Brazil

Decision adopted unanimously by the IPU Governing Council at its 208th session
(Madrid, 30 November 2021)

Jean Wyllys de Matos Santos, Rio de Janeiro federal member of parliament for the Socialism and Liberty Party (PSOL), speaks during a rally of Brazilian leftist parties at Circo Voador in Rio de Janeiro, Brazil, on 2 April 2018. © Mauro Pimentel/AFP

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 from the Socialism and Liberty Party (Partido Socialismo e Liberdade – PSOL), one of the main opposition parties in parliament. From January 2019, Mr. David Miranda succeeded him as a member of the Brazilian Chamber of Deputies. Both are openly gay and are active supporters of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

In January 2019, Mr. Wyllys decided to give up his parliamentary seat and go into exile, owing to a rising number of death threats, the perceived inability 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
this was not sufficient to protect him. In addition, the complainants reported that none of the 17 complaints that Mr. Wyllys has lodged with the authorities have been successful, and that the threats and acts of intimidation against him remain unpunished.

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 marginalized, as well as for LGBTI rights. Two ex-police officers were arrested in March 2019 over their alleged involvement in Ms. Franco’s murder. On 10 October 2021, Mr. Leuvis Manoel Olivero, the author of a prominent book on Ms. Franco, was shot dead in a drive-by attack by unknown assailants in Rio de Janeiro.

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 hostility towards LGBTI people, have gained in intensity and scale. The complainants point out that the security protection offered to Mr. Miranda was inadequate. In addition, according to information provided by a complainant in October 2021, Mr. Miranda’s requests for additional protection were ignored and the limited protection provided by congressional security was reportedly discontinued, placing him at even greater risk.

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 maintain that the police never properly investigated the threats against Mr. Wyllys and Mr. Miranda. They also stress that the threats have to be seen in the context of continued harassment, denigration and defamation of political opponents and minorities by conservative forces in Brazil, as well as the increasing prevalence of discrimination and violence against LGBTI people in the country. An in-depth internal review of the threats made against Mr. Wyllys revealed that they have been constant and serious. Several of them indicate a clear and imminent danger to his life and those of his family, warranting action by the State both to provide them with adequate protection and punish those responsible.

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 request was denied by the authorities.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. Regrets that the Brazilian parliamentary authorities were not able to meet with the IPU Committee on the Human Rights of Parliamentarians during the 143rd IPU Assembly, despite the formal invitation extended by the Committee; recalls in this regard that the Committee does everything possible in accordance with its Rules and Practices to promote dialogue with the authorities of the country concerned, and primarily with its parliament, so as to reach a satisfactory settlement in the cases before it;

2. Is deeply concerned about the numerous threats and acts of intimidation faced by Mr. Wyllys and Mr. Miranda, which led them to conclude that their lives were in jeopardy, and prompted Mr. Wyllys to go into exile and abandon his seat in parliament; is also concerned by the allegation that their complaints to the relevant national authorities have not been adequately investigated; points out that, as Mr. Wyllys’ successor Mr. Miranda has been subject to the same threats and intimidation, the 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 greatest possible extent 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. Wyllis and Mr. Miranda are held to account, including through facilitating action 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. Wyllis and Mr. Miranda, and by the allegation that they were denied adequate protection due to their sexual orientation and political views; *is dismayed* by reports that, in spite of continuous threats against Mr. Miranda, the limited security arrangement provided to him by Congress was reportedly discontinued, placing him at even greater risk; **considers** that parliaments should contribute decisively to building a climate of tolerance and respect for the rights of all, without discrimination, in which all people and groups 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, to take concrete measures to counter the stigmatization and discrimination faced by Mr. Wyllis and Mr. Miranda, and to prevent the repetition of such situations; and *requests* parliament to keep it informed of progress made in this regard;

5. *Requests* the Secretary General to convey this decision to parliament, the judicial authorities, other relevant national institutions, the complainants and any third party likely to be in a position to supply relevant information;

6. *Requests* the Committee to continue examining this case and to report back to it in due course.