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Brazil

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



David Miranda, Rio de Janeiro federal deputy for the Socialism and Liberty Party (PSOL). © David Miranda

BRA-14 – Jean Wyllys de Matos Santos
BRA-15 – David Miranda

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity
- ✓ Other violations – Discrimination

A. Summary of the case

Mr. Jean Wyllys was a Brazilian member of parliament from 2010 until 2019. He is openly gay. From January 2019, Mr. David Miranda succeeded him as a member of the Brazilian Chamber of Deputies. Both are active supporters of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and members of the Socialism and Liberty Party (*Partido Socialismo e Liberdade* – PSOL), currently the main opposition party in parliament.

Mr. Wyllys was elected as a member of the Brazilian Chamber of Deputies in 2010 and re-elected in 2014 and 2018. In January 2019, he decided to give up his parliamentary seat and go into exile, owing to a rising number of death threats, the alleged failure of the Brazilian authorities to offer adequate protection and take effective action to hold those responsible to account, and an increasingly hostile environment for vocal advocates of LGBTI rights following the election of Mr. Jair Bolsonaro as President of Brazil. In this regard, the complainants point out that, despite numerous demands made in 2013, 2016, 2017 and 2018, Mr. Wyllys only received a security detail from Congress in 2018 and that those measures were not sufficient to protect him.

Case BRA-COLL-01

Brazil: Parliament affiliated to the IPU

Victims: Male opposition members of parliament

Qualified complainant(s): Section I.(1)(a) and (b) of the [Committee Procedure](#) (Annex I)

Submission of complaints: February 2019 and September 2020

Recent IPU decisions: October 2019 and November 2020

IPU mission(s): - - -

Recent Committee hearing: Hearing with the Brazilian delegation during the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communications from the complainants: June and September 2020
- Communication addressed to the authorities: Letter addressed to the President of the IPU Group (December 2020)
- Communication addressed to the complainants: June 2020

Another crucial event that led to Mr. Wyllys' decision to leave parliament and the country was the assassination of Ms. Marielle Franco in March 2018. She was a local council member from Rio de Janeiro, the State that Mr. Wyllys represented in the Chamber of Deputies and a close friend of both Mr. Wyllys and Mr. Miranda. Like them, Ms. Franco actively and vocally supported better respect for the rights of the poor and the marginalized, as well as for LGBTI rights. Two ex-police officers were arrested in March 2019 over their alleged involvement in this murder.

When Mr. Wyllys went into exile, his alternate, Mr. David Miranda, took over his seat in the Chamber of Deputies. The complainants claim that Mr. Miranda has also been repeatedly harassed and subjected to slurs by conservative political forces and that, since he replaced his exiled colleague, the threats against Mr. Miranda and his family and the hostility towards LGBTI persons have gained in intensity and scale. The complainants point out that the security protection offered to Mr. Miranda remains inadequate.

The complainants have provided the IPU with documents on reports of numerous threats and acts of intimidation against both members of parliament, as well as copies of several complaints made by them to the police and of their repeated requests for protection to the parliamentary authorities. The complainants state that the threats against Mr. Wyllys and Mr. Miranda were never properly investigated by the police. They also state that the threats have to be seen in the context of their continued harassment, denigration and defamation by conservative forces in Brazil, as well as the increasing prevalence of discrimination and violence against LGBTI persons in the country.

In November 2018, the Inter-American Commission on Human Rights (IACHR) adopted precautionary measures in favour of Mr. Wyllys, asking the Brazilian State to take effective action to protect his right to life, as well as his and his family's physical integrity. According to the complainants, the IACHR's measure was not implemented.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Regrets* the lack of response from the Brazilian parliamentary authorities to its repeated requests for information and official observations; *recalls* in this regard that, in accordance with its Rules and Practices, it does everything possible to promote dialogue with the authorities of the country concerned, and primarily with its parliament, with a view to reaching a satisfactory settlement in the cases before it;
2. *Is deeply concerned* about the threats and intimidation faced by Mr. Wyllys and Mr. Miranda, which led them to conclude that their lives were in jeopardy and prompted Mr. Wyllys to abandon his seat in parliament; *is also concerned* that their complaints to the relevant national authorities have apparently not been adequately investigated; *points out* that the fact that Mr. Miranda, as Mr. Wyllys' successor, has been subject to the very same threats and intimidation bears out that this situation will only repeat itself unless firm action is taken to establish accountability for these acts; and *recalls* that threats to the life and security of members of parliament, if left unpunished, infringe their rights to life, security and freedom of expression and undermine their ability to exercise their parliamentary mandate, affecting the ability of parliament as an institution to fulfil its role;
3. *Considers*, therefore, that the National Congress of Brazil has a vested interest in using its powers to the fullest to help ensure that these threats are fully and immediately investigated, followed by whatever accountability steps are warranted as a result; *urges* the parliamentary authorities to do everything possible to help ensure that those responsible for the threats against Mr. Wyllys and Mr. Miranda are held to account, including by facilitating action taken by the executive authorities to this end; and *wishes* to receive official information on any action that parliament has taken to this effect;
4. *Is appalled* by the evident homophobic dimension to the threats and acts of harassment and intimidation faced by Mr. Wyllys and Mr. Miranda and by the allegation that they were denied adequate protection due to their sexual orientation and their political views; *considers* that parliaments should contribute decisively to the building of a climate of tolerance and respect in

which all people, including LGBTI persons and those who defend their rights, can express their thoughts and opinions without fear of being attacked, punished, or stigmatized for doing so; *urges* parliament, therefore, to do its utmost to ensure that an adequate level of protection is provided to Mr. Miranda, and to take concrete measures to counter the stigmatization and discrimination faced by Mr. Wyllys and Mr. Miranda and to prevent the repetition of such situations; *requests* parliament to keep it informed of progress made in this regard;

5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainants and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.