

## BRAZIL

- **BRA-15** - David Miranda
- **BRA-14** - Jean Wylis



Inter-Parliamentary Union  
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# Brazil

*Decision adopted unanimously by the IPU Governing Council at its 206<sup>th</sup> 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 LGBTI<sup>1</sup> 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

<sup>1</sup> 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.

## Brazil

*Decision adopted unanimously by the IPU Governing Council at its 205<sup>th</sup> session (Belgrade, 17 October 2019)*



Jean Wyllys, Rio de Janeiro federal deputy 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

### BRA14 – Jean Wyllys de Matos Santos

#### Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity

#### A. Summary of the case

Mr. Jean Wyllys has been a member of the Brazilian Chamber of Deputies since 2010. He is the first openly gay Brazilian member of Congress and a well-known and active supporter of the efforts of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community to tackle LGBTI discrimination and violence.

The complainant claims that, since Mr. Wyllys was first elected to parliament, he has been seriously threatened on account of his political views and sexual orientation. This claim is borne out by the copies of reports of threats and acts of intimidation made in 2016, 2017 and 2018 that are in the hands of the IPU. The IPU also has copies of several of the complaints made by Mr. Wyllys to the police and of his requests to the parliamentary authorities in 2013, 2016, 2017 and 2018. The complainant affirms that the threats against Mr. Wyllys were never properly investigated by the police. It also affirms that the threats have to be seen in the context of his continued harassment, denigration and defamation by conservative forces in Brazil.

#### Case BRA-14

**Brazil:** Parliament affiliated to the IPU

**Victim(s):** Male opposition member of parliament

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

**Submission of complaint(s):** February 2019

**Recent IPU decision(s):** - - -

**IPU mission(s):** - - -

**Recent Committee hearing(s):** Hearing with the Brazilian delegation during the 141<sup>st</sup> IPU Assembly (October 2019)

#### Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: October 2019
- Communication to the authorities: Letter addressed to the President of the IPU Group: September 2019
- Communication to the complainant: October 2019

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 complainant, the IACHR's decision was not implemented.

In January 2019, Mr. Wyllys decided to give up his parliamentary seat and go into exile because 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 members and advocates of the LGBTI movement. In this regard, the complainant points out that, despite many earlier demands, Mr. Wyllys only received a security detail in 2018, but that the measure was not sufficient. In their response to the IACHR, the parliamentary authorities stressed that the Brazilian Chamber of Deputies has funds available, which could be used for security purposes, but that Mr. Wyllys did not submit any requests for the reimbursement of costs he could have made to arrange additional protection.

Another crucial event that brought on Mr. Wyllys' decision to leave the country and parliament was the assassination of Ms. Marielle Franco in March 2018. She was a local council member from the state that Mr. Wyllys represented in the Chamber of Deputies and a close friend of his. Like him, Ms. Franco vocally and actively supported better respect for the rights of the poor and for LGBTI rights. Two ex-police officers were arrested in March 2019 over their alleged involvement in this murder.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Considers* the complaint concerning the situation of Mr. Jean Wyllys, a member of the Brazilian Chamber of Deputies at the time of the threats made against him, to be admissible under the Procedure for the Examination and Treatment of Complaints; and *declares itself* competent to examine the case;
2. *Thanks* the Brazilian delegation for meeting with the Committee on the Human Rights of Parliamentarians and for the information provided at the 141<sup>st</sup> IPU Assembly; *notes* that the delegation stated that it was unaware of any specific threats against Mr. Wyllys and that his situation had to be seen against the backdrop of increased polarization between extreme left and right political movements in Brazil; *also notes* that the delegation mentioned the long history of tension between Mr. Wyllys and Mr. Jair Bolsonaro, who was then a fellow member of the Chamber of Deputies and is now the President of Brazil;
3. *Is deeply concerned* about the threats against and intimidation of Mr. Wyllys that led him to conclude that his life was in jeopardy and to abandon his seat in parliament; *is particularly concerned* that, in the absence of information to that effect, his complaints to the relevant national authorities about these threats have not set in motion full and diligent investigations to identify and punish the culprits; *is also concerned* about the apparent slow reaction of the authorities to put in place a security arrangement for Mr. Wyllys and the allegation that the protection ultimately offered was not adequate; *wishes* to receive further details on this last point given the lack of clarity of the information on file;
4. *Calls on* the Brazilian authorities to do everything possible to hold to account those responsible for the threats against Mr. Wyllys; *considers* that the Brazilian Parliament, even though Mr. Wyllys is no longer a member, has a special interest in helping to ensure that justice is effectively done in this case; *calls on* parliament to use its oversight function fully and effectively for this purpose; *wishes* to be kept informed of progress made in the investigations;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainant 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.