

Fondation Scelles

Connaître, Comprendre, Combattre
l'Exploitation Sexuelle







Excerpt from the book:

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

BRAZIL

	POPULATION 209,3 million		GDP PER CAPITA 9,821.4 USD
	POLITICAL SYSTEM Presidential Regime with a Federal Organization		HUMAN DEVELOPMENT INDEX 79 th rank among 187 countries
	GENDER INEQUALITY INDEX 92 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 96 th rank among 180 countries

Brazil, the largest country in South America in terms of surface area and population, is characterized by significant ethnic and cultural diversity. Prostitution remains widespread for a number of reasons, mostly related to poverty. In recent years, the country has been hit with a major economic crisis that has led to an increase in the already large number of prostituted persons. Although prostitution is legal, many people in the country believe it to be a crime because it is associated with other criminal practices such as drug trafficking or violence. Thus, prostituted people are socially marginalized. Due to the stigmatization and the violent environment in which it is perpetrated, victims of sexual exploitation often develop negative self-images that lead to societal shame, destructive behaviors, and increased vulnerability to abuse from others.

The current national debate on prostitution is deficient and dominated by

exclusively hetero-normative terms. Although prostitution in Brazil is mainly associated with women, a large proportion of homosexual and transgender individuals are constrained into it. Due to a lack of governmental and social awareness, the Brazilian police force remains poorly prepared and lacks means to tackle the problems of sex trafficking and exploitation.

Legislation regarding prostitution and sexual exploitation

In 2002, the Brazilian Ministry of Labor officially recognized prostitution as a profession under the New Brazilian Classification of Occupations (BCO) (*The Brazil Business*, September 19, 2013). Thus, any individual over 18 years of age can be a prostituted person under the name of "profissionais do sexo" (*Ministério do Trabalho e Emprego*, 2017). Since 2012, a bill has been presented to the Deputies, which calls for the removal of the

“*profissionais do sexo*” from the BCO (Human Rights Council, May 2017).

However, some of the activities that could lead to the exploitation of prostituted persons still remain illegal under the Penal Code. Chapter V of the Penal Code is devoted to human trafficking for prostitution or sexual exploitation purposes, addressing in particular: the incitement to satisfy the desire of others (Article 227), the incitement to prostitution (Article 228), the running of a prostitution establishment where sexual exploitation occurs (Article 229), and procuring (Article 230). Therefore, it is illegal to earn a living off of prostituting another person, with sentences ranging from 1 to 5 years for the aforementioned crimes, and from 2 to 10 years in cases of aggravating circumstances (minor victim, violence, fraud, etc.). However, those who engage in the prostitution and sexual exploitation of minors less than 18 years of age, or any vulnerable person (with a mental illness or disability), are specifically criminalized in article 218-B. A sex buyer who receives sexual services from a minor, aged from 14 to 18 years, as well as the owner (or the person in charge) of the place where the sexual acts took place are liable to prison sentences of 4 to 10 years. Sexual intercourse with a child under 14 years of age is referred to as *Estupro de vulnerável* (rape of vulnerable persons). These acts are punishable by a prison sentence (under article 217-A) ranging from 8 to 15 years; 10 to 20 years in case of serious bodily injury; 12 to 30 years if the victim dies (Senado Federal, April 2017). This article implies that sexual intercourse with a minor who is more than 14 years of age is dependent on their consent.

Human trafficking is defined as the act of “Organizing, attracting, recruiting, transporting, transferring, buying, harboring, or accommodating a person by threat,

violence, coercion, fraud, or abuse, for the purpose of removing organs, tissues, or parts of the body, forcing them to work in conditions similar to those of slavery, forcing them into any kind of servitude, illegally adopting or sexually exploiting them” (Article 149-A of the Penal Code). Human trafficking is punished by 4 to 8 years in prison. The sentence is increased by a third if the crime is perpetrated by an official when he or she is exercising their duties, the victim is a minor, an elderly person, or disabled, if the crime is committed by someone who is related to the victim, shares the same residence, has authority or a hierarchical ascendant over the victim, or if the victim leaves national territory (Senado Federal, April 2017). Thus, in order to fight, amongst other issues, sex trafficking, the government passed a comprehensive law in 2016 against human trafficking (Presidência da República, October 6, 2016).

Sex trafficking and the sex tourism industry

Brazil remains a hotbed for sex trafficking, serving as a country of origin, transit, and destination (US Department of State, June 2018). Brazil’s fight against sex trafficking is not considered to be sufficient. Corruption in the judicial system paired with the investigative work into trafficking conducted by police that result in an extremely low conviction rate cast doubt on whether there is a real willingness to combat the current situation.

Sex tourism directly impacts the growth of sex trafficking involving children. Usually coming from Western Europe, and to a slightly lesser extent, the United States, many sexual predators travel to Brazil in pursuit of sexual relations with children. This trend is especially apparent in the country’s coastal regions and tourist zones in the northeast (*The Brazil Business*, September 19, 2013). Rio de Janeiro serves as the country’s main tourist destination, as well as

a renowned hub for sex tourism where it is very present (TDH Netherlands, ECPAT Netherlands, *Plan Netherlands, Free a Girl*, May 9, 2014). Child prostitution seems to go hand in hand with the country's tourism industry, particularly with hotels, taxis, and travel agencies serving as intermediaries between the tourists and young boys and girls. Moreover, despite having to display signs prohibiting child sex tourism in hotels and tourist establishments (*Assembléia Legislativa*, January 2, 2006), some establishments remove these posters during off-seasons to boost business. Some hostels or taxi drivers even have catalogs with pictures for sex tourists. For this reason, the presumption of the sexual exploitation of children in tourism is common.

Child trafficking for sexual exploitation purposes to other countries also takes place, with the use of false ID documents that claim the victims are over 18 years of age. Fortunately, airport security measures are becoming more and more effective in identifying children and intercepting minors before they leave the country (ECPAT International, *ECPAT Brazil*, December 2015). Although child sex tourism is widespread in Brazil, no reports or records of prosecutions or convictions of tourists seeking sexual relations with children have been made public.

Child prostitution: a major form of commercial sexual exploitation

The main factor that drives Brazilian adolescents to prostitution is widespread poverty, particularly in the *favelas* (ECPAT International, *ECPAT Brazil*, December 2015). The economic crisis has only aggravated the situation.

Despite the increased severity of the legislation against the prostitution of minors (*Congresso Nacional*, March 23, 2011), the practice remains ubiquitous and “sex buyers” are not dissuaded, as the problem

is entrenched in a culture and economy of sex tourism. Actors working towards the protection of children in Brazil unanimously testify to an increase in the phenomenon (TDH Netherlands, ECPAT Netherlands, *Plan Netherlands, Free a Girl*, May 9, 2014). The lack of data makes it difficult to quantify the true magnitude of the problem and implement appropriate response mechanisms. In the last reliable estimate, UNICEF reported that 100,000 children were being sexually exploited in networks in 2001. According to ECPAT, this number has increased since then, and concerns for the most part young women (ECPAT International, *ECPAT Brazil*, December 2015). The International Criminal Court estimated there were 500,000 children and adolescents being sexual exploited in 2014 (TDH Netherlands, ECPAT Netherlands, *Plan Netherlands, Free a Girl*, May 9, 2014).

Due to lack of information, some government and non-governmental organizations have difficulties in providing reintegration services to child victims and prosecuting their abusers. Most children victim of sexually exploitation live in problem or single-parent households. Physical and sexual violence is a permanent factor, especially in homes where the parents experienced sexual abuse as children and continue the cycle with their children. This phenomenon is accentuated in households where a parent has remarried, where cases of stepfathers raping their partner's daughters are not rare (ECPAT International, *ECPAT Brazil*, December 2015).

Families often play a key role in the entry of their children into prostitution (*Global Sustainable Tourism Review*, March 2014). It is frequent that prostitution and drug use are already present in the family, making children all the more vulnerable. Early on, children may have to take on

adult responsibilities as the family relies on them to provide financial support (*ECPAT International, ECPAT Brazil*, December 2015). Once in prostitution, these children have the greatest difficulties when attempting to leave.

The city of Fortaleza has long been considered a hub of child sexual exploitation in Brazil. (*ECPAT International, ECPAT Brazil*, December 2015). In 2014, it was the second most violent city in the country according to the Mexican NGO *Conselho Cidadão para a Segurança Pública e Justiça Penal* (*UOL Notícias*, January 25, 2016). *Favelas* are the places where the prostitution of minors is significant due to chronic poverty, lack of education, and omnipresent criminal activity, especially linked to drug trafficking (*Nomad and Villager*, September 20, 2016). The development of the crack trade in these areas has been accompanied by a rise in the sexual exploitation of children (*ECPAT International, ECPAT Brazil*, December 2015). It appears that the residents of these neighborhoods pose a greater threat to children than sex tourists do (*Human Rights Council*, May 2017). The BR-116 motorway, which crosses 4,500 km from Fortaleza to the Uruguay border, is another emblematic location for prostitution, including at least 262 places for the exploitation of children (*News.com.au*, July 24, 2016). To combat this prostitution, the capitals of three Northeastern states, Fortaleza, Recife, and Salvador de Bahia, have set up specialized courts (*Global Sustainable Tourism Review*, March 2014).

Young transgender people are marginalized within the Brazilian population. Driven from their family homes, they find themselves in situations of exploitation in order to survive (*ECPAT International, ECPAT Brazil*, December 2015). These young people are not only

rejected by society but also by their families, and face immense difficulties in finding shelter and protection. The life expectancy of a transgender person in Brazil is 35 years, and homicides in Brazil on the grounds of gender identity are not uncommon (*Human Rights Council*, May 2017).

As a result, many homosexual and transgender persons join sex trafficking networks seeking psychological and financial support. When integrated into these networks, they run the risk of being exploited and are often harassed by police who, rather than protect them, allow exploiters to abuse them with impunity (*ECPAT International, ECPAT Brazil*, December 2015).

Prostitution and Brazil's international sporting events

The annual mega events in Brazil, such as traditional parties, the Carnival and sporting events, create an excessively high-risk environment for the sexual exploitation of prostituted adults and children (*ECPAT International, ECPAT Brazil*, December 2015). Brazil has been a host country for some of the largest global sporting events, with the most recent cases being the 2014 World Cup and the 2016 Summer Olympic Games (*COHA*, April 6, 2015). The risk of sexual exploitation potentially increases during demonstration of this magnitude. In the case of the 2014 FIFA World Cup, approximately 3,16 million spectators traveled to Brazil. Although there are no official statistics or consistent records stating whether or not there was an increase in prostitution, there was a visible increase in human trafficking and sexual exploitation (*ECPAT International, ECPAT Brazil*, December 2015). Even before the tournament began, child sex markets developed near the stadiums under construction, involving construction workers

(*Global Sustainable Tourism Review*, March 2014). Knowing ahead of time that this would be an issue, Brazilian NGOs took a number of measures before the event to prevent an increase in child sexual exploitation. The NGO *Barraca da Amizadea*, for example, proposed a debate in Fortaleza with the public on the risks of child sexual exploitation during the World Cup. The NGO *ECPAT International* implemented an awareness campaign involving 16 countries spreading prevention messages, with the support of famous Brazilian footballers, to reduce the risks associated with sex tourism involving children in Brazil.

But, two years later, during the Olympic Games of 2016, the phenomenon had not diminished as, driven by poverty, even more people had been prostituted, hoping to raise enough money to resume the course of their life once the competition was over (*Courrier International/El País Brasil*, August 3, 2016).

Impacts of the economic recession on prostitution

In recent years, Brazil has experienced a considerable economic crisis that has led to an immense rise in unemployment, creating a favorable context for many to turn to prostitution. Beginning in 2015, Brazil entered a financial crisis, combined with a budget deficit and a political crisis that resulted in the impeachment of President Dilma Rousseff. During this period, the GDP fell 3.9% due to decreases in salaries, credit restrictions, and a rise in general interest rates. More than 1.5 million people lost their jobs in 2015, and the unemployment rate continued to rise throughout 2016, peaking at 12% (12.8 million unemployed people). In Brazil, 6.9 million people were living below the poverty line in 2015 (*World Bank*, October 2018). An increasing

unemployment rate and poverty pushed many people into prostitution.

The deep-rooted relationship between prostitution and drugs

There is a strong correlation between prostitution and drug use in Brazil, particularly among prostituted adolescents. Drug use often begins at a fairly young age, when children are prostituted to help their parents buy drugs. The children then, more or less rapidly, also fall into drug addiction. This drug-dependency subsequently leads to an increased vulnerability to sexual exploitation and abuse. Procurers often use drugs as a tool to trap victims by making them dependent. Dealers start off by offering drugs to children and then forcing them into prostitution to pay off their debt. The use of narcotics is often linked to traumatic events, especially frequent within the *favelas*. Victims often fall into a cycle that is almost impossible to break, with prostitution and drugs feeding into one another (*Global Sustainable Tourism Review*, March 2014). This phenomenon is all the more worrying when it comes to child-mothers, made pregnant by sex buyers, who have to find money for both drugs and their children, which further impoverishes them (*ECPAT International, ECPAT Brazil*, December 2015).

Health services

In response to the HIV/AIDS epidemic of the 1980s, Brazil established one of the most well-structured and effective HIV/AIDS programs in the world, with prostituted persons at the center of prevention campaigns (*Avert*, October 18, 2018). Currently, the HIV/AIDS rate for prostituted people is 5.3%. The focus therefore was put on the use of condoms by prostituted people, which proved particularly effective. According to a study conducted in 2013, roughly 90.1% of prostituted persons in Brazil use condoms when engaging in sexual

activities with a sex buyer (UNAIDS, 2017). Although the tendency to use a condom has increased since the 1980s, the recent increase in poverty due to the recession has pushed many prostituted people to practice unsafe sex, exposing them to a much higher risk of sexually transmitted infections (STIs) or HIV/AIDS. The increase in the number of prostituted minors, who are very vulnerable, has also led to an increase in underage mothers, victims of unwanted pregnancies.

Brazil's public health system is free and accessible to everyone (*Supremo Tribunal Federal*, 2018). Yet, this does not necessarily mean that the services are adequate, especially for prostituted persons: many of them do not have access to care as are often poorly received and ridiculed. Healthcare centers are highly dependent on local initiatives, and there are frequent cases of administrative neglect. In addition, there is little to no public awareness on the consequences of prostitution of the physical and mental health of prostituted persons.

Government initiatives and looking forward

In recent years, the Brazilian Government has demonstrated considerable efforts in both handling the current national situation regarding prostitution and combating sex trafficking. According to the 2018 US Department of State report on Trafficking in Persons, Brazil remains in Tier 2, meaning it does not completely meet the minimum standards for eliminating trafficking, although it is making considerable efforts to do so (*US Department of State*, June 2018). The government has taken significant measures to pass a number of more comprehensive and cohesive anti-trafficking laws, and in parallel conduct prevention campaigns against forced labor.

However, the government still faces many difficulties due, in particular, to a lack of resources and awareness. Although a

number of laws have been passed regarding sexual exploitation and trafficking, the judicial system of Brazil remains a very corrupt institution. For example, the former governor of Amazonia, who was elected as senator in 2015, was involved in a child sexual exploitation scandal. Yet he remains unpunished and was even re-elected for a second term until 2023 (*ECPAT International, ECPAT Brazil*, December 2015).

The country faces a serious lack of means to effectively punish traffickers and exploiters. The judicial process is exceedingly slow, often taking months to years before a trial takes place or judgment given. In addition to the corruption in the judicial system, Brazil also has a considerable amount of corruption within its police forces. Oftentimes, during the shutdown of a brothel, if the owner offers a bribe, the police will turn a blind eye to the continuing activity of the establishment (*Global Sustainable Tourism Review*, March 2014).

Victim protection programs are nonexistent. Still, NGOs have set up services, resources, centers, and communities for sexually exploited victims. For example, the NGO *Meninadanca* fights against the trafficking of girls along the BR-116 motorway through numerous awareness-raising actions (*Breitbart*, August 16, 2016). The programs provide shelter (Pink Houses) where girls receive specific help. *Meninadanca* also enabled the arrest of the former mayor of Taiobeiras and his sentencing to 26 years in prison. The mayor had used his influence and fortune to abuse underage girls over the last thirty years (*Mail Online*, December 15, 2015).

The development of the internet, social networks, and smartphones makes trafficking less visible. As children are no longer on the streets, it has become increasingly difficult for protection services to help them (*ECPAT International, ECPAT Brazil*, December 2015). Organizations gathering professors and

researchers from a number of different Brazilian universities have initiated research projects regarding prostitution in the major Brazilian cities, in the hopes of initiating debates on the phenomenon.

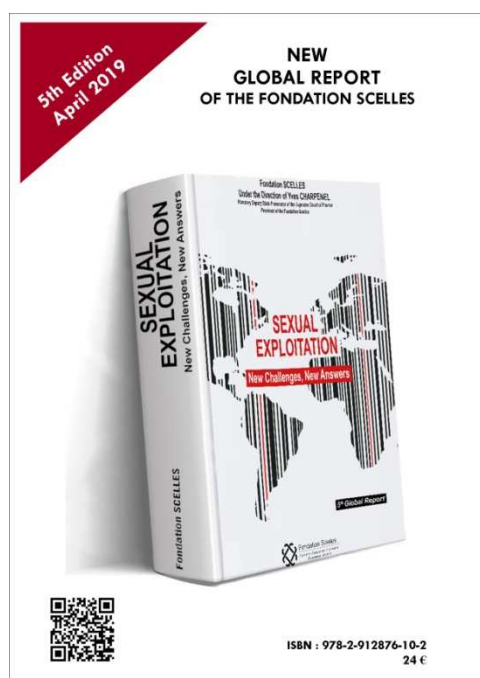
At the national level, it is difficult to take significant action in combating sexual exploitation mainly due to the difficulty of broaching the subject with the public and political figures, and a widespread corruption. The government must implement coherent legislation regarding prostitution and human trafficking, increase resources for the elimination of prostitution, and provide reintegration services to victims. The government must focus its efforts on combating sex tourism, especially involving minors. This is achievable if authorities improve the judicial processes and conviction rates for those who exploit children and those who come to Brazil for the purpose of child sex tourism, and if they provide prostituted people with easier access to the judicial system.

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

CONTACT

Sandra AYAD, Head of the International Observatory on Sexual Exploitation
sandra.ayad@fondationscelles.org

14 rue Mondétour
75001 Paris - France



www.fondationscelles.org
 Tw: @Fond_Scelles
 Fb: @FondationScelles