than political power.<sup>11</sup> Additionally, one important element to consider is that these groups have significant capacity to infiltrate various areas of public and political life. It is precisely in this gray zone, between legal and illegal activities, that these problems become more acute and harder to identify.

# A HIGH-LEVEL OVERVIEW OF THE PUBLIC SECURITY AGENDA

The Latinobarometer data cited in the introduction ranks Brazil among the Latin American countries with **the highest rates of perceived organized crime presence in society**. In fact, since the 1980s, the country has become more violent every year. The homicide rate has risen almost uninterruptedly for more than four decades. In 2016, the country reached an all-time high of 62,000 intentional violent deaths, with a rate of 30.3 violent deaths per 100,000 inhabitants. Since 2016, the number of intentional violent deaths has fallen in the country, but Brazil is still the 11th most violent country in the world, according to the World Health Organization's most recent study on homicide. An important fact to consider in this diagnosis of the public security context is that the country is in a group of countries that are equally violent but much poorer, such as El Salvador, Venezuela, Lesotho, Guatemala and Honduras.

- ▶ **Prison System and Violence:** There are over **700,000 inmates in the country's prison system, with a shortage of around 350,000 beds**. The overcrowding, lack of health care and constant violations of inmates' basic rights destroy any possible expectation of a significant reduction in criminal recidivism. On the contrary, these are precisely the conditions that allow criminal organizations to thrive. Estimates from 2018 indicate that the cost of crime rose from 113 billion to 285 billion reais between 1996 and 2015, which accounts for 4.38% of national revenues.
- ▶ **Fragmentation of the Institutional Model:** The country's vulnerability can largely be attributed to the **fragmented and overlapping institutional model of public security**. Several agencies carry out the same work, with no mutual visibility. Moreover, coordination and articulation efforts are sporadic, reaching operational levels at best. There are no national public security databases to enable comparison of states performance in this area and identify the system's strengths and weaknesses. The creation of the Ministry of Public Security in 2018 was an effort in the right direction, but it was soon discontinued. The creation of the Unified Public Security System (SUSP), also in 2018, was another positive sign, but it remains a promise awaiting proper regulation.
- ▶ **Challenges of Law Enforcement Forces:** The police, investigative, and prison systems are not up to the challenges they face. In Rio de Janeiro, for example, there is a shared understanding that the Military Police's preventive patrolling is ineffective, while their operations often exhibit a pattern of violence, accounting for 17% of all violent deaths in 2017. Similarly, the poor performance of the Civil Police in Rio de Janeiro is reflected in the impunity of unresolved crimes; with a meager 12% of reported crimes resulting in criminal charges in 2015. The state's prison system mirrors this inefficiency, marked by a notorious inability to enforce sentences as prescribed by law, allowing criminals to continue to pursue illegal activities with significant freedom even from prison.
- ▶ **Coordination and Training:** Although, under Brazil's federal structure, the primary responsibility for public security lies with state administrations, the Federal Government plays a key role in coordinating public security agencies. Through the National Public Security Secretariat, the Federal Government has strengthened its capabilities to train and certify police officers through different administrations and

has contributed to discussions on establishing a national minimum curriculum for police training.

The public security and criminal justice policy agenda proposed below focuses on the need to develop **mechanisms capable of increasing coordination and interoperability between law enforcement and criminal justice systems at the federal and state levels**. Other important elements in this agenda involve:

- ▶ Curbing police lethality.
- ▶ Increasing internal and external oversight of police activities.
- ▶ Strengthening arms and ammunition control strategies.

## COORDINATION AMONG FEDERAL AGENCIES

It is particularly important to promote the coordination among federal law enforcement agencies and to encourage initiatives such as: establishing minimum quality standards for law enforcement and prisons (by adopting technical norms such as ISO standards), creating standardized procedures for the production of statistical data, developing training programs for police forces, creating funding mechanisms to enhance the technical and operational capacity of police agencies, improving the prison system, and implementing secure systems for intelligence data sharing. The Unified Public Security System (SUSP) offers a pathway for the development of effective policies in these areas, while respecting the country's federal organization while strengthening the local capabilities of states and municipalities.

## USE OF POLICE BODY-WORN CAMERAS

The adoption of police body-worn cameras, particularly the pioneering experiences in São Paulo and Santa Catarina, has proven effective in reducing both police lethality and the number of on-duty officer deaths, besides strengthening citizen security. The program essentially mandates the use of cameras affixed to police uniforms, which record officers' daily work. The footage is stored in a database and can be accessed on an as-needed basis.

The Olho Vivo Program was first implemented by São Paulo's military police in the 2020s. By the end of 2022, 62 of the 135 Military Police corps in the state of São Paulo had adopted the program, accounting for 45.9% of total officers. According to data from the Brazilian Forum on Public Security, there was a 62.7% reduction in deaths caused by interventions of on-duty military police officers. In Rio de Janeiro, body-worn cameras were first implemented for the Military Police in 2021, prioritizing battalions with high lethality rates. The implementation of this policy showed a reduction in fatalities caused by police interventions, which led to the program's expansion. By 2023, the police force had equipped 42 battalions with body camera monitoring.

In 2024, deaths due to police interventions dropped by 45% compared to 2023. Despite these positive outcomes in reducing fatalities, the program has faced resistance from some segments of the police, political parties, and public opinion aligned with political right-wingers, who advocate for full police

autonomy in deciding on approach and response procedures. Even within the police forces, there is no consensus on the cameras: some argue that the program hinders police work and represents an unnecessary public expense, while others contend that the cameras provide greater security to their operations, as they ensure the preservation of evidence of their actions.

## **BORDER MANAGEMENT**

A sensitive issue on the agenda is border management. Over the last two decades, programs have been created to develop mechanisms for shared management and integration of information and intelligence systems between different levels of government and the agencies responsible for border control. However, the resources invested are still insufficient to guarantee effective coordination and to increase the capacity to manage monitoring technology and the operational deployment of police forces in sensitive areas.

Progress in this area depends on simultaneous efforts in diplomacy and international assistance to the most vulnerable neighboring countries, such as Paraguay, Bolivia and Peru. In addition, there is the great challenge of welcoming the Venezuelan diaspora, which is being accompanied by the expansion of Tren de Aragua, one of the most aggressive criminal organizations in South America. Initiatives such as the Integrated Border Monitoring System (SISFRON) and the Amazon Protection System (Sipam) provide inspiring examples in this field.

## **CRIMINAL JUSTICE SYSTEM REFORM**

There is heated debate in the National Congress on the need to reform the country's criminal laws, which could bring benefits in containing crime, especially through changes to the Lei de Execução Penal (Criminal Enforcement Act) (LEP). One of the most relevant points in this debate is the reduction of sentence progression mechanisms for repeat offenders, perpetrators of violent crimes, or those with proven ties to criminal organizations. Strengthening the capacity to neutralize offenders convicted by the courts is one of the country's major challenges, as it could help disrupt the criminal activities of criminal organization leaders within the prison system. An amendment to the LEP would pave the way for the authorities to swiftly neutralize dangerous offenders already convicted of a crime.

## **CRIME-SOLVING CAPACITY**

A critical aspect of Brazil's criminal system is its poor crime-solving capacity. The current performance of state civil police is far from attaining international standards. Performance target systems for these institutions could reverse this pattern of poor outcomes without significant investments in new hires, for example, by creating a national homicide investigation indicator to measure and monitor the progress of criminal investigations in each state, rewarding and incentivizing those who adequately perform their duties with priority access to federal funds.

## EXPANDING THE MINISTRY OF JUSTICE

On the management side, it might be worth exploring the possibility of expanding the scope of the Ministry of Justice and Public, particularly with regard to the development of a system of performance targets for police forces and the provision of management platforms to be offered to states and large municipalities. Results-based management models based on performance targets have been implemented throughout the country over the last two decades with good outcomes.

These measures make it possible to stimulate increased police activity, law-enforcement accountability, improved management and planning of public security policy at state and federal levels. The Unified Public Security System can play the role of promoter and disseminator of results-based management systems for states and municipalities.

The fight against organized crime in Brazil is progressing slowly and there are still no clear priorities defined at federal level by the MJSP. Organized crime has a profound impact on legal trade, the service sector (including financial services), the state bureaucracy, the police and the country's politics. Against this backdrop, it is necessary to develop new ways of organizing, operating and coordinating the security forces, in particular by promoting the integration of police intelligence and information systems (at state and federal level), internal control bodies, the Public Prosecutor's Office, etc., in order to enable the exchange of information and strategic management of the problem of organized crime in the country.

## FIREARM CONTROL SYSTEM

Another priority in the area is the restoration of the regulatory capacity of the firearm control system. Law No. 10,826, enacted on December 22, 2003, outlined the current rules for the possession, carrying, and commercialization of firearms and ammunition. In addition to increased oversight, the program also promoted voluntary disarmament campaigns, encouraging the population to surrender weapons in exchange for compensation. These campaigns contributed to the removal of hundreds of thousands of weapons from circulation.

An issue not yet addressed involves tracking firearms and ammunition produced, imported, and sold in the country. Strengthening SINARM and promoting integration with the SIGMA system is an important ongoing process that needs to be reinforced and expanded. The incumbent administration has taken an important step by revoking regulations that were not in compliance with the Disarmament Statute. Investigations by Gaeco (Special Task Force for the Repression of Organized Crime) of the São Paulo Public Prosecutor's Office regarding the participation of CACs (Collectors, Sport Shooters, and Hunters) in renting weapons to criminal organizations engaged in "controlling cities" highlight the need to develop articulate actions against the illegal use of firearms and ammunition in the country.

## MANAGEMENT OF THE PRISON SYSTEM

Within the prison system, there is a need for adequate actions to promote a national policy to improve the management of federal and state prisons and reduce pretrial detention. The country has almost 750,000 prisoners (or 360 per 100,000 inhabitants) serving sentences with an occupancy rate of 197% (almost two prisoners per spot), with 45% of these prisoners serving sentences for property crimes and 28% for drug-related offenses. Between 35% and 40% of these prisoners are awaiting trial. Pretrial detention has an undesirable impact on factors such as prisoners' income and reinsertion in the labor market, besides the fact that they are forced to socialize with convicted organized criminals in the prison system.

## OPTIMIZATION OF CUSTODY HEARINGS

Also along the lines of criminal enforcement, the optimization of custody hearings, a significant legal innovation implemented in 2015 by the National Council of Justice (CNJ), could drive a major advancement. This measure, widely adopted throughout the country, could expedite the appearance of individuals arrested in flagrante delicto to a judge, reducing the time spent in custody and encouraging the use of alternative measures to pretrial detention in non-violent crimes or offenses, provided there is no actual threat against third parties.

## COMMUNITY ENGAGEMENT

One last important aspect to consider in this debate is community engagement, which is a fundamental element in building effective public security. Community Security Councils (CONSEGs), created in the 1980s, have proven to be a relevant strategy for engaging civil society and promoting its active participation in public security discussions. These councils function as forums for dialogue among citizens, community leaders, government representatives, and security forces such as the military police and the civil police. Their aim is to discuss local problems related to crime and violence and to seek joint solutions. Interaction between different sectors is the hallmark of this program, which has become a key instrument of community policing, a model that emphasizes proximity and partnership between the police and the community.

CONSEGs were first implemented in São Paulo and later expanded to other states, customizing them to each regional context. Despite challenges such as low community participation in some localities, limited resources and difficulties in reaching all sectors of society, the Community Security Councils remain one of the main channels of communication between civil society and law enforcement, promoting transparency, accountability and the construction of crime prevention strategies.

## Public Security Institutional Responsibilities

The organization of law enforcement in Brazil stands out for the fragmented work of the different police and security forces operating at the state and federal levels, complemented by municipal guards, which, despite not recognized as law enforcement, have seen a steady and gradual increase of their functions.

- ▶ **The Federal Police (PF)** is responsible for the security of federal authorities, border and airport control, and the investigation of crimes of national reach such as drug-trafficking, financial crimes, corruption and cybercrime.
- ▶ **The Federal Highway Police (PRF)** monitors federal highways, vehicle traffic, and crimes on the roads (such as drug trafficking and smuggling).
- ▶ **The State Civil Police** acts as judicial police, responsible for conducting criminal investigations, which are forwarded to the state Public Prosecutor's Office, responsible for overseeing the investigations and filing charges with the judiciary.
- ▶ **The State Military Police** is responsible for preventive policing, crime prevention, public order maintenance, emergency cases, and controlling public disturbances.

When the Military Police make arrests and seize offenders, they must bring the cases to the Civil Police, responsible for opening police investigations. In some states, such as São Paulo, the Military Police provide direct support to the criminal investigations conducted by the Public Prosecutor's Office, assisting in investigations and executing operations. Municipal Guards are municipal forces without constitutional police status. They operate under the mayor's command and play the role of public agents responsible for protecting public property and facilities, secondarily assisting state police upon request.

Constitutional Amendment No. 104, of 2019, created federal, state, and federal district criminal police forces responsible for intelligence activities, control, and management of the prison system. There is a communication problem between police forces in Brazil, resulting in lack of synergy and making it difficult to articulate efforts to combat crime.

**Public security in Brazil is fragmented among different police forces, resulting in a lack of communication that hinders an integrated approach to fighting crime.**

# CONCLUSIONS

Citizens will willingly relinquish guarantees when living in fear. Contrary to the growing regional narrative that preaches that the only way to strengthen security is by sacrificing individual rights and democracy, we believe in building a democratic security agenda to enhance the efficiency of both police forces and the judicial system in fighting crime. The best possible response to the threats posed by crime in all of its forms is to boost the respect for individual rights and the law, not to undermine them. To start working toward these goals, any security policy rooted in the rule of law must necessarily feature these four pillars:

## 1 EFFECTIVE CRIMINAL SANCTION AND PREVENTION

Measures articulating an effective criminal enforcement policy in line with due process of law, including the investigation, prosecution and arrest of criminal offenders with social policies seeking to mitigate the conditions that lead people, especially the youth, to engage in criminal activities.

## 2 NONPARTISAN POLICIES

This articulation would require an approach transcending the ideological divide that tends to characterize public policies in Latin America, since it requires the combination of punitive measures, social protection policies and expanded access to justice. These are not incompatible, and there is no reason to continue to seem as antagonistic in response to partisan politics.

## 3 ENDURING SECURITY POLICIES

Given the complexity of addressing the structural causes of crime, it is necessary to think of long-lasting security policies, which inevitably require a consensus among different political forces, regardless of who is (or will be) in power and who is (or will be) in the opposition.

## 4 REGIONAL COOPERATION AGAINST CRIME

Due to the transnational reach of organized crime, no policy to address it is viable without regional coordination and cooperation.

## 5 STRATEGIC COMMUNICATION

However, even a public policy encompassing all the elements described below would prove of limited utility if it fails to be effectively communicated to the population. Without this, there will be neither citizen engagement nor commitment to the matter, nor incentives for politicians, relying on votes to attain and maintain power, to appropriate this initiative and promote implementation. A **strategic communication policy** is hence fundamental to the success of any security policy and to begin reshaping the prevailing narrative in the region.

Besides effective communication and transparency, the control of the use of state force also plays a fundamental role in the planning, implementation, and effectiveness of public security policies. **Monitoring and controlling police actions** is essential to guarantee legitimacy and the use of force within the limits of the law and in respect of human rights. This is an efficient way to prevent abuse and corruption and to stimulate public trust in the public institutions responsible for security and crime control.

**Clear and straightforward communication between the state and society** is another fundamental element. Open dialogue and transparency allow public security policies to be relatable, understood, and discussed by citizens. The flow of communication between state institutions is also vital for the full implementation of these policies. Additionally, broad and democratic dialogue enables policies to be adjusted in response to the needs of the population, increasing their effectiveness, support, and participation.

Finally, **transparent monitoring and dialogue processes** allow for an effective and objective assessment of security policies, enabling the correction of failures and the expansion of successful practices. For this structure to be sustainable, it is essential to put in place a permanent policy for the production, management, and access to qualified data on the subject. These three elements, when adequately integrated, guarantee the construction of a more effective and just public security system aligned with fundamental democratic rights, fostering an environment of greater security and social peace.

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Inter-American Dialogue  
1155 15th Street NW, Suite 800  
Washington, DC 20005  
Tel: +1 202-822-9002

# **Exhibit 11**

# The most unsafe place to be a woman shouldn't be their home: A closer look at femicide rates in Brazil

 [equalmeasures2030.org/blogs/the-most-unsafe-place-to-be-a-woman-shouldnt-be-their-home-a-closer-look-at-femicide-rates-in-brazil](https://equalmeasures2030.org/blogs/the-most-unsafe-place-to-be-a-woman-shouldnt-be-their-home-a-closer-look-at-femicide-rates-in-brazil)

Esme Abbott

December 10, 2024

The most recent [report by UN Women and UNODC found that 85,000 women and girls were killed intentionally by men in 2023, with 60% of these deaths committed by someone close to the victim, be it intimate partners or family members](#). The report also shows that **140 women and girls die every day at the hands of their partner or a close relative, which means one woman or girl is killed every 10 minutes**. But, according to data from the World Bank, [109 countries \(out of 190\) have not yet developed comprehensive mechanisms to address violence against women](#).

Femicide, a term used to refer to the murder of women due to their gender, is one of the most extreme forms of gender-based violence. [In Brazil, the annual report by the Brazilian Forum on Public Safety showed that, for the second year, the country has recorded the highest number of women killed for gender-related reasons since the publication of the Law No. 13,104/2015, which defines and typifies this crime](#). When we take a closer look at the data, it shows that most of the women and girls who were victims were black women (63.6% of the victims), 71.1% were between 18 and 44 years old, and 64.3% were killed inside their own homes. It also shows that 63% of the victims were killed by an intimate partner and 21.2% by a former intimate partner.

The report also recorded **unprecedented levels of rape and other forms of gender-based violence**: reported cases of rape rose by 6.5% from the previous year to a new historic high of 83,988 – **or one woman being raped every six minutes**. Despite this horror, [there are continued efforts to criminalize rape victims who have an abortion](#), compounding the violence inflicted upon these women and their bodies.

To tackle this violence effectively, it is essential to understand how it affects different groups, especially in a country like Brazil that has been shaped by historical inequalities and unequal access to fundamental rights. Beatriz Accioly, [Coordinator of Partnerships and Institutional Relations at the Natura Institute](#), highlights that femicide is disproportionately and inequitably experienced by certain groups and disaggregated data is needed to uncover the full scope of the problem and guides solutions. As she explains, "*Unfortunately, the country lacks*

*systematic data on femicide disaggregated for other factors such as education and income. **This information is vital for understanding and measuring these vulnerabilities and how they intersect, as well as the intersections between violence against women and broader social issues such as urban violence and organized crime.***

### ***The Context of criminalizing Femicide in Latin America and Brazil***

According to [ECLAC](#), in 2023 [all countries in Latin America and the Caribbean currently had laws aimed at preventing and ending violence against women and 19 countries have passed laws and protocols penalising femicide or the violent deaths of women for gender-related reasons](#). However, despite legislative progress, violence against women and girls remains a persistent reality in the region: **In 2023, 11 out of the 18 Latin American countries that reported data on femicide had rates exceeding one victim per 100,000 women (the region's goal is a 0 femicide rate)**, Brazil being third with the highest femicide rate.

**The Maria da Penha Law (Law No. 11.340/2006) has been in effect in Brazil for 18 years and marked a historical milestone in the fight against violence against women.** Before this law, these crimes were called "crime of passion" or a crime in the name of "honour" and assaults were treated as minor and private matters. With its enforcement, domestic violence began to be recognized as a violation of Human Rights, requiring effective actions from the State to protect victims and punish perpetrators.

**The concept of femicide in Brazil was first introduced into the Brazilian Penal Code in 2015, with the approval of Law No. 13.104/2015, classifying the murder of women motivated by gender as a more severe crime with harsher penalties.** Through its most recent mobilization campaign called **National Mobilization for Zero Femicide**, Brazilian President Luiz Inácio Lula da Silva [signed into law a new bill raising prison terms for femicide to up to 20 to 40 years](#) (up from 12 to 30 years of imprisonment), the longest sentence under Brazil's Penal Code.

The **new change typifies femicide in a specific article and recognizes femicide as a heinous crime, and no longer as just another variation of homicide, and brings new aggravating provisions**, which can increase the penalty, such as the use of poison, torture, or other cruel means; ambush or any other resource that

makes the victim's defence impossible; and the use of firearms of restricted or prohibited use. The new law also enhances penalties for convicts who violate protective measures while serving their sentences.

However, Accioly notes that the recent legislative changes have been met with scepticism from experts in the field. **Civil society organizations have criticized the focus on increased penalties, arguing that similar measures enacted with the 2015 law have failed to reduce the number of crimes.** According to her *"these changes were also made without prior dialogue with civil society and other segments of the population to find solutions, and they opt for punitive measures as a supposed solution to an extremely complex social problem. There is even concern that the changes may have the opposite effect of what was intended."*

**Legislative changes need to move beyond punitive measures only and should also focus on a more holistic and comprehensive system of support for women, including education, prevention and support, as well as effective enforcement of protective laws, which can address the root causes of violence and ensure long -term safety.**

#### ***Monitoring at the National Level: The National Map on Gender-Based Violence***

The [National Gender-Based Violence Map is an interactive platform for official public data on violence against women](#). The dashboard consolidates data from the Federal Senate, the Ministry of Justice and Public Security, the National Justice Council (CNJ), and the Unified Health System (SUS). It is aligned with Article 38 of the Maria da Penha Law, which provides for the **systematization of data to be unified nationally, as well as the periodic evaluation of the results of the measures implemented.** This **interactive platform is crucial for guiding public policies and actions based on evidence.**

"The Map enables and facilitates access to data and indicators that are essential for addressing the problem of violence against women in Brazil. Data enables women and girls to access their rights, it raises awareness and creates solutions **to change their reality, ensuring their safety and well-being"** Accioly notes.

She points out that *"Despite important and positive localized efforts, **there is a lack of regularly produced centralized national data. This gap results in a distorted understanding of the real issue.** What is not monitored and measured with rigor and attention cannot be effectively tracked, evaluated, or properly*

*executed using measurable, comparable, and reliable goals and metrics."* For her, the Map can serve as an inspiration to other countries, as it is the first to have a unified and integrated public database for the different types of violence.


This 16 Days of Activism, Accioly leaves us with a powerful reminder: ***"indicators are crucial for progress. What is not monitored, is not understood. They are means to tell the stories of violated rights – of women we have lost to deaths that could and should have been avoided."***

***This series of blog posts done by Equal Measures 2030 aims to raise awareness during the 16 Days of Activism and the International Day for the Elimination of Violence Against Women, to shed light on this issue and the need for comprehensive and comparable data. Read the other blogs in this series:***

- [Kenya's urgent battle against femicide](#)
- [Breaking the Silence: Combating Femicide and Gender-Based Violence in Indonesia](#)
- [Resisting Violence, Reimagining Equality: The Power of Gender Data and Capacity Building](#)
- [Why addressing gender-based violence \(and counting it\) matters for gender equality](#)

# **Exhibit 12**

## Police conclude that triple homicide in Ipatinga was motivated by a dispute over drug trafficking

 [g1.globo.com/mg/vales-mg/noticia/2024/05/03/pc-conclui-que-triplo-homicidio-em-ipatinga-foi-motivado-por-disputa-do-traffic-de-drogas.ghtml](https://g1.globo.com/mg/vales-mg/noticia/2024/05/03/pc-conclui-que-triplo-homicidio-em-ipatinga-foi-motivado-por-disputa-do-traffic-de-drogas.ghtml)

3 de maio de 2024

The Civil Police concluded the investigation into the triple homicide registered in January of this year, in the Bethânia neighborhood, in [Ipatinga](#). The result of the investigation was presented this Friday morning (3), at the 12th Department. For the PC, the crimes were committed by a gang involved with drug trafficking and that planned other murders in the region.

Four people were indicted for the homicides, one of whom, a 17-year-old teenager, died after a shootout on BR-381, in [Santana do Paraíso](#), in early March.

According to police chief Marcelo Marino, the quartet was part of a gang linked to the Primeiro Comando da Capital (PCC) that orchestrated a series of murders in the region. Their objective was to control drug trafficking, which was then dominated by sympathizers of another criminal faction known as Comando Vermelho (CV).

Details of the investigation were presented by police chief Marcelo Marino —  
Photo: Cristiane Rodrigues/g1

### Remember the case

[The triple homicide occurred on January 5th, in the median strip of Avenida Selim José de Salles](#), in [Ipatinga](#). According to the police report, four men were sitting around a table, using drugs, when they were surprised by three criminals who arrived shooting.

Three of them, aged 37, 31, and 23, died instantly. They were identified as André Henrique Ferreira, Otávio Rodrigues da Silva, and Gabriel Vieira de Souza.

The crime occurred on January 5th, in the median strip of Avenida Selim José de Sales, in the Bethânia neighborhood — Photo: Reproduction/Social Media

The fourth victim, a 22-year-old, was hit by five shots. The young man survived the attack but was unable to identify the shooters, who fled immediately afterward.

## Homicides to control drug trafficking points

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According to investigations, the murders were planned at the Dênio Moreira de Paula Penitentiary in [Ipaba](#), where some of the members were imprisoned. They were executed starting in January, after violating the terms of a temporary Christmas release.

“They were going to spend a week killing people here. That was their plan. And they committed this crime on the very first day, January 5th. However, there was a shootout with the police on the 7th, two days after the murders,” said the police chief.

Of the victims of the attack in the Bethânia neighborhood, two had prior records for drug trafficking, and the location is known to the police as a drug dealing hotspot.

In addition to the criminal report, which will be submitted to the court, two weapons seized during the investigation were presented. They were found at other incidents recorded after the triple homicide.

## Arrest schedule

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The four individuals indicted in the triple homicide case were allegedly involved in three separate incidents that resulted in direct confrontations with the police.

The first suspect, a 22-year-old man, was arrested for attempted homicide, which occurred in the Vila Celeste neighborhood on **January 7th**. According to the police report, criminals fired at officers during an attempted stop. He was one of four occupants of the car and was apprehended after an intense chase. The other three managed to escape. The weapon used in the crime was found during the escape route.

The second incident occurred on **February 14th**, when a [police cordon was set up in the Caravelas neighborhood following a report of drug trafficking](#). During the pursuit, the criminals grazed a police officer's head with a bullet. Among those arrested was the second suspect, a 29-year-old man. He had several outstanding arrest warrants. A hydraulic press, used to compact narcotics, and bars of cocaine were seized at the house where he was located.

Vehicle movement during a roadblock on BR-381 — Photo: Social media

According to the Civil Police, the other individuals involved were arrested in a third incident, on **March 3rd**, shortly after [a shootout on BR-381, near the Parque Caravelas neighborhood](#) in [Santana do Paraíso](#). One of them, a 17-year-old, died during the exchange of fire. The other, a 23-year-old, was shot but was rescued and later arrested. A police officer was also injured after being shot in the leg.

According to police investigations, the suspects were approached on the highway as they were returning from [Governador Valadares](#), [after killing a 19-year-old in the Porto das Canoas neighborhood](#).

“The usual thing we see is that the murderer, after committing the crime, hides, takes refuge, because he knows that the police are investigating the crime. But they were so audacious that they killed in [Governador Valadares](#) and returned to [Ipatinga](#) with the mission of killing here as well,” said Marino.

Before the raid in Santana do Paraíso, the group killed a young man in Governador Valadares, according to investigations — Photo: Roberto Higino

## End of the gang.

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According to the police chief, the investigations are ongoing because other members of this gang were also arrested in other incidents. However, he believes that the group lost strength after the arrest of the main drug traffickers in the region.

“There are several cities in Minas Gerais where operations were carried out to dismantle the PCC's attempted activities. So this isn't the only city they advanced in with the goal of dominating areas. And they lost! To our happiness and that of society in general. Due to the harshness of the confrontations, the investigations, and the actions of the Civil and Military Police, they gave up on [Ipatinga](#) [...] This gang no longer operates in our region,” he stated.

The charges brought against the defendants include **homicide**, **drug trafficking**, **illegal possession of firearms**, **resisting arrest**, **criminal association**, and **gang formation**.

# **Exhibit 13**

## Civil Police consider the triple homicide from January of this year in the Bethânia neighborhood solved


 [diariodoaco.com.br/noticia/0115370-policia-civil-considera-esclarecido-o-triplo-homicidio-de-janeiro-deste-ano-no-bairro-bethania](https://www.diariodoaco.com.br/noticia/0115370-policia-civil-considera-esclarecido-o-triplo-homicidio-de-janeiro-deste-ano-no-bairro-bethania)

www.diariodoaco.com.br

May 3, 2024 | 9:40 AM

**A series of killings in Ipatinga is attributed to the actions of a criminal group linked to the PCC (Primeiro Comando da Capital) and had as its backdrop a desire to take over the drug trafficking points in the city.**

Anderson Figueredo/Diário do Aço

 [The PCMG \(Civil Police of Minas Gerais\) delegate, Marcelo Franco Marino, explains this Friday morning the conclusion of the investigation into the activities of a criminal group in Ipatinga.](#)

The PCMG (Civil Police of Minas Gerais) delegate, Marcelo Franco Marino, explains this Friday morning the conclusion of the investigation into the activities of a criminal group in Ipatinga.

The head of the Homicide Division in Ipatinga, Marcelo Franco Marino, announced this Friday (3) the conclusion of the investigations into the triple homicide that occurred on the night of January 5th of this year in front of "Bar do Salvador", in the Bethânia neighborhood in Ipatinga. On that occasion, three people were murdered by gunfire and a fourth was hit, but survived.

As a result of the investigation by the security forces, three investigated criminals are in custody and a fourth died in a shootout with the PM on the side of BR-381. Among those arrested, one is from Governador Valadares, another from Belo Horizonte and the third from Ipatinga. The crime in Bethânia, however, is considered to be just one of a series of murders and shootouts with police forces in Ipatinga.

For the Civil Police, the motivation for the crimes is related to an action by rival groups involved in drug trafficking. Among the groups would be members of the Primeiro Comando da Capital (PCC) organization. The same members of this faction are believed to be involved in three other high-profile crimes in Ipatinga


this year. The organization's expansion into the Vale do Aço region is attributed to the escalation of murders in Ipatinga in 2024. The city has recorded 25 homicides from January to the present.

Investigations indicate that the gang members began organizing the crimes while incarcerated at the Ipaba Penitentiary last year.

They planned their first attack for after Children's Day, but their temporary release was not approved, a benefit they only obtained at Christmas.

Upon their temporary release, they did not return and began hunting down drug traffickers in Ipatinga to take control of their drug trafficking points. The criminals rented a property in the Taúbas neighborhood of Ipatinga and used it as a "base" to support their attacks. The police traced a phone call and discovered that the "landlord" was in Mexico when he rented the property.

Wellington Fred + reproduction

 [Victims of the triple homicide that occurred on January 5th in Canaã.](#)

Victims of the triple homicide that occurred on January 5th in Canaã.

Among the crimes attributed to the criminal group is a shootout with the Military Police in the Vila Celeste neighborhood. Following this, the group was involved in another [shootout with the Military Police in the Caravelas neighborhood](#) on the night of February 13th, which resulted in the arrest of one of the suspects, a highly dangerous individual from Governador Valadares. In the shootout, a sergeant from the Military Police was grazed by a bullet in the head.

Members of the criminal organization were also allegedly involved in a shootout on BR-381, at the entrance to the Parque Caravelas neighborhood, which resulted in the arrest of three individuals and the death of a 17-year-old from Governador Valadares, as [reported by Diário do Aço on March 4th](#). Watch below the interview with the PCMG (Civil Police of Minas Gerais) delegate, Marcelo Franco Marino, who is working on the case:

## **The triple homicide was the most high-profile crime so far in 2024.**

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The murder of three people occurred late on the night of January 5, 2024, in the

bar area of the Bethânia neighborhood in Ipatinga, and three people died instantly, as [reported at the time by Diário do Aço](#) . A fourth individual was also shot, rescued alive by SAMU (Mobile Emergency Care Service) and taken to Hospital Márcio Cunha. All those injured were together.

According to a report by Diário do Aço, based on on-site investigations, the victims were André Henrique Ferreira, 37, residing on Estrada da Cachoeira de Cima in Santana do Paraíso; Otavio Rodrigues da Silva, 34, residing on Rua Dacar in the Bethânia neighborhood; and Gabriel Vieira de Souza, 23, residing on Rua Istambul in Bethânia. The survivor is a young man identified as RSC, 22, also from Bethânia.

At the time, witnesses reported that the crime was committed by three men. Disregarding the dozens of people present, the assailants got out of a vehicle, two of them carrying firearms, approached the table where the victims were sitting, and fired several shots. After the attack, they got back into the car and fled towards the Canaã neighborhood.

The survivor of the attack, shot in the abdomen, walked from the scene approximately 200 meters before being rescued by a SAMU (Mobile Emergency Care Service) team and taken to the hospital. He was hit by five bullets.

Interviewed while being rescued, the young man reported that he was with acquaintances, consuming alcohol and drugs (cocaine), when he noticed three men approaching, two of them armed. The shooters went towards the other people at the table and opened fire. The young man said he stood up, and at that moment, the assassins began shooting at him as well. Even wounded, the young man said he decided to flee.

Found an error, or want to suggest a news story? Contact the editor:

## Comments

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**Notice** - Comments do not represent the opinion of the Diário do Aço Portal and are the responsibility of their authors. Comments that violate the law, morality, and good customs will not be approved. Diário do Aço moderates all messages and reserves the right to reject offensive texts that do not respect the established criteria.

*"Dr. Marcelo and team.*

*Congratulations to the other security forces of the Vale do Aço region.  
Complex case solved."*

*"Excellent work by the Civil Police, lately they have solved many serious crimes!!!"*

*"My congratulations to the Diário do Aço newspaper, which is making every effort to keep the population well informed. My congratulations to the Civil Police team for their dedication. When the police want to solve a crime, they do. I would like the internal affairs department of the Minas Gerais Civil Police and the homicide detective from Ipatinga to solve the murder of my brother Jaquesley, a lawyer, who was assassinated in front of his 3-year-old daughter in 2020 in Santana do Paraíso. To this day, this homicide has not been solved."*

*"Congratulations to the Civil Police and to Dr. Marcelo Franco Marino, an excellent Police Delegate. We are very well served with him at the head of the Homicide Division."*

*"Together and Mixed:*

*An investigation by the São Paulo Public Prosecutor's Office revealed that city halls run by the far-right are involved with the PCC (First Command of the Capital) in the state of São Paulo.*

*The scheme rigged bids in 12 municipalities in the interior of São Paulo state, the Baixada Santista region, and Greater São Paulo, including the capital."*

*"Anyone who reads newspapers knows about the advance of criminal factions in Minas Gerais. Ipatinga is just another one of them. These factions have been here for a long time. If you dig deeper, you'll reach the politicians, both left and right, the big shots. It's like the illustrious Enéas Carneiro always said: 'the fight between the political wings is a farce'; only a fool argues down here. The PCC is already launching candidates here in the region, there are luxury stores frequented by the city's rich, car dealerships, and much more, you can bet on it."*

*"Congratulations to Delegate Dr. Marcelo Franco, and of course to the captain of this team, Dr. Gilmaro, for the excellent work of the entire civil police force, demonstrating the capability, intelligence, and sagacity of this civil police personnel."*

*There is much work to be done, despite the limitations, but it's about making lemonade out of lemons. If complaining solved anything, there wouldn't be anyone in line at the public health system. Congratulations to all."*

*"The 'temporary releases' are fulfilling their purpose, leaving good families hostage to organized crime. This evil is a crime punishable by law."*

*"We see the extent to which this criminal organization has spread in Brazil; it has already spread to all parts of the country. We see that there is a lack of investment in public security in Brazil and in all Brazilian states."*

**Send your comment.**

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**Michelle Quintao Ferreira Luna**

**File No. A 226-096-303**

**Weverton Silva Moreira**

**File No. A 226-096-234**

**PROOF OF SERVICE**

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

**RESPONDENTS' COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND  
WITHHOLDING OF REMOVAL**

To the following:

<b>Office Location:</b>	<b>Mailing Address:</b>
Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	Office of the Principal Legal Advisor Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126-644

by:

- Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



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**Otavio Silva (Bar N. 343486)**  
**Attorney at Law**  
**P.O. Box 90487**  
**San Diego, CA 92169**  
*Counsel for Respondent*