BRAZIL

- **BRA-16**: Talíria Petrone (Ms.)
- **BRA-COLL-01**: Two parliamentarians
Brazil

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 168th session (Nusa Dua, 19–23 March 2022)

BRA-16 – Talíria Petrone

Alleged human rights violations

✓ Threats, acts of intimidation
✓ Violation of freedom of opinion and expression
✓ Violation of freedom of movement
✓ Other violations: discrimination

A. Summary of the case

Ms. Talíria Petrone Soares was elected to the Chamber of Deputies of the Brazilian Federal Congress in 2018 from the opposition left-wing Socialism and Liberty Party (Partido Socialismo e Liberdade (PSOL)). Ms. Petrone is a strong advocate for the human rights of women, people of African descent and people belonging to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

The complainant claims that Ms. Petrone has faced multiple death threats since 2017, when she was a member of the Rio de Janeiro city council. According to the complainant, the threats have gained in intensity and scale following the assassination of Ms. Petrone’s close friend and fellow PSOL member, Ms. Marielle Franco, in March 2018. Ms. Franco was a local council member from Rio de Janeiro, the state that Ms. Petrone represented in the Chamber of Deputies. The complainant reports that in 2019 Ms. Petrone was warned by the federal police that her life was in danger, several death threats against her having appeared on the dark web.

According to the complainant, in August 2020 Ms. Petrone was forced to relocate within Brazil, along with her new-born daughter, acting on the advice of the security escort that was provided by
Congress, as there were again serious grounds to believe that her life was in danger. The complainant reports that Ms. Petrone was forced to remain in exile for a period of 18 months, from August 2020 until January 2022, which limited her ability to perform her duties as a parliamentarian and connect with her constituents in the state where she was elected.

According to the complainant, the threats and acts of intimidation against Ms. Petrone emanate from Rio de Janeiro-based right-wing militia groups operating on the dark web, in response to her commitment to the rights of minorities. Several other PSOL politicians have faced similar threats from these groups, including Mr. Jean Wyllys and Mr. David Miranda, a former and a current member of the Brazilian Chamber of Deputies, respectively.

The complainant states, with respect to Ms. Petrone’s decision to return, as of February 2022, to live in the constituency she represents in parliament, that this decision can only be sustained if she receives the necessary protection, and if accountability is established for the threats against her. In this regard, the complainant states that, as in the case of Mr. Wyllys and Mr. Miranda, Ms. Petrone requires additional protection to the security escort already provided to her by Congress. According to the complainant, despite several complaints and repeated meetings with the competent authorities, including the federal police and local and federal prosecutors, there has not been an effective investigation into the threats made against her.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. Notes that the complaint 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);

2. Notes that the complaint concerns an incumbent member of parliament at the time of the alleged facts;

3. Notes that the complaint concerns allegations of threats, acts of intimidation, violation of freedom of opinion and expression, violation of freedom of movement, and discrimination, which fall within the Committee’s mandate;

4. Considers, therefore, that the complaint is admissible under the provisions of section IV of the Procedure for the examination and treatment of complaints; and declares itself competent to examine the case;

5. Requests the Secretary General to convey this decision to the Speaker of the National Congress, the complainant and any third party likely to be in a position to supply relevant information;

6. Decides to continue examining this case.
Brazil

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

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. Wyllys 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. Wyllys 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. Wyllys 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.