



Inter-Parliamentary Union

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Brazil

Decision adopted unanimously by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)



Brazilian member of parliament David Miranda of the Socialism and Freedom Party (PSOL) poses during an interview with AFP at his office of the National Congress in Brasília, on 5 November 2019. Sergio LIMA/AFP

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. David Michael dos Santos Miranda is a member of the Chamber of Deputies representing the state of Rio de Janeiro, sworn in on 1 February 2019 to replace Mr. Jean Wyllys, who was forced to go into exile in January 2019. Mr. Miranda is a member of the opposition left-wing Socialism and Liberty Party (*Partido Socialismo e Liberdade* – PSOL).

Mr. Miranda is a strong advocate for the human rights of minorities. He is one of the first openly gay congressmen in Brazil and a high-profile defender of equality and inclusion. He is a well-known advocate for LGBTI¹ rights and has led efforts to fight homophobic discrimination and violence in Brazil.

The complainant claims that Mr. Miranda has been repeatedly harassed and denigrated by conservative political forces, and that, since he replaced his exiled colleague, the threats against Mr. Miranda and his family and the hostility towards the LGBTI

¹ LGBTI stands for lesbian, gay, bisexual, transgender and intersex.

Case BRA-15

Brazil: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

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

Submission of complaint: September 2020

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: September 2020
- Communication addressed to the authorities: Letter addressed to the President of the IPU Group (October 2020)
- Communication addressed to the complainant: September 2020

community, have gained in intensity and scale. According to the complainant, the nature of the threats and the identity of the perpetrators are largely identical to those in the case of Mr. Wyllys.

In January 2019, Mr. Wyllys decided to give up his parliamentary seat and to go into exile, following repeated death threats and the alleged failure by the Brazilian authorities to offer adequate protection and to take effective action to investigate the threats, with the aim of holding those responsible to account. Another crucial event that allegedly led to Mr. Wyllys' decision was the assassination in March 2018 of Ms. Marielle Franco, a local female council member from the state of Rio de Janeiro. Ms. Franco was a close friend of both Mr. Wyllys and Mr. Miranda, who also vocally and actively advocated for greater respect for LGBTI rights.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the case of Mr. David Miranda is admissible, given that the complaint: (i) was submitted in due form by a qualified complainant under Section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent parliamentarian at the time of the initial allegations; and (iii) concerns allegations of threats, acts of intimidation, violations of freedom of opinion and expression, impunity and discrimination, allegations that fall within the Committee's mandate;
2. *Is deeply concerned* at the alleged credible death threats and harassment targeting Mr. Miranda due to his political opinions and his sexual orientation, and the allegation that his complaints about these incidents have not been examined; *urges* the competent authorities to make every effort, as is their duty, to identify the culprits and to bring them to justice, this being the only means of preventing the recurrence of such crimes; *considers* that parliament has a vested interest in using its powers to the fullest to help ensure that effective investigations into these threats are being carried out and an adequate level of protection is offered to Mr. Miranda; *wishes*, therefore, to receive official information from the parliamentary authorities on any action taken to this effect;
3. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
4. *Requests* the Committee to continue examining this case and to report back to it in due course.