

Submission to the United Nations
Universal Periodic Review

Brazil

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Human Rights Council

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Presented by:

Congregation of Our Lady of Charity of the Good Shepherd
An NGO in special consultative status with ECOSOC, United Nations
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CEPROMM - CENTRO DE ESTUDOS E PROMOCAO DA MULHER
MARGINALIZADA

1. EXECUTIVE SUMMARY

This submission relates to

Trafficking in persons, in particular prevention, prosecution and assistance for victims.

2. A summary of our recommendations is as follows:

Trafficking Prevention: We recommend that the government make greater efforts to link the various sector policies so as to enhance prevention effectiveness.

Implementation of the anti-trafficking law: We recommend that specialised police officers are appointed to monitor the implementation of the existing laws and to ensure that trafficking victims as recognised as treated as such by all police units.

Assistance for Trafficking Victims: We recommend that the state provide adequate funding to civil society organisations to run specialised centres to protect, assist and re-integrate victims of trafficking, including funding for staff training and supervision.

3. BACKGROUND AND FRAMEWORK

Organisation:

Congregation of our Lady of Charity of the Good Shepherd is an international congregation of women religious who are present in 72 countries and have special consultative status with ECOSOC since 1996. We work with women and children, especially those who are trafficked, forced to migrate and oppressed by abject poverty. We also work for economic justice.

4. Among other projects in Brazil the congregation runs CEPROMM (since 1993) which is an NGO in its own right. The project is located in Campinas/SP, at Jardim Itatinga neighborhood, an enclosure zone of prostitution which was created in 1954 as an isolated, marginal, alternative location for the prostitution industry which was already present in the city. The project also works in the neighborhood of Singer City. CEPROMM is a social community development project. It seeks to highlight and defend marginalized women's rights and to prevent trafficking. This submission was produced through consultations with staff and participants in this project.

5. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Right to Life Liberty and Security of the Person

Prevention of Trafficking in Persons

6. Sexual exploitation in its various forms including pornography, prostitution, sex-tourism and trafficking for the purpose of sexual exploitation remains a great problem in Brazilian society. Poorer, less educated and marginalised young women are more likely to become victims of traffickers.

7. It must be acknowledged that the Brazilian State had made much progress in relation to the prevention of trafficking in persons over the past four years. In 2008, Presidential Decree No. 6347 created the first National Plan to Combat Trafficking in Persons. This entire process was spearheaded by the National Secretariat of Justice - MJ (Ministry of Justice) and the Special Secretariat for Human Rights and the Special Secretariat for Policies for Women. This was the result of sustained pressure from civil society from within Brazil and also international pressure. The second PNETP (National Policy to Combat Trafficking in Persons) is currently being written and a Parliamentary Commission of Inquiry on Trafficking in Persons is being formed in the National Senate .

8. The formation of Regional committees consisting of both state and civil society actors to combat trafficking in, for example Sao Paulo, Rio de Janeiro, Pernambuco, Ceará, Goiás and Pará, has been a major breakthrough. Another positive initiative is that the Ministry of Justice has produced a brochure about trafficking in persons which is being added in passports issued in Brazil.

9. Article 5 of the National Policy to Combat Trafficking in Persons defines specific guidelines for the prevention of trafficking in persons:

I - inclusion of preventive measures in public health, education,

work, security, justice, tourism, social welfare and rural development policies

II - support and educational campaigns, with the preparation of information material

III - support for social mobilization and strengthening of civil society.

10. However despite the National Policy we observe no systematic and coordinated actions between the various sector policies such as Education, Health, Social Security, Tourism and others to develop effective trafficking prevention.

11. We recommend therefore that the government make greater efforts to link the various sectors in practice as well as in policy so as to enhance prevention effectiveness.

12. Prosecutions in relation to trafficking

Delays in Prosecutions

In relation to prosecutions for the sale of organs, the latest example we have in Brazil was the conviction in October 2011 of four physicians involved in the sale of kidneys, the teaching hospital of the University of Taubate, São Paulo State. However, these crimes occurred 25 years ago and only now doctors were tried and convicted.

13. Implementation of the Law

Under Brazilian law, trafficking in women is punished under Article 231 (Criminal Code) and trafficking in children and adolescents, under Article 239 (Status of Children and Adolescents). We welcome advances in the law which have recognised that internal trafficking is a crime. Trafficking for the purpose of bonded labour and the sale of organs is also recognised under the law. However the implementation of the law remains uneven i.e. there are police officers who can recognise victims for what they are and others, it seems, cannot. Example: Many adolescents are trafficked to Paraguay, Uruguay and other countries across the dry border in Brazil which is over 20,000 km long and where the supervision of the Brazilian state is porous. We are aware of cases of girls returning from these countries after being sexually exploited and used to exhaustion who are then used to bring drugs back into Brazil for their traffickers. When caught by the police they are jailed as drug smugglers rather than recognised as trafficking victims.

14. We recommend that specialised police officers are appointed to monitor the implementation of the existing laws and to ensure that trafficking victims are recognised as treated as such by all police units.

15. Assistance to victims

With regard to victim detection the situation is still very poor at both the national and district level. Victims, who are often only detected when they have already been sent back to their places of origin are generally offered no further assistance and are at serious risk of being re-trafficked. Alternatively, victims are placed in a shelter for women victims of domestic violence.

We contend that this is highly inappropriate and dangerous for all concerned. It is one thing to protect a woman who is beaten by her husband but quite another to protect a victim of trafficking who is regarded by the trafficker as his property which has been stolen from him.

16. There are also cases of women who collaborate with the police and enter the Witness Protection Program of the Federal Police. In this case it is she who suffers again because she must change her identity and cannot communicate with family or live in her place of origin.

17. We recommend that the state provide adequate funding to civil society organisations to run specialised centres to protect, assist and re-integrate victims of trafficking, including funding for staff training and supervision.