



July 2006

Information on Brazil

Compliance with ILO Convention No.29 on Forced Labour (ratified in 1957)

Trafficking for sexual and labour exploitation

Background

Despite being the tenth largest economy in the world, Brazil suffers from serious inequalities in wealth. The unequal distribution of wealth also extends to the regions, with the North and Northeast being much poorer than the South and Southeast. There are close correlations between number of women trafficked and poverty levels. The national study on the trafficking of women, children and adolescents for commercial sexual exploitation¹ found that the highest number of recorded cases came from the poorest regions in Brazil.

Region	Poverty Proportion (%)	Number of trafficked women (national and international)
Northeast	45.8	69
North	43.2	76
Central-west	24.8	33
Southeast	23	35
South	20.1	28

There has been an increase in formally registered unemployment in Brazil. From 1989 to 1999 the unemployment rate increased from three per cent to 9.5 per cent, which meant an increase of five million unemployed people. The situation is particularly acute for women who have less access to the formal job market and have seen competition in the low-paid informal sector increase. Rising unemployment and a lack of economic opportunities have been accompanied by an increase in female headed households, leading to further impoverishment of women and their families.

The majority of women trafficked are of African descent. They usually have low paid, low status jobs, often in the informal sector. They have little, if any, job security and suffer from racial discrimination, poverty and inequality. Their precarious social and economic situation in Brazilian society makes them a particular target for traffickers.²

¹ Data from PESTRAF, 2002. Quoted in Maria Lucia Leal and Maria de Fátima P., *Pesquisa sobre Tráfico de Mulheres, Criança e Adolescentes para Fins de Exploração Sexual Comercial*, Brasília, 2002, page 35.

² Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 45.

Trafficking for sexual exploitation in Brazil

In 2002, an extensive national study on trafficking of women, children and adolescents for the purpose of commercial sexual exploitation (PESTRAF) was carried out. The research covered all five regions of Brazil (North, Northeast, Central-west, South and Southeast) with data collected primarily from NGOs and media reports, but also from federal, state and municipal governments, where possible. The study found that women and children are being trafficked both nationally and internationally, primarily for the purposes of prostitution, sex tourism and pornography.

Approximately 70,000 Brazilians (mainly women) are involved in prostitution in foreign countries, some of whom are trafficked.³ According to recent information from the United Nations Office on Drugs and Crime (UNODC) and the Federal Police, the main destination countries are now Spain and Portugal. The other key countries in Europe are Italy, Germany, Switzerland and the Netherlands as well as South America (especially Venezuela) and Japan.

PESTRAF identified 32 out of 98 international trafficking routes as leading to Spain. Much of the trafficking into Spain and Portugal is controlled by a crime syndicate known as the “Iberian connection”. According to newspaper reports this criminal network is made up of different criminal organisations, including the Russian mafia.⁴

The main source cities and states for trafficking, both international and internal, are the same. According to the Brazilian Federal Police the cities are Goiânia, Recife, Fortaleza, Belém, Rio de Janeiro and São Paulo, whilst the states are Espírito Santo and Mato Grosso do Sul.

Case studies included in the national study on trafficking revealed that there are two types of women who are trafficked: the first being naïve and inexperienced women with financial problems who are easily deceived by the traffickers’ false promises, and the second being women who are more aware of the possible risks they are taking.⁵

According to the Federal Police, women who are trafficked for commercial sexual exploitation are between 18 and 30 years old, with low levels of education, mainly single with a history of domestic violence and sometimes with some previous experience of working as a prostitute.⁶

Women are recruited in a variety of ways, including from entertainment venues (shopping centres, bars, the beach, etc.), tourist locations (hotels, resorts, etc.), newspaper adverts, modelling agencies, samba schools, employment agencies, marriage agencies and the pornography industry. In the majority of cases, women are

³ US State Department, *Trafficking in Persons Report*, 2005, page 16.

⁴ Article published by *Correio Braziliense* newspaper, 29 July 2001.

⁵ Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 43.

⁶ Eriosvaldo Renovato Dias, Chief of Human Rights Division, Federal Police, *Presentation*, Jaboatão dos Guararapes/PE, 17-19 May 2006.

offered well-paid jobs abroad as domestic workers, nannies, models, dancers, office workers or prostitutes.⁷

They travel to their destinations accompanied by the traffickers, where they have their documents taken from them and are forced to work as prostitutes. The women are told that they have accumulated a debt for their travel, documentation, accommodation, food, clothing and the drugs and alcohol that they are often forced to consume. They are then tied to this debt and obliged to pay it off by prostituting themselves. The girls are guarded, with some even locked up in their accommodation at night. They are subject to verbal, physical and sexual abuse, and live under various threats of violence and death to them and/or their family.⁸

In one case, two sisters were invited by their cousin, Raimunda, to work in Suriname, where she lived. Raimunda lent them money to make the travel arrangements and have their passports issued in Belém, Brazil. Upon arrival, they were taken to “Diamond” nightclub where they were made to pay US\$100 a day for lodging. They soon discovered the nightclub was a brothel that held shows with more than 100 women from several countries. The women were beaten and raped in the club. “We were desperate and extremely hungry. Our cousin told us we would have to stay in the club until our debts were paid off, and we should not try to escape because they would hunt us and probably kill us.” The sisters finally managed to escape by asking a Dutch tourist to help them. He took them to the Brazilian Embassy in Suriname where they were able to find help. The two sisters stated that more than 40 women from Pará are working as prostitutes in Suriname, and living in conditions of poverty, tricked by the promise of easy jobs.⁹

According to the Federal Police the majority of recruiters are women, often ex-prostitutes themselves. Trafficking of women in Brazil is an extremely organised activity, involving a multiplicity of actors, routes and support networks. Alongside the recruiters, employers, transporters and other intermediaries is a network of legal and illegal enterprises (such as travel agents, lawyers, businesses, etc.) that serve to keep trafficking undetected. There are also links to international organised crime networks and mafias, such as the Yakuza, Chinese Triads, Russian, Italian, Israeli and Mexican mafias. They often work in collusion with local officials and police who also profit from the trade in women.¹⁰

Trafficking of Bolivians to Sao Paulo for forced labour

With the liberalisation of the economies of Latin America in the 1980s and the subsequent increase in unemployment, the number of Bolivians migrating to Brazil increased substantially. Bolivians proved to be much easier to exploit than poor Brazilians as they generally did not have legal status in Brazil or speak the language, making them extremely dependant on their employer.

⁷ Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 48.

⁸ Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 43.

⁹ This case was reported in the *Diário do Pará* on 19 May 2000. Quoted in Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 44.

¹⁰ Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 49.

According to the NGO Pastoral dos Migrantes Latino-Americanos, there are approximately 100,000 Bolivians in Sao Paulo and the Bolivian consulate in Sao Paulo considers that more than half of these are irregular migrants.

Korean factory bosses employ intermediaries to go to Bolivia to recruit workers. The workers are recruited from Santa Cruz, La Paz and Cochabamba. The three principal cities in Bolivia act as focal points for poor, rural Andean people from the Sierra looking for work. The recruiters employ various methods to recruit the workers, including adverts in newspapers and on the radio.¹¹

One of the major routes employed by the traffickers is through Paraguay and the “*Ponte da Amizade*” border crossing. The migrants are guarded in hide-outs near the border crossing until it is possible for the traffickers to take them across the border. The waiting period can last days, during which the migrants are often not given any food or water. Once across the border the rest of the journey is made by bus to Sao Paulo. Other routes include going via Corumba in Brazil (borders with the Southeast corner of Bolivia) or the Amazon region.

Once in Sao Paulo the migrants work and live in extremely harsh conditions and are not allowed to leave the workshop. Traffickers retain their documents and they are constantly threatened with being reported to the police or deported, as they are in Brazil illegally. They start working with a debt already established for their transportation and other costs. This debt can steadily mount as rent, food and other fees (e.g. paying for the machines and tools they use) are added to that debt.¹²

The contract between the employer and worker is usually verbal. They are paid very little and expected to work between 16 and 18 hours a day. All expenses are deducted before the worker is paid. Another control mechanism used by the employer is to delay payment of wages. The worker is not paid when the order has been completed but instead has to wait until a second order is finished, so they are always owed at least one order’s worth of wages.¹³

Workers are often locked in basements or in rooms with no windows and live in very cramped conditions which also serve as their work space. There is nowhere for them to eat their meals, and there is only one bathroom for everyone. The cramped living conditions leads to the spread of diseases such as tuberculosis.¹⁴

Legislative framework

In Brazil the crime of human trafficking is explicitly mentioned in the recently amended Articles 231 and 231-A of the Penal Code.¹⁵ Article 231 of the Penal Code considers international trafficking in persons to be “Promoting, serving as an intermediary, or facilitating the entry, into national territory, of a person who intends

¹¹ Flávio Antonio Gomes de Azevedo and Maria Cristina Cacciamali, *Entre o Tráfico Humano e a Opção da Mobilidade Social: a Situação dos Imigrantes Bolivianos na Cidade de São Paulo*, (unpublished research at Universidade de Sao Paulo), 2005, page 8.

¹² Flávio Antonio Gomes de Azevedo and Maria Cristina Cacciamali, *op.cit.*, page 9.

¹³ Flávio Antonio Gomes de Azevedo and Maria Cristina Cacciamali, *op.cit.*, page 8.

¹⁴ Flávio Antonio Gomes de Azevedo and Maria Cristina Cacciamali, *op.cit.*, page 9.

¹⁵ Within Title VI, On Crimes Against Public Moral; Chapter V, On Pimping and Human Trafficking. Amended by Law No. 11.106, 28 March 2005.

to practice prostitution, or the exit of a person who intends to practice prostitution on foreign soil.”

Punishment range from three to eight years in prison and a fine, which can be increased to between four and ten years if the victim is between the ages of 14 and 18 or if the trafficker is in some way responsible for the minor. When there is “violence, serious threat or fraud” the punishment can be increased from five to 12 years and a fine.

The crime of internal trafficking of persons is covered by Article 231-A of the Penal Code as “Promoting, serving as an intermediary, or facilitating, within national territory, the recruitment, transport, transfer, shelter or collection of a person who plans to practise prostitution”. It is punishable by three to eight years imprisonment and a fine.¹⁶

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was ratified by the Brazilian Government on 28 February 2004, but Brazilian legislation does not contain all of the measures in the Protocol and is not in full compliance with the Protocol.

The Protocol acknowledges that exploitation is the key element in the concept of human trafficking, including “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. However, Articles 231 or Article 231-A only recognise trafficking for prostitution. Therefore trafficking for other forms of sexual exploitation or any type of labour exploitation are not covered by the law.

Furthermore, Article 231 does not identify as traffickers those people who are involved in the recruitment or receipt of people for their exploitation. It only criminalises the movement of people for the purposes of prostitution.

There is also no reference to the use of force, coercion, deception or the abuse of power as constituent elements of trafficking. In the Brazilian context it is simply the agency of the third party facilitating the prostitution that is criminal – it is not important if the prostitution is taking place voluntarily or forced.

Government response

In 2002, the Ministry of Justice and UNODC initiated a partnership to develop a pilot project to combat international trafficking in women for sexual exploitation, known as the Global Programme Against Trafficking in Human Beings. Four Brazilian states were chosen for the initial stage of the project: Rio de Janeiro, Sao Paulo, Goiás and Ceará.

The Global Programme against Trafficking in Human Beings proposed specific actions in these states, such as capacity-building, campaigns, research and the construction of a database. The Global Programme also proposed that the four regional bureaus would provide assistance to the victims and their families. Training

¹⁶ Introduced by Law No. 11.106, 28 March 2005.

would be initiated for police, judges and diplomats on the issues involved in trafficking. This initiative, which has limited funding, is in its pilot phase and is still looking for NGO partners.

The Global Programme aims to construct integrated actions, allowing approximately 288 institutions to work together. During the first nine months of the Global Programme, 28 cases and 245 victims were assisted.¹⁷ The Programme is starting in Mato Grosso do Sul and Pará; being consolidated in and Rio de Janeiro and Sao Paulo; and will be extended to Pernambuco and Bahia.¹⁸

State level anti-trafficking offices have been established to screen victims and refer cases to the police and NGOs for assistance. There are now seven reference centres throughout the country working with trafficking victims. However, it should be stressed that the Government does not provide specialised assistance and protection to trafficking victims. Those that receive support do so through programmes focused on supporting victims of domestic violence and sexual exploitation.

Conclusions

The PESTRAF, which was carried out in 2002, detailed only 75 criminal proceedings judged or ongoing in federal courts for the crime of trafficking as set out in Article 231 of the Penal Code. Of these 75 cases, 14 convictions for international human trafficking were handed out.¹⁹ However, there is little information available regarding recent cases or sentences handed out.

Despite the recent changes in the Brazilian Penal Code, the legal concept of human trafficking still leaves much to be desired. Although the UN Protocol on trafficking was ratified in 2004, the new definitions of international and internal human trafficking still do not comply with the Protocol as they do not criminalise all types of trafficking (e.g. trafficking for economic exploitation) or all those involved in the trafficking process. One clear priority for the Government should be to amend current legislation so that Brazil prohibits and punishes all forms of trafficking in persons, in line with the UN Protocol on trafficking and ensures that penalties are adequate and strictly enforced.

In addition, Brazil's national policy on human trafficking lacks adequate measures for the identification, protection, support and reintegration of trafficked people. In terms of protection and rehabilitation of trafficked people the Government needs to invest in specialised support services such as advice and counselling centres, safe houses and access to legal advice, as well as provide some sort of financial support to help victims to recover from the experience of trafficking and rebuild their lives.

¹⁷ Analia Beliza Ribeiro Pinto, Co-ordinator, Global Programme Against Trafficking in Human Beings (Brazil), Expert Group Meeting notes on "Trafficking in Women and Girls", New York, 18-22 November, 2002, page 3.

¹⁸ The state of Pernambuco deals with all the Brazilian northeast, except the state of Bahia, where the reality of trafficking demands a specific state programme. The state of Rio de Janeiro attends the demands of Espírito Santo and Minas Gerais. The state of Mato Grosso do Sul attends to the state of Mato Grosso. The Federal District is responsible for monitoring and fine-tuning the Programme in all the country, and attends to the south region and the state of Goiás.

¹⁹ Maria Lucia Leal and Maria de Fátima P., *op. cit.*, page 102.

The institutions involved in combating trafficking need to be strengthened. For example, there is a clear need for technical training for the judiciary, police and immigration on the law and their responsibilities for identifying and protecting trafficked people as well as prosecuting traffickers. Although there is a training component in the Global Programme Against Trafficking in Human Beings, it is unclear who is responsible for carrying out the training and what funds have been allocated to the task. The Government needs to explicitly outline a comprehensive training and awareness raising programme, not only for law enforcement officials but also for local, regional and national government officials, civil society and the media.

Reducing local populations' vulnerability to traffickers must be a priority for the Government and it needs to consider how it can meet the basic needs of socially marginalised communities who are living at or below the poverty line. Providing better local education and employment options would help to address the root causes of trafficking.