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AMCONSUL SALVADOR DA BAHIA POUCH)

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E.O. 12356: DECL: OADR
TAGS: SHUM, BR
SUBJ: DRAFT OF 1984 HUMAN RIGHTS REPORT

1. (C - ENTIRE TEXT)

2. INTRODUCTION

THE GOVERNMENT OF BRAZIL IS COMPOSED OF A MIXTURE OF CIVILIANS AND MILITARY OFFICERS HEADED BY JOAO FIGUEIREDO, THE FIFTH RETIRED GENERAL TO OCCUPY THAT POST SINCE THE IMPOSITION OF MILITARY RULE IN 1964. HOWEVER, WITH SUPPORT OF THE MILITARY, PRESIDENT FIGUEIREDO HAS BEEN PURSUING A POLICY AIMED AT RESTORING LIBERAL DEMOCRACY UNDER CIVILIAN POLITICAL CONTROL. AN ELECTORAL COLLEGE WILL MEET JANUARY 15, 1985 TO ELECT A NEW PRESIDENT. THE TWO CANDIDATES, NEITHER OF WHICH WAS CHOSEN BY THE GOVERNMENT OR THE MILITARY, ARE CIVILIANS.

ECONOMIC RECESSION, THOUGH SERIOUS, HAS NOT IMPEDED PRESIDENT FIGUEIREDO FROM PURSUING HIS POLICY OF LIBERALIZATION. BRAZIL IS CURRENTLY THE EIGHTH LARGEST ECONOMY IN THE NON-COMMUNIST WORLD, YET IT MUST COPE WITH A FOREIGN DEBT OF APPROXIMATELY 100 BILLION DOLLARS, HIGH INFLATION AND A FOURTH CONSECUTIVE YEAR OF LOW OR NEGATIVE PER CAPITA GROWTH IN THE ECONOMY IN 1984. A BRIGHT SPOT IN THE BRAZILIAN ECONOMY HAS BEEN ITS ABILITY TO EXCEED ITS EXPORT GOALS DURING THIS YEAR. BUT SOME BRAZILIANS CLAIM THAT EXCESSIVE EMPHASIS ON EXPORTS LEAVES LESS FOR DOMESTIC CONSUMPTION. POLITICALLY, THE INDIRECT PRESIDENTIAL ELECTION REMAINS ON SCHEDULE. THERE WAS A GROUNDSWELL OF POPULAR SUPPORT IN 1984 FOR DIRECT PRESIDENTIAL ELECTIONS, BUT THE GOVERNMENT OPPOSED DIRECT ELECTIONS IN 1984 OR 1985, AND SEVERAL CONSTITUTIONAL AMENDMENTS TO THAT END WERE DEFEATED IN CONGRESS. BOTH PRESIDENTIAL CANDIDATES HAVE PROMISED THAT, IF ELECTED, THEY WILL RESTORE THE DIRECT VOTE FOR THE ELECTION OF THEIR SUCCESSOR.

THE BRAZILIAN CONGRESS CONTINUES TO PLAY AN ACTIVE AND VOCAL ROLE IN NATIONAL POLICY-MAKING. THE COMBINED OPPOSITION GAINED A MAJORITY OF SEATS IN THE LOWER HOUSE AS A RESULT OF THE NOVEMBER 1982 ELECTIONS, IN WHICH CANDIDATES WERE CHOSEN BY DIRECT VOTE.

THE CENTER OF POLITICAL POWER STILL RESIDES IN THE PRESIDENCY, WHICH CAN AND DOES EMPLOY VARIOUS CONSTITUTIONAL AND LEGAL DEVICES TO INFLUENCE OTHER INSTITUTIONS IN PURSUIT OF ITS POLICIES. HOWEVER, THIS IS DONE WITHIN THE BRAZILIAN LEGAL FRAMEWORK AND NOT IN A MANNER THAT DEPRIVES CITIZENS OF THEIR HUMAN RIGHTS. THE JUDICIARY IS A WIDELY RESPECTED AND INDEPENDENT INSTITUTION.

THE BRAZILIAN SECURITY APPARATUS IS COMPOSED OF A NATIONAL INTELLIGENCE SERVICE, A FEDERAL POLICE SYSTEM, A MILITIA-TYPE STATE POLICE, LOCAL POLICE, AND MILITARY INTELLIGENCE UNITS. MANY KNOWLEDGEABLE BRAZILIANS BELIEVE THAT THE GOVERNMENT APPARATUS CONTINUES TO BE USED TO MONITOR OPPOSITION ELEMENTS WHICH POSE NO APPARENT SECURITY THREAT TO THE NATION. THEY BELIEVE, HOWEVER, THAT THERE IS CONSIDERABLY LESS OF THIS ACTIVITY THAN IN PREVIOUS YEARS. THERE HAVE ALSO BEEN CHARGES IN THE PRESS AND BY HUMAN RIGHTS ORGANIZATIONS THAT THE LOCAL AND MILITARY POLICE HAVE USED EXCESSIVE VIOLENCE IN APPREHENDING AND PROCESSING ALLEGED CRIMINALS. CRITICS STATE THAT THIS PRACTICE IS WIDESPREAD, THOUGH POSSIBLY ON THE DECLINE.

THE STATE OF HUMAN RIGHTS HAS GENERALLY CONTINUED TO IMPROVE IN 1984. THIS REINFORCES THE LONG TERM TEND TOWARDS FEWER VIOLATIONS. BRAZILIANS ARE FREE TO PARTICIPATE IN THE POLITICAL AND ECONOMIC LIFE OF THE COUNTRY. THE GOVERNMENT MAY, HOWEVER, INVOKE CONSTITUTIONALLY SANCTIONED EMERGENCY POWERS, AND IT HAS AUTHORITY TO ISSUE DECREE LAWS. THE GOVERNMENT ISSUED AN EMERGENCY DECREE ON APRIL 18, OSTENSIBLY TO PRESERVE ORDER DURING A CONTROVERSIAL VOTE IN THE NATIONAL CONGRESS. THE DECREE ONLY AFFECTED THE BRASILIA AREA. IT SUSPENDED CERTAIN RIGHTS AND IMPOSED CENSORSHIP OF RADIO AND TELEVISION BROADCASTS. PRESIDENT FIGUEIREDO SUSPENDED THE EMERGENCY AFTER 16 DAYS; MEDIA CENSORSHIP WAS EASED BEFORE THAT. BRAZIL HAS A NATIONAL SECURITY LAW WHICH PROVIDES FOR A MILITARY TRIAL OF CIVILIANS CHARGED UNDER IT. HOWEVER, IN LATE 1983 CONGRESS PASSED A LAW TO NARROW ITS SCOPE VERY SUBSTANTIALLY. THIS

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AMENDMENT RESULTED IN THE EVENTUAL RELEASE OF ALL PERSONS
INCARCERATED UNDER THIS LAW.

UNDER THE CURRENT CIVIL CODE, BRAZILIAN INDIANS ARE
CONSIDERED "SEMI COMPETENT" WARDS OF THE STATE AND
LIVE UNDER CERTAIN RESTRICTIONS WHICH ARE NOT APPLICABLE
TO OTHER CITIZENS. INDIANS ARE UNDER PRESSURE FROM
MINERAL AND AGRICULTURAL DEVELOPERS, AS WELL AS
SQUATTERS AND LEGITIMATE SETTLERS, TO OPEN MORE OF
THEIR LANDS TO OTHERS.

3. SECTION I - RESPECT FOR THE INTEGRITY OF THE
INDIVIDUAL, INCLUDING FREEDOM FROM:

A. POLITICAL KILLING

THERE HAVE BEEN NO REPORTS OF POLITICAL KILLINGS IN
1984. THERE HAVE BEEN CHARGES BY HUMAN RIGHTS ORGANIZA-
TIONS THAT THE CIVIL AND MILITARY POLICE IN RIO HAVE ON
OCCASION KILLED INDIVIDUALS SUSPECTED OF COMMON CRIMES.
THE NATIONAL CONFERENCE OF BRAZILIAN BISHOPS (CNBB)
NOTES, HOWEVER, THAT THE KILLINGS IN 1984 HAVE BEEN VERY
SPORADIC IN RIO, COMPARED TO RECENT YEARS. THE CNBB
ATTRIBUTES THIS TO THE ELECTION OF A NEW STATE GOVERN-
MENT WHICH HAS MADE EFFORTS TO DISMANTLE THE SO-CALLED
"DEATH SQUADS" THAT HAVE BEEN A PART OF RIO'S HISTORY.
SEVERAL POLICEMEN HAVE BEEN CONVICTED IN 1984 FOR
OFFENSES RELATING TO TREATMENT OF SUSPECTS. THE CNBB
BELIEVES THESE CONVICTIONS ARE HAVING A SALUTARY EFFECT
BY SERVING AS A DETERRENT TO POLICE ABUSE. IN SAO
PAULO, THE ARCHDIOCESE OF SAO PAULO ESTIMATES THAT
ROUGHLY 300 SUSPECTS WERE KILLED BY THE POLICE IN THE
PAST TWELVE MONTHS WITH THE STATE POLICE (POLICIA MILITAR)
BEING THE WORST OFFENDERS. THE ARCHDIOCESE PERCEIVES NO
IMPROVEMENT IN SAO PAULO IN THIS AREA FOR THE PAST SEVERAL
YEARS AND INSUFFICIENT RESOURCES DEVOTED BY THE LOCAL OR
STATE GOVERNMENT TO COMBAT THE PROBLEM. IN A MAJORITY OF
CASES NATION-WIDE, SUSPECTS WHO HAVE BEEN KILLED HAVE
BEEN FROM THE UNDERPRIVILEGED CLASS.

B. DISAPPEARANCE

THERE HAVE BEEN NO REPORTS OF POLITICALLY MOTIVATED
DISAPPEARANCES.

C. TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT OR
PUNISHMENT

TORTURE IS PROHIBITED BY THE PENAL CODE. THERE HAVE BEEN

NO REPORTS OF POLITICALLY MOTIVATED TORTURE IN 1984.
HOWEVER, VARIOUS HUMAN RIGHTS ORGANIZATIONS AND THE
NATIONAL ASSOCIATION OF LAWYERS REPORT THAT POLICE
BEATINGS AND TORTURE OF INDIVIDUALS SUSPECTED OF COMMON
CRIMES ARE WIDESPREAD THROUGHOUT ALL PARTS OF BRAZIL.
THE PRIMARY PURPOSE, ACCORDING TO THESE ORGANIZATIONS,
IS TO EXTRACT CONFESSIONS. SUCH PRACTICES PRIMARILY
AFFECT THE UNDERPRIVILEGED. CHURCH AUTHORITIES IN RIO
NOTE THAT THERE HAS BEEN A STEADY DECLINE IN SUCH
OFFENSES IN THE LAST TWO YEARS DUE TO GOVERNMENT EFFORTS
TO CURB MISTREATMENT OF SUSPECTS. IN SAO PAULO, THE
PRACTICE REMAINS WIDESPREAD WITH LITTLE CHANGE OVER THE
PAST SEVERAL YEARS.

PRISON FACILITIES CONTINUE TO BE OVERCROWDED AND POORLY
MAINTAINED AND BARRED. IN SAO PAULO, ACCORDING TO ONE
STATE OFFICIAL, THERE HAS NOT BEEN ANY MONEY
APPROPRIATED FOR PRISON IMPROVEMENT IN THE PAST FOUR
YEARS. THERE HAS, HOWEVER, BEEN A RECENT EFFORT TO
ORGANIZE PRISONER GROUPS WITHIN SAO PAULO PRISONS,
WITH THE AIM OF ALLOWING THE PRISONERS TO ARTICULATE
THEIR OWN GRIEVANCES AND TO PASS THESE TO APPROPRIATE
GOVERNMENT OFFICIALS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE INDEPENDENT JUDICIARY IS LARGELY SUCCESSFUL IN
GUARANTEEING DUE PROCESS OF LAW FOR CITIZENS. UNDER
BRAZILIAN LAW, AN INDIVIDUAL MAY NOT BE ARBITRARILY
DETAINED. HABEAS CORPUS IS GUARANTEED BY THE BRAZILIAN
CONSTITUTION AND IS RESPECTED.

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PROVISIONAL DETENTION IS PERMISSIBLE UNDER BRAZILIAN CRIMINAL LAW. IT IS ORDERED BY JUDGES (IN CASES OF COMMON CRIMES) OR BY CERTAIN HIGH-LEVEL ADMINISTRATIVE AUTHORITIES (IN CASES OF CRIMES AGAINST THE PUBLIC ADMINISTRATION, OR OF EXTRADITION), NOT BY POLICE. A JUDGE MAY ORDER PROVISIONAL DETENTION, FOR EXAMPLE, TO PRESERVE PUBLIC ORDER WHEN THERE IS EVIDENCE OF PROBABLE CAUSE, WHEN THE ACCUSED IS DANGEROUS OR VAGRANT OR DOES NOT HAVE A FIXED JOB OR ADDRESS, OR WHEN THE INDIVIDUAL IS CAUGHT IN THE ACT OF AN UNBAILABLE CRIME. IT MAY ALSO BE ORDERED TO PREVENT INTERFERENCE BY THE ACCUSED IN DUE PROCESS; E.G., WHEN THE INDIVIDUAL MIGHT INFLUENCE OR HARM WITNESSES. PROVISIONAL DETENTION CAN BE EXTENDED UNTIL THE CASE COMES TO TRIAL OR UNTIL A JUDGE RULES THAT REASONS FOR THE DETENTION NO LONGER EXIST. IN PRACTICE, PROVISIONAL DETENTION IN BRAZIL IS NOT CONSIDERED TO BE ARBITRARY AND DOES NOT NORMALLY LEAD TO LONG PERIODS OF INCARCERATION.

INDIVIDUALS WHO ALLEGEDLY VIOLATE THE NATIONAL SECURITY LAW MAY BE HELD IN CUSTODY FOR 30 DAYS. THIS 30-DAY PERIOD MAY ONLY BE RENEWED BY A JUDICIAL AUTHORITY. THE ACCUSED MAY BE HELD INCOMMUNICADO FOR 5 DAYS. A JUDICIAL AUTHORITY MUST BE NOTIFIED IMMEDIATELY (IN PRACTICE, WITHIN 24 HOURS) IN THE EVENT OF AN ARREST. THE JUDGE IS REQUIRED TO MAKE A DETERMINATION OF THE LEGALITY OF THE ARREST AND THE POLICE MUST INFORM THE ACCUSED OF THE CHARGES AGAINST HIM. AN ATTORNEY MAY FILE A HABEAS CORPUS REQUEST ON BEHALF OF THE PRISONER IF THE JUDGE DECIDES THAT THE PRISONER WAS ARRESTED ILLEGALLY. IN PRACTICE, ALL DEADLINES FOR NOTIFICATIONS AND DETERMINATIONS ARE STRICTLY ADHERED TO.

E. DENIAL OF FAIR PUBLIC TRIAL

THE RIGHT TO A FAIR PUBLIC TRIAL IS GUARANTEED BY BRAZILIAN LAW WITH REGARD TO BOTH PENAL CODE AND NATIONAL SECURITY LAW VIOLATIONS AND IS RESPECTED IN PRACTICE. DEFENDANTS ARE ENTITLED TO COUNSEL AND MUST BE MADE FULLY AWARE OF THE CHARGES AGAINST THEM. IN CASES WHERE A DEFENDANT CANNOT AFFORD AN ATTORNEY, ONE MUST BE PROVIDED FREE OF CHARGE. DEFENDANTS AND THEIR ATTORNEYS HAVE THE LEGAL RIGHT TO BE INFORMED OF THE EVIDENCE ON WHICH THE CHARGES ARE BASED. CASES MAY BE TRIED BEFORE A SINGLE JUDGE OR BY JURY, EXCEPT IN THE CASE OF WILLFUL CRIMES AGAINST LIFE, IN WHICH CASE A JURY TRIAL IS MANDATED.

THE BRAZILIAN JUDICIAL SYSTEM IS AN INDEPENDENT BRANCH

OF GOVERNMENT WITH THE FEDERAL SUPREME COURT SERVING AS THE HIGHEST COURT IN THE LAND. THE FEDERAL COURT SYSTEM OF BRAZIL IS COMPOSED OF COURTS OF THE FIRST INSTANCE AND APPEALS COURTS. THE STATES ARE FREE TO ORGANIZE THEIR OWN JUDICIAL SYSTEMS AS LONG AS THEY DO NOT VIOLATE BASIC PRINCIPLES OF THE FEDERAL CONSTITUTION. BRAZIL ALSO HAS A SYSTEM OF SPECIALIZED COURTS SUCH AS LABOR COURTS, ELECTORAL COURTS AND JUVENILE COURTS.

BRAZIL'S MILITARY COURT SYSTEM IS CHARGED WITH THE RESPONSIBILITY OF HEARING CASES INVOLVING MILITARY PERSONNEL AND CASES INVOLVING CIVILIANS CHARGED UNDER THE NATIONAL SECURITY LAW OR WITH OFFENSES AGAINST MILITARY INSTALLATIONS. THE HIGHEST MILITARY COURT IN THIS SYSTEM IS THE SUPERIOR MILITARY COURT. LEGAL GUARANTEES ALSO APPLY IN MILITARY COURTS. CIVILIANS HAVE THE RIGHT TO APPEAL TO THE FEDERAL SUPREME COURT WHEN CONVICTED OF CRIMES AGAINST THE NATIONAL SECURITY LAW. MILITARY PERSONNEL ALSO MAY APPEAL TO THE FEDERAL SUPREME COURT IN NATIONAL SECURITY CASES, BUT THIS IS ALLOWED ONLY IN EXTRAORDINARY CIRCUMSTANCES. IN CURRENT PRACTICE, THERE IS A TREND TOWARDS DISMISSING NATIONAL SECURITY LAW CASES OR CHARGING INDIVIDUALS UNDER OTHER LAWS AND REFERRING CASES TO THE CIVILIAN LEGAL SYSTEM. AT PRESENT, THERE ARE NO INDIVIDUALS IMPRISONED IN BRAZIL UNDER THE NATIONAL SECURITY LAW. THE LAST PERSON IN JAIL UNDER THIS LAW WAS A JOURNALIST WHO WAS RELEASED IN APRIL 1984. THERE IS ONE MEMBER OF CONGRESS CURRENTLY CHARGED UNDER THE "CRIMES AGAINST HONOR" PROVISION OF THE NATIONAL SECURITY LAW FOR MAKING A SPEECH CONSIDERED INSULTING TO THE PRESIDENT OF THE REPUBLIC.

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F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME OR CORRESPONDENCE

THERE IS NO DOCUMENTED EVIDENCE THAT THE GOVERNMENT ROUTINELY MONITORS CORRESPONDENCE OR TELEPHONE CONVERSATIONS. THERE CONTINUE TO BE ALLEGATIONS THAT THE GOVERNMENT SELECTIVELY EMPLOYS WARRANTLESS WIRETAPS OF OPPOSITION GROUP MEMBERS. HOWEVER, ILLEGAL WIRETAPPING APPARENTLY HAS BEEN LESS FREQUENT IN RECENT YEARS. FORCED ENTRY INTO HOMES WITHOUT A WARRANT PROBABLY OCCURS IN SEARCHES FOR CRIMINALS, BUT THIS PRACTICE HAS DECLINED IN RECENT YEARS, ACCORDING TO HUMAN RIGHTS ORGANIZATIONS. THERE ARE NO REPORTS OF SUCH ILLEGAL ENTRIES OF HOMES IN POLITICAL CASES. FREEDOM FROM SEARCH IS A CONSTITUTIONALLY GUARANTEED RIGHT. THIS RIGHT WAS SUSPENDED FOR A PERIOD OF ROUGHLY TWO WEEKS IN BRASILIA BY DECREE LAW IN APRIL 1984. THE GOVERNMENT EXPLAINED THE ISSUANCE OF THE DECREE AS A NECESSARY MEASURE TO MAINTAIN ORDER DURING A CONTROVERSIAL VOTE IN THE NATIONAL CONGRESS.

4. SECTION 2 - RESPECT FOR CIVIL AND POLITICAL RIGHTS INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE RIGHT TO FREE SPEECH AND TO A FREE PRESS ARE GUARANTEED IN THE BRAZILIAN CONSTITUTION. OPPOSITION VIEWPOINTS ARE FREELY AIRD IN VARIOUS MEDIA. THE GOVERNMENT HAS GENERALLY EXHIBITED TOLERANCE OF CRITICISM, WHICH AT TIMES HAS BECOME QUITE STRONG. LARGE RALLIES IN SUPPORT OF DIRECT ELECTIONS AND OF THE OPPOSITION CANDIDATE FOR PRESIDENT HAVE ATTRACTED HUNDREDS OF THOUSANDS OF CITIZENS IN ALL PARTS OF THE COUNTRY. THE RALLIES HAVE BEEN PEACEFUL, WITH LITTLE INTERFERENCE BY THE GOVERNMENT.

NEWSPAPERS ARE PRIVATELY OWNED AND ARE OPEN AND VIGOROUS IN REPORTING ON AND DISCUSSING GOVERNMENT POLICIES AND PERFORMANCE. IN APRIL 1984, AN EDITOR WHO HAD BEEN CONVICTED UNDER THE NATIONAL SECURITY LAW FOR PUBLISHING "SUBVERSIVE PROPAGANDA" WAS RELEASED BY UNANIMOUS VOTE OF THE SUPREME COURT. THERE HAVE BEEN ATTEMPTS BY THE GOVERNMENT TO MUTE CRITICISM OF ITS POLICIES BY SELECTED NEWSPAPERS BY WITHDRAWING ADVERTISING OF GOVERNMENT-CONTROLLED CORPORATIONS. IN EARLY 1984, THIS OCCURRED FOR A TWO-MONTH PERIOD, RESULTING IN ECONOMIC HARDSHIP FOR THE NEWSPAPERS BUT NO PERCEPTIBLE CHANGE IN THEIR EDITORIAL POLICIES. SELF-

CENSORSHIP IS RARELY EVIDENT, BEING RESTRICTED TO A VERY FEW SUBJECTS SUCH AS SHARP AND SPECIFIC CRITICISMS OF THE ARMED FORCES, THE PRESIDENT, ETC. THE INTER AMERICAN PRESS ASSOCIATION LISTED BRAZIL AS HAVING A "FREE PRESS".

RADIO AND TELEVISION STATIONS ARE ALSO PRIVATELY OWNED BUT ARE UNDER LICENSE FROM THE GOVERNMENT WHICH CAN WITHDRAW THE LICENSE FAIRLY EASILY. ELECTRONIC MEDIA BROADCASTS HAVE COVERED A VAST ARRAY OF TOPICS, INCLUDING CONTROVERSIAL SOCIAL TOPICS AND POLITICAL ISSUES DURING THIS PAST YEAR. HOWEVER, IN APRIL, THE GOVERNMENT, AS ONE OF A NUMBER OF EMERGENCY MEASURES, IMPOSED MEDIA CENSORSHIP OF RADIO AND TELEVISION COVERAGE OF DEBATE ON A CONTROVERSIAL BILL BEFORE CONGRESS. THIS WAS POSSIBLE BY VIRTUE OF AN EMERGENCY DECREE ISSUED APRIL 18 AND LASTING ABOUT TWO WEEKS. DURING THIS PERIOD NEWS PROGRAMS WERE AFFECTED AND ONE POPULAR TELEVISION PUBLIC AFFAIRS PROGRAM WAS CANCELLED ENTIRELY. ALSO DURING APRIL 1984, THE GOVERNMENT BLACKED OUT TWO RADIO STATIONS OUTSIDE OF BRASILIA FOR SEVERAL HOURS BECAUSE THE STATIONS DECIDED TO COVER THE CONTROVERSIAL VOTE IN THE NATIONAL CONGRESS. TELEVISION AND RADIO EXERCISE MORE SELF-CENSORSHIP IN TOPICS DEALING WITH GOVERNMENT PERSONALITIES AND POLICIES THAN THE PRINT MEDIA, ACCORDING TO AMNESTY INTERNATIONAL.

FOREIGN PUBLICATIONS, EXCEPT FOR THOSE FROM THE SOVIET UNION AND BLOC COUNTRIES, ARE WIDELY DISTRIBUTED IN BRAZIL. IN 1984, A BRAZILIAN JOURNALIST WHO HAD WRITTEN A BOOK PRAISING CUBA WAS DETAINED BY BRAZILIAN AUTHORITIES FOR SEVERAL HOURS AND COPIES OF HIS BOOK

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SEIZED WHEN HE TRIED TO BRING THEM INTO BRAZIL FROM CUBA. ALL FOREIGN AND DOMESTIC FILMS ARE REVIEWED FOR POLITICAL CONTENT, BUT FILMS ARE VERY RARELY BARRED FROM COMMERCIAL DISTRIBUTION. IN 1984, THE GOVERNMENT RELEASED ABOUT 10 FILMS THAT IT HAD HELD UP FOR YEARS, SOME DATING FROM THE 1960'S.

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE BRAZILIAN CONSTITUTION GUARANTEES THE RIGHT TO PEACEABLY ASSEMBLE, AND THE RIGHT IS GENERALLY OBSERVED. FOR EXAMPLE, IN JANUARY AND FEBRUARY 1984 MILLIONS OF PEOPLE RALLIED IN MAJOR BRAZILIAN CITIES TO PROTEST THE GOVERNMENT'S ELECTORAL POLICIES. THERE WAS NO ATTEMPT TO HARRASS OR STOP THESE HUGE ANTI-GOVERNMENT DEMONSTRATORS.

ALTHOUGH PERMITS MUST BE OBTAINED FOR OUTDOOR PUBLIC MEETINGS OF A POLITICAL OR LABOR-UNION NATURE, THESE ARE NORMALLY FREELY GIVEN--WITH THE EXCEPTION OF PERMITS FOR ILLEGAL COMMUNIST GROUPS. AS NOTED ABOVE, THE GOVERNMENT HAS TWICE DECREED EMERGENCY MEASURES IN THE BRASILIA AREA AND USED THE TEMPORARY SPECIAL POWERS GRANTED TO IT UNDER THE DECREES TO RESTRICT THE RIGHT TO HOLD POLITICAL OR LABOR UNION MEETINGS.

THE RIGHT OF ASSOCIATION IS RESTRICTED ONLY IN THE CASE OF PROSCRIBED (COMMUNIST) POLITICAL PARTIES. THESE PARTIES ARE HELD TO BE ILLEGAL ON GROUNDS THAT THEY DO NOT UPHOLD DEMOCRATIC PRINCIPLES--A REQUIREMENT PLACED ON ALL PARTIES. LABOR UNIONS AND RELIGIOUS GROUPS EXERCISE THEIR RIGHT TO MEET FREELY WITHOUT GOVERNMENT INTERFERENCE. HOWEVER, THE GOVERNMENT HAS IN PAST YEARS LEGALLY TAKEN OVER CONTROL OF LABOR UNIONS CHARGED WITH CORRUPTION AND/OR ILLEGAL (POLITICALLY MOTIVATED) STRIKES.

LABOR UNIONS HAVE THE RIGHT TO ORGANIZE AS WELL AS THE RIGHT OF ASSOCIATION. IN FACT, LABOR UNIONS ARE LEGALLY MANDATED UNDER THE CODE OF LABOR LAWS TO REPRESENT WORKERS. HOWEVER, THE LABOR CODE MAKES NO PROVISION FOR AN AFL-CIO-TYPE LABOR CENTRAL. IN THE ABSENCE OF LEGISLATION TWO RIVAL CENTRALS HAVE EMERGED. THE GOVERNMENT HAS NOT RECOGNIZED THEM, BUT IT HAS ALLOWED THESE ORGANIZATIONS TO CONTINUE TO FUNCTION. TO MAINTAIN THE OFFICIAL LABOR STRUCTURE, WORKERS ARE TAXED ONE DAY'S PAY PER YEAR, A SUM WHICH IS PAID TO THE GOVERNMENT AND THEN DIVIDED AMONG CONFEDERATIONS, FEDERATIONS AND LOCAL UNIONS. PERHAPS

10 TO 15 PERCENT OF WORKERS VOLUNTARILY PAY UNION DUES IN ADDITION TO THE MANDATORY TAX. MOST OF THESE VOLUNTAR MEMBERS JOIN MORE FOR THE MEDICAL AND DENTAL CARE PROVIDED TO THE WORKERS' FAMILIES THAN FOR ANY PROTECTION OF THEIR RIGHTS. IN FACT, MANY WORKERS DOUBT THEIR UNIONS' ABILITY TO OFFER USEFUL ASSISTANCE OR TO NEGOTIATE GRIEVANCES. UNIONS ARE LEGALLY PROHIBITED FROM PARTICIPATING IN PARTISAN POLITICS, BUT A NUMBER DO. TO DATE, HOWEVER, THEIR IMPACT HAS BEEN SMALL.

STRIKES ARE LEGAL, BUT, IN FACT, ARE SEVERELY RESTRICTED BY OBLIGATORY ARBITRATION PROCEDURES. FOR EXAMPLE, A UNION CAN CALL A STRIKE IN A BID FOR HIGHER WAGES BUT IF AN AGREEMENT IS NOT REACHED WITH THE EMPLOYER, THE QUESTION IS PASSED TO A LABOR COURT, WHICH HANDS DOWN A BINDING ARBITRATION AWARD. ANY STRIKE THAT CONTINUES AFTER THE CASE IS PRESENTED TO THE COURTS IS DECLARED ILLEGAL AND CAN LEAD TO THE DISMISSAL OF THE WORKERS WHO REFUSE TO RETURN TO WORK. NOTWITHSTANDING THESE RESTRICTIONS ON THE RIGHT TO STRIKE, STRONGER UNIONS HAVE WON A NUMBER OF STRIKES FOR HIGHER WAGES DURING THE LAST YEAR.

EMPLOYERS HAVE A LEGALLY MANDATED STRUCTURE WHICH PARALLELS THAT OF LABOR--UNIONS, FEDERATIONS AND EIGHT NATIONAL CONFEDERATIONS.

IN ADDITION THERE ARE VOLUNTARY EMPLOYER ORGANIZATIONS NOT MANDATED BY LAW. BOTH THE MANDATORY AND VOLUNTARY ASSOCIATIONS REPRESENT THEIR MEMBERS TO THE GOVERNMENT AND ACT AS LOBBYISTS. AN EVEN MORE IMPORTANT FUNCTION IS THAT OF NEGOTIATOR OF COLLECTIVE BARGAINING AGREE-

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AMCONSUL PORTO ALEGRE POUCH)
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MENTS WITH THE LABOR UNIONS.

UNIONS OF WORKERS AND EMPLOYERS CAN MAINTAIN TIES WITH INTERNATIONAL ORGANIZATIONS SUCH AS THE ICFTU, BUT THIS AFFILIATION HAS TO BE APPROVED BY THE PRESIDENT OF BRAZIL AND THE TRANSFER OF FUNDS TO PAY MEMBERSHIP CHARGES HAS TO PASS THROUGH THE CENTRAL BANK. THE PRESIDENT HAS PENDING A NUMBER OF APPLICATIONS FROM LABOR ORGANIZATIONS REQUESTING ASSOCIATION WITH INTERNATIONAL ORGANIZATIONS; THERE ARE EVEN MORE APPLICATIONS PENDING WITH THE CENTRAL BANK FOR FUNDS TO PAY INTERNATIONAL DUES.

THE INTERNATIONAL LABOR ORGANIZATION (ILO) HAS HAD SEVERAL COMPLAINTS CONCERNING BRAZILIAN UNIONS AND UNION LEADERS DURING 1983 AND 1984. ONE DEALT WITH THE TRIAL OF THE AGRICULTURAL WORKERS CONFEDERATION PRESIDENT JOSE FRANCISCO DA SILVA, AND WORKERS PARTY PRESIDENT LULA DA SILVA UNDER THE NATIONAL SECURITY LAW. THE TWO MEN, AS WELL AS OTHERS INDICTED FOR INCITEMENT TO RIOT, WERE ACQUITTED. IN ANOTHER CASE PRESENTED TO THE ILO A RURAL WORKERS UNION PRESIDENT WAS ASSASSINATED IN PARAIBA STATE. THE MURDERERS HAVE BEEN TRIED AND FOUND GUILTY. BUT VIOLENCE CONTINUES TO OCCUR IN THE RURAL NORTHEAST BETWEEN LABOR AND MANAGEMENT. THE RESULTING INSECURITY HINDERS DEVELOPMENT OF LABOR UNION ACTIVITY THROUGHOUT THE NORTHEAST.

C. FREEDOM OF RELIGION

THERE IS NO FAVORED OR STATE RELIGION IN BRAZIL. AN OVERWHELMING MAJORITY OF BRAZILIANS BELONG TO THE ROMAN CATHOLIC CHURCH. ALL FAITHS ARE FREE TO PROSELYTIZE, ESTABLISH PLACES OF WORSHIP AND TRAIN CLERGY. ACCORDING TO THE CNBB, MISSIONARIES AND OTHER FOREIGN RELIGIOUS VISITORS HAVE HAD MUCH MORE DIFFICULTY ENTERING BRAZIL DURING THE PAST SEVERAL YEARS DUE TO THE PASSAGE OF AN IMMIGRATION LAW IN 1980. CNBB DOES NOT BELIEVE THAT MISSIONARIES AND RELIGIOUS VISITORS ARE BEING SINGLED OUT BUT RATHER THAT ALL FOREIGNERS ARE EQUALLY AFFECTED. MEMBERSHIP IN A PARTICULAR RELIGION DOES NOT CONFER ANY ADVANTAGE OR DISADVANTAGE.

THERE CONTINUE TO BE STRAINED RELATIONS BETWEEN THE CATHOLIC CHURCH AND THE GOVERNMENT ARISING FROM THE CHURCH'S POLITICAL AND SOCIAL ACTIVISM. RELATIONS REMAINED STABLE DURING 1984 WITH NO REPORTED EFFORTS BY THE GOVERNMENT TO INTERVENE IN CHURCH PROGRAMS.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION AND REPATRIATION

THERE ARE NO RESTRICTIONS ON MOVEMENT WITHIN BRAZIL NOR ARE THERE ANY UNUSUAL RESTRICTIONS ON EMIGRATION. BRAZIL ADMITS FEW IMMIGRANTS, BASING ITS DECISION ON ITS ABILITY TO ABSORB NEWCOMERS, CULTURAL AFFINITY AND PROXIMITY OF THE APPLICANT'S HOMELAND. BRAZIL IS SELECTIVE IN GRANTING ASYLUM, ALTHOUGH PRECISE CRITERIA DO NOT EXIST. THERE IS NO FORCIBLE REPATRIATION OF REFUGEES OR RESTRICTIONS ON REPATRIATION OF BRAZILIANS.

5. SECTION 3 - THE RIGHTS OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE FOCAL POINT OF POLITICAL POWER RESIDES IN THE PRESIDENCY AND IS GUARANTEED BY THE ARMED FORCES. THE PRESIDENT'S CONSTITUTIONAL POWERS INCLUDING THE RIGHT TO ISSUE DECREE-LAWS IN A NUMBER OF KEY AREAS AND, IN THE EVENT OF AN OUTBREAK OF WAR OR THREAT OF SERIOUS DISTURBANCES, TO DECREE A STATE OF SIEGE WHICH PERMITS SUSPENSION OF MANY CIVIL RIGHTS.

THE DIRECT ELECTIONS OF CONGRESSMEN AND SENATORS IN NOVEMBER 1982 PRODUCED A MORE INDEPENDENT AND POPULARLY REPRESENTATIVE CONGRESS WHOSE INFLUENCE CONTINUES TO GROW IN THE DECISION-MAKING PROCESS. CONGRESS HAS BEEN ABLE TO MODIFY A NUMBER OF GOVERNMENT-SPONSORED LEGISLATIVE PROPOSALS AND HAS IN SOME CASES SUCCESSFULLY APPLIED PRESSURE TO THE POINT THAT THE GOVERNMENT HAD TO WITHDRAW PROPOSALS.

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ALL BRAZILIAN CITIZENS MAY JOIN A POLITICAL PARTY. THE FIVE CURRENTLY LEGAL PARTIES ARE COMPOSED OF INDIVIDUALS FROM ACROSS THE ENTIRE POLITICAL SPECTRUM. THE COMMUNIST PARTY IS PROHIBITED, BUT IT IS ACTIVELY CAMPAIGNING FOR LEGALIZATION.

DIRECT VOTING IS USED TO CHOOSE REPRESENTATIVES AT THE FEDERAL, STATE AND LOCAL LEVELS. VOTING IS SECRET AND MANDATORY FOR ALL LITERATE ADULTS, WHO CURRENTLY MAKE UP ABOUT 75 PERCENT OF THE ADULT POPULATION. ILLITERATES ARE NOT ELIGIBLE TO VOTE. THE PRESIDENT AND VICE PRESIDENT ARE CHOSEN BY AN ELECTORAL COLLEGE COMPOSED OF THE FEDERAL CONGRESS AND SIX REPRESENTATIVES FROM EACH STATE LEGISLATURE. THE NEXT PRESIDENTIAL ELECTION WILL BE HELD JANUARY 15.

SECTION 4 - GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATIONS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THERE HAVE BEEN NO OUTSIDE REQUESTS IN 1984 FROM INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS TO INVESTIGATE CONDITIONS IN BRAZIL.

THERE ARE A NUMBER OF BRAZILIAN NON-GOVERNMENTAL ORGANIZATIONS WHO ARE ACTIVE IN INVESTIGATING ALLEGED HUMAN RIGHTS VIOLATIONS AND IN INITIATING LEGAL PROCEEDINGS WHEN APPROPRIATE. THERE ARE NOW AMNESTY INTERNATIONAL OFFICES IN RIO AND SAO PAULO. NON-GOVERNMENTAL GROUPS ACTIVE IN PROMOTION OF HUMAN RIGHTS INCLUDE THE NATIONAL BAR ASSOCIATION, THE BRAZILIAN PRESS ASSOCIATION AND A NUMBER OF OTHERS. COLLECTIVELY THESE GROUPS ARE INVOLVED IN ALMOST ALL ASPECTS OF POLITICAL AND CIVIL RIGHTS. THERE HAVE BEEN NO CLAIMS BY ANY OF THESE ORGANIZATIONS THAT THE GOVERNMENT HAS TRIED TO IMPEDE ANY OF THEIR INVESTIGATIONS. RELATIONS BETWEEN THESE ORGANIZATIONS AND THE GOVERNMENT TEND TO BE CLOSER AT THE STATE AND LOCAL LEVELS RATHER THAN THE FEDERAL LEVEL. THERE IS A CONSENSUS AMONG HUMAN RIGHTS OBSERVERS IN BRAZIL THAT THE HUMAN RIGHTS SITUATION IN BRAZIL HAS IMPROVED DRAMATICALLY OVER THE PAST SEVERAL YEARS. THEY BELIEVE THAT THE MAIN PROBLEMS NOW CONCERN POLICE BEHAVIOR TOWARDS SUSPECTS, PRISON CONDITIONS, AND CERTAIN ECONOMIC RIGHTS, SUCH AS FREEDOM FROM HUNGER.

BRAZIL IS A PARTY TO A NUMBER OF UNITED NATIONS HUMAN RIGHTS CONVENTIONS, INCLUDING THE CONVENTIONS ON

GENOCIDE, RACIAL DISCRIMINATION, REFUGEES, AND THE POLITICAL RIGHTS OF MARRIED WOMEN.

THE LATEST FREEDOM HOUSE REPORT LISTS BRAZIL AS "PARTLY FREE".

7. ECONOMIC, SOCIAL AND CULTURAL SITUATION

LAST YEAR BRAZIL EXPERIENCED THE THIRD CONSECUTIVE YEAR OF ECONOMIC STAGNATION. GROSS DOMESTIC PRODUCT FELL BY APPROXIMATELY 3.2 PERCENT IN 1983. INFLATION DURING THE YEAR SURPASSED 200 PERCENT. UNEMPLOYMENT ROSE; INDUSTRIAL PRODUCTION FELL. THE COUNTRY WAS IN ARREARS ON PAYMENTS OF ITS DOLS 95 BILLION FOREIGN DEBT, KEEPING BRAZIL IN THE POSITION OF THE THIRD WORLD'S LARGEST DEBTOR. THE GOVERNMENT CENTRALIZED EXTERNAL PAYMENTS IN ORDER TO PRIORITIZE THE USE OF ITS FOREIGN EXCHANGE, AND PARTICULARLY, TO MEET ITS PETROLEUM IMPORT COSTS. THE MAJOR BRIGHT SPOT IN THE ECONOMY WAS A TRADE SURPLUS APPROACHING DOLS 6 1/2 BILLION IN 1983.

CONTINUED RAPID EXPANSION OF EXPORTS HAS PRODUCED A MILD RECOVERY IN 1984. ECONOMIC GROWTH FOR THE YEAR IS NOW PROJECTED AT TWO PERCENT OR MORE. HOWEVER, PERSISTENT HIGH INFLATION, RAPID DEMOGRAPHIC GROWTH AND THE PRESSURES OF BRAZIL'S HIGH DEBT SERVICE OBLIGATIONS WILL CONTINUE TO LIMIT ANY SHORT-TERM IMPROVEMENTS IN LIVING STANDARDS.

ALTHOUGH EVIDENCE SUGGESTS THAT ALL SOCIAL STRATA BENEFITED FROM THE COUNTRY'S ECONOMIC

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GROWTH DURING THE 1970'S, UNEVEN INCOME DISTRIBUTION REMAINS A SERIOUS SOCIAL PROBLEM. IN 1983 GROSS NATIONAL PRODUCT PER CAPITA WAS AROUND DOL'S 1700. HOWEVER, ACCORDING TO GOVERNMENT STATISTICS, BETWEEN 1970-80 THE WEALTHIEST 20 PERCENT OF THE POPULATION INCREASED THEIR SHARE OF NATIONAL INCOME FROM 61 PERCENT TO 63 PERCENT WHILE THE SHARE RECEIVED BY THE POOREST 60 PERCENT FELL FROM 21.1 PERCENT TO 19.7 PERCENT. REGIONAL INCOME DIFFERENCES ARE ALSO MARKED. THE SOUTH-SOUTHEAST RECEIVES 82 PERCENT OF NATIONAL INCOME YET HAS SLIGHTLY MORE THAN 50.9 PERCENT OF THE POPULATION.

BRAZIL HAS HAD AND CONTINUES TO HAVE A LARGE RURAL-TO-URBAN MIGRATION. SEVENTY PERCENT OF BRAZIL'S APPROXIMATELY 130 MILLION INHABITANTS LIVE WITHIN 100 KILOMETERS OF THE COAST, AND NEARLY 30 PERCENT ARE CONCENTRATED IN NINE URBAN AREAS. THE GOVERNMENT HAS ENCOURAGED SETTLEMENT IN THE WESTERN FRONTIER AREAS, HOWEVER. THE GOB ESTIMATES THE ANNUAL POPULATION GROWTH RATE AT ABOUT 2.47 PERCENT.

LIFE EXPECTANCY AT BIRTH IS ESTIMATED AT 65.0 YEARS. THE WORLD BANK ESTIMATES CURRENT INFANT MORTALITY AT 66 PER 1000 LIVE BIRTHS. HOWEVER, OFFICIALS IN SEVERAL NORTHEASTERN STATES ESTIMATE THEIR INFANT MORTALITY RATES AT WELL OVER 200, PRIMARILY DUE TO THE AREA'S CHRONIC POVERTY AND SUB-STANDARD HEALTH FACILITIES, EXACERBATED BY CHRONIC DROUGHT.

HEALTH PERSONNEL AND HEALTH FACILITIES ARE CONCENTRATED IN URBAN AREAS AND THE INDUSTRIAL SOUTHEAST, WHICH ACCOUNTS FOR 80 PERCENT OF THE PHYSICIANS, 73 PERCENT OF THE NURSING PERSONNEL, AND 79 PERCENT OF THE HOSPITAL BEDS. THE GOVERNMENT IS ATTEMPTING TO IMPROVE SAFETY AND HEALTH CONDITIONS IN THE WORK PLACE.

SIGNIFICANT PORTIONS OF THE SOCIETY LACK ADEQUATE NUTRITION, POTABLE WATER, BASIC EDUCATION, AND MEDICAL CARE. ILLUSTRATIVE OF THIS ARE THE FINDINGS OF A 1980 BRAZILIAN CONGRESSIONAL INQUIRY WHICH INDICATED THAT BRAZIL HAS TWO MILLION ABANDONED CHILDREN AND 18 TO 25 MILLION CHILDREN WITHOUT THE BASIC NECESSITIES OF LIFE. IN 1977, 89 PERCENT OF THOSE ELIGIBLE WERE ENROLLED IN PRIMARY SCHOOL. THE MINISTRY OF EDUCATION ESTIMATES THAT SOME SEVEN MILLION SCHOOL-AGE CHILDREN ARE NOT BEING REACHED BY THE EDUCATIONAL SYSTEM.

DISCRIMINATION ON THE BASIS OF SEX AND RACE IS ILLEGAL.

NEVERTHELESS, THE NUMBER OF WOMEN AND MEMBERS OF MOST MINORITY GROUPS IN THE GOVERNING STRUCTURE IS MUCH SMALLER THAN THEIR PROPORTIONAL SHARE OF THE POPULATION. THEIR RELATIVE UNDER-REPRESENTATION REFLECTS PREVAILING CULTURAL ATTITUDES AND ECONOMIC DISPARITIES.

THE COUNTRY'S ESTIMATED 200,000 INDIANS, LIVING MOSTLY IN THE INTERIOR, HAVE SUFFERED IN RECENT DECADES FROM GRADUAL ENCROACHMENT OF BRAZIL'S COASTAL POPULATION AND FROM THE GOVERNMENT'S EFFORT TO PROMOTE ECONOMIC DEVELOPMENT IN FRONTIER AREAS WHERE MOST INDIANS LIVE. THE INCREASING CONTACT BETWEEN INDIANS AND NEWCOMERS HAS CAUSED OCCASIONAL CONFLICT. THE FIGUEIREDO ADMINISTRATION HAS RENEWED THE GOVERNMENT'S COMMITMENT UNDER THE 1973 INDIAN STATUTE TO PROTECT THE INDIAN POPULATION. IN ADDITION, THE FEDERAL INDIAN AFFAIRS AGENCY HAS BEEN DEMARCATING TRIBAL LANDS. THESE SHOULD PROVIDE A GREATER MEASURE OF SECURITY FOR THE INDIANS. NEVERTHELESS, THE INDIAN POPULATION CONTINUES TO SUFFER FROM GOVERNMENTAL NEGLECT, DISCRIMINATORY GOVERNMENTAL CONTROLS AND UNEQUAL LEGAL STATUS IN AREAS SUCH AS CITIZENSHIP, VOTING AND THE RIGHT TO HOLD OFFICE. AGENCIO

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