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E.O. 12356: DECL. OADR  
TAGS: SHUM, BR  
SUBJECT: 1984 HUMAN RIGHTS REPORT

REF: A) STATE 010204

1. ~~CONFIDENTIAL~~-ENTIRE TEXT.

2. FOLLOWING IS THE FINAL TEXT OF THE 1984 HUMAN RIGHTS REPORT FOR BRAZIL. TEXT MUST BE STRICTLY EMBARGOED UNTIL DEPARTMENT ADVISES THAT RELEASE IS APPROVED BY CONGRESS (ABOUT MID-FEBRUARY). PLEASE REFER TO REFTEL FOR DETAILS ON DISTRIBUTION.

3. BEGIN TEXT:

BRAZIL

THE GOVERNMENT OF BRAZIL, COMPOSED OF CIVILIANS AND MILITARY OFFICERS, IS HEADED BY JOAO FIGUEIREDO, THE FIFTH RETIRED GENERAL TO OCCUPY THAT POST SINCE THE IMPOSITION OF MILITARY-DOMINATED GOVERNMENTS IN 1964. HOWEVER, WITH

CONTINUED A POLICY AIMED AT RESTORING FULL CIVILIAN POLITICAL CONTROL. AN ELECTORAL COLLEGE WILL CHOOSE A NEW PRESIDENT ON JANUARY 15, 1985. NEITHER OF THE TWO CANDIDATES, BOTH CIVILIANS, WAS CHOSEN BECAUSE OF MILITARY PREFERENCE.

THERE WAS A GROUNDSWELL OF POPULAR SUPPORT IN 1984 FOR DIRECT PRESIDENTIAL ELECTIONS, BUT THE GOVERNMENT OPPOSED THEM FOR 1984 OR 1985, AND SEVERAL CONSTITUTIONAL AMENDMENTS DESIGNED TO INSTITUTE THEM WERE DEFEATED IN CONGRESS. HOWEVER, EACH OF THE PRESIDENTIAL CANDIDATES HAS PROMISED TO RESTORE THE DIRECT VOTE FOR THE ELECTION OF HIS SUCCESSOR.

THE CENTER OF POLITICAL POWER IS THE PRESIDENCY. IT HAS VARIOUS CONSTITUTIONAL AND LEGAL DEVICES WHICH CONSTITUTE DECISIVE AUTHORITY WITHIN THE BRAZILIAN LEGAL FRAMEWORK. THE BRAZILIAN CONGRESS CONTINUES TO PLAY AN ACTIVE AND VOCAL ROLE IN NATIONAL POLICY-MAKING. THE COMBINED VOGAL POSITION 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 JUDICIARY IS A WIDELY RESPECTED AND INDEPENDENT INSTITUTION.

BRAZIL HAS AN INTERNAL SECURITY APPARATUS 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 CLAIM THAT THIS PRACTICE IS WIDESPREAD, THOUGH POSSIBLY ON THE DECLINE.

ECONOMIC RECESSION, THOUGH SERIOUS, HAS NOT IMPEDED PRESIDENT FIGUEIREDO FROM PURSUING HIS POLICY OF POLITICAL LIBERALIZATION. BRAZIL IS 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 FOUR CONSECUTIVE YEARS OF LOW OR NEGATIVE PER CAPITA GROWTH. A BRIGHT SPOT IN THE BRAZILIAN ECONOMY HAS BEEN ITS ABILITY TO ADJUST ITS EXTERNAL SECTOR TO CURRENT

INTERNATIONAL FINANCIAL CONDITIONS, IN LARGE PART BECAUSE OF THE SURPRISINGLY LARGE GROWTH IN ITS TRADE SURPLUS.

THE STATE OF HUMAN RIGHTS GENERALLY CONTINUED TO IMPROVE IN 1984, REINFORCING THE LONG TERM TREND. BRAZILIANS ARE LARGELY FREE TO PARTICIPATE IN THE POLITICAL AND ECONOMIC LIFE OF THE COUNTRY. THE PRESIDENT MAY, HOWEVER, INVOKE CONSTITUTIONALLY SANCTIONED EMERGENCY POWERS, AND HAS AUTHORITY TO ISSUE DECREE LAWS. THE GOVERNMENT ISSUED A DECREE OF EMERGENCY MEASURES ON APRIL 18, OSTENSIBLY TO PRESERVE ORDER DURING A CONTROVERSIAL VOTE IN THE NATIONAL CONGRESS. THE DECREE, AFFECTING PRINCIPALLY THE BRASILIA AREA, IMPOSED BRIEFLY CENSORSHIP OF RADIO AND TELEVISION BROADCASTS AND A SUSPENSION OF FREEDOM OF ASSEMBLY AND ASSOCIATION. 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 AMENDMENT RESULTED IN THE RELEASE OF ALL PERSONS INCARCERATED UNDER THE NATIONAL SECURITY 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.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL KILLING

THERE HAVE BEEN NO REPORTS OF POLITICAL KILLINGS IN 1984. HOWEVER, THERE HAVE BEEN CHARGES BY HUMAN RIGHTS ORGANIZATIONS 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 SITUATION IN RIO HAS IMPROVED COMPARED TO RECENT YEARS. SEVERAL POLICEMEN WERE CONVICTED IN 1984 FOR OFFENSES RELATING TO TREATMENT OF SUSPECTS. THE CNBB BELIEVES THESE CONVICTIONS HAVE SERVED AS A DETERRENT TO POLICE ABUSE. CHURCH OFFICIALS ESTIMATE THAT IN SAO PAULO SEVERAL HUNDRED SUSPECTS WERE KILLED BY THE POLICE IN THE PAST TWELVE MONTHS WITH THE STATE POLICE (POLICIA MILITAR) BEING THE WORST OFFENDERS. THE CHURCH

PERCEIVES NO IMPROVEMENT IN SAO PAULO IN THIS AREA FOR THE

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PAST SEVERAL YEARS AND BELIEVES INSUFFICIENT RESOURCES HAVE BEEN DEVOTED BY THE LOCAL OR STATE GOVERNMENT TO COMBAT THE PROBLEM.

B. DISAPPEARANCE

THERE HAVE BEEN NO REPORTS OF POLITICALLY MOTIVATED ABDUCTIONS.

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 AND PROFESSIONAL ORGANIZATIONS REPORT THAT POLICE BEATINGS AND TORTURE OF INDIVIDUALS SUSPECTED OF COMMON CRIMES ARE WIDESPREAD. THE PRIMARY PURPOSE OF THESE ABUSES, ACCORDING TO THESE ORGANIZATIONS, IS TO EXTRACT CONFESSIONS. SUCH PRACTICES PRIMARILY AFFECT THE UNDERPRIVILEGED. CHURCH AUTHORITIES NOTE THAT IN RIO 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 REPORTEDLY REMAINS WIDESPREAD WITH LITTLE CHANGE OVER THE PAST SEVERAL YEARS.

PRISON FACILITIES CONTINUE TO BE OVERCROWDED AND POORLY MAINTAINED AND MANAGED. IN SAO PAULO, REPORTEDLY, 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.

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 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 CRIMINAL PROCEEDINGS, 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. PROVISIONAL DETENTION IN BRAZIL IS NOT PRACTICED ARBITRARILY AND DOES NOT NORMALLY LEAD TO LONG PERIODS OF INCARCERATION.

INDIVIDUALS CHARGED WITH VIOLATING THE NATIONAL SECURITY LAW MAY BE HELD IN CUSTODY FOR 30 DAYS. THIS 30-DAY PERIOD MAY BE RENEWED ONLY 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. 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. THE FEDERAL SUPREME COURT IS 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 HAS A MILITARY COURT SYSTEM 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. 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 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 RELEASED IN APRIL 1984. THERE IS ONE MEMBER OF CONGRESS CURRENTLY CHARGED UNDER THE QTE CRIMES AGAINST HONOR UNQTE PROVISION OF THE NATIONAL SECURITY LAW FOR MAKING A SPEECH CONSIDERED INSULTING TO THE PRESIDENT OF THE REPUBLIC.

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

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.

RESPECT FOR CIVIL RIGHTS, INCLUDING:

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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 GENERALLY AIRED FREELY IN VARIOUS MEDIA. THE GOVERNMENT HAS EXHIBITED TOLERANCE OF CRITICISM, WHICH AT TIMES HAS BECOME QUITE STRONG.

NEWSPAPERS ARE PRIVATELY OWNED AND ARE 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. HOWEVER, IN OCTOBER LOCAL POLICE IN THE SMALL NORTHERN CITY OF BELEM RAIDED A PRINTING PLANT WHICH HAD OFTEN BEEN USED BY LEFTIST GROUPS.

SELF-CENSORSHIP IS RARE, 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 QTE FREE PRESS UNOTE.

RADIO AND TELEVISION STATIONS ARE ALSO PRIVATELY OWNED, BUT THE GOVERNMENT CAN WITHDRAW THEIR LICENSES 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, BY VIRTUE OF THE APRIL 18 EMERGENCY DECREE, IMPOSED MEDIA CENSORSHIP OF RADIO AND TELEVISION COVERAGE OF DEBATE ON A CONTROVERSIAL BILL BEFORE CONGRESS. DURING THIS PERIOD OF ROUGHLY TWO WEEKS, NEWS PROGRAMS WERE AFFECTED AND ONE POPULAR TELEVISION PUBLIC AFFAIRS PROGRAM WAS CANCELED ENTIRELY. ALSO DURING APRIL, 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. ACCORDING TO AMNESTY INTERNATIONAL, TELEVISION AND RADIO EXERCISE MORE SELF-CENSORSHIP THAN THE PRINT MEDIA IN TOPICS DEALING WITH GOVERNMENT PERSONALITIES AND POLICIES.

FOREIGN PUBLICATIONS, EXCEPT FOR THOSE FROM THE SOVIET UNION AND EASTERN 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 WERE SEIZED WHEN HE TRIED TO BRING THEM INTO BRAZIL FROM CUBA. ALL FOREIGN AND DOMESTIC FILMS ARE REVIEWED FOR POLITICAL CONTENT; BUT FILMS ARE 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.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE BRAZILIAN CONSTITUTION GUARANTEES THE RIGHT TO PEACEABLY ASSEMBLE, AND THE RIGHT IS GENERALLY OBSERVED. THE RIGHT OF ASSOCIATION IS RESTRICTED ONLY IN THE CASE OF PROSCRIBED POLITICAL PARTIES. THESE PARTIES ARE HELD TO BE ILLEGAL ON GROUNDS THAT THEY DO NOT UPHOLD DEMOCRATIC PRINCIPLES--A REQUIREMENT PLACED ON ALL PARTIES. ALTHOUGH PERMITS MUST BE OBTAINED FOR OUTDOOR PUBLIC MEETINGS OF

POLITICAL OR LABOR-UNION NATURE, THEY ARE NORMALLY FREELY GIVEN--WITH THE EXCEPTION OF PERMITS FOR ILLEGAL COMMUNIST GROUPS. FOR EXAMPLE, IN JANUARY AND FEBRUARY 1984, MILLIONS OF PEOPLE RALLIED IN MAJOR CITIES TO PROTEST THE GOVERNMENT'S ELECTORAL POLICIES. THERE WAS NO ATTEMPT TO HARASS OR STOP THESE HUGE DEMONSTRATIONS. THE RALLIES WERE GENERALLY PEACEFUL, WITH LITTLE INTERFERENCE BY THE GOVERNMENT. HOWEVER IN MID-1984, THE GOVERNMENT ACTED VIGOROUSLY TO SUPPRESS SUBSTANTIAL, OPEN PARTICIPATION OF THE OUTLAWED COMMUNIST PARTIES IN THE PRESIDENTIAL CAMPAIGN RALLIES.

LABOR HAS THE RIGHT TO ORGANIZE AND TO MEET FREELY. IN FACT, LABOR UNIONS ARE LEGALLY MANDATED UNDER THE CODE OF LABOR LAWS TO REPRESENT WORKERS. ALTHOUGH THE LABOR CODE MAKES NO PROVISION FOR A QTE CENTRAL UNQTE OR UMBRELLA LABOR ORGANIZATION, TWO RIVAL QTE CENTRALS UNQTE HAVE EMERGED. THE GOVERNMENT HAS NOT RECOGNIZED THEM, BUT IT HAS ALLOWED THESE ORGANIZATIONS 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 VOLUNTARY MEMBERS JOIN MORE FOR FAMILY HEALTH BENEFITS THAN FOR REPRESENTATION REGARDING WAGES OR WORKING CONDITIONS. UNIONS ARE LEGALLY PROHIBITED FROM PARTICIPATING IN PARTISAN POLITICS, BUT A NUMBER DO. TO DATE, HOWEVER, THEIR IMPACT HAS BEEN SMALL.

STRIKES ARE SEVERELY RESTRICTED BY OBLIGATORY ARBITRATION PROCEDURES. NOTWITHSTANDING RESTRICTIONS ON THE RIGHT TO STRIKE AFTER BINDING ARBITRATION, STRONGER UNIONS HAVE WON A NUMBER OF STRIKES FOR HIGHER WAGES DURING THE PAST YEAR.

EMPLOYERS HAVE A LEGALLY MANDATED STRUCTURE WHICH PARALLELS THAT OF LABOR. 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 NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENTS 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) RECEIVED 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, WERE INDICTED FOR INCITEMENT TO RIOT AND SUBSEQUENTLY ACQUITTED. ANOTHER CASE PRESENTED TO THE ILO CONCERNED A RURAL WORKERS' UNION PRESIDENT WHO WAS ASSASSINATED IN PARAIBA STATE. THE MURDERERS HAVE BEEN TRIED AND FOUND GUILTY. VIOLENCE CONTINUES TO OCCUR IN THE RURAL NORTHEAST BETWEEN LABOR AND MANAGEMENT. THE RESULTING INSECURITY HINDERS DEVELOPMENT OF LABOR UNION ACTIVITY.

C. FREEDOM OF RELIGION

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THERE IS NO FAVORED OR STATE RELIGION. 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 NATIONAL COUNCIL OF BRAZILIAN BISHOPS (CNBB), MISSIONARIES AND OTHER FOREIGN RELIGIOUS VISITORS HAVE HAD INCREASING DIFFICULTY ENTERING BRAZIL DURING THE PAST SEVERAL YEARS DUE TO THE PASSAGE OF AN IMMIGRATION LAW IN 1980. THE 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.

SOMEWHAT STRAINED RELATIONS CONTINUE 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 HOMETLAND. BRAZIL IS SELECTIVE IN GRANTING ASYLUM, ALTHOUGH PRECISE CRITERIA DO NOT EXIST. THERE IS NO FORCIBLE REPATRIATION OF BRAZILIANS.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE FOCAL POINT OF POLITICAL POWER RESIDES IN THE PRESIDENCY, WHICH HAS BEEN GUARANTEED BY THE ARMED FORCES. THE PRESIDENT'S CONSTITUTIONAL POWERS INCLUDE 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 ELECTION OF CONGRESSMEN AND SENATORS IN NOVEMBER 1982 PRODUCED A 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, FORCED THE GOVERNMENT TO WITHDRAW PROPOSALS.

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, EXCEPT THAT MAYORS ARE APPOINTED IN STATE CAPITALS AND IN CERTAIN CITIES DECREED TO BE NATIONAL SECURITY AREAS. 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. BOTH CANDIDATES FOR THE JANUARY 15, 1985 ELECTIONS ARE CIVILIANS.

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

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

THERE ARE A NUMBER OF BRAZILIAN NON-GOVERNMENTAL ORGANIZATIONS ACTIVE IN INVESTIGATING ALLEGED HUMAN RIGHTS VIOLATIONS AND IN INITIATING LEGAL PROCEEDINGS WHEN APPROPRIATE, SUCH AS THE NATIONAL BAR ASSOCIATION AND THE BRAZILIAN PRESS ASSOCIATION. AMNESTY INTERNATIONAL HAS OFFICES IN RIO AND SAO PAULO. 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 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 HAS IMPROVED DRAMATICALLY OVER THE PAST SEVERAL YEARS. THEY BELIEVE THAT THE MAIN PROBLEMS NOW CONCERN POLICE BEHAVIOR TOWARD SUSPECTS, PRISON CONDITIONS, AND CERTAIN ECONOMIC RIGHTS. THE LATEST FREEDOM-HOUSE REPORT LISTS BRAZIL AS QUITE PARTLY FREE UNQUOTE.

BRAZIL IS PARTY TO A NUMBER OF UNITED NATIONS HUMAN RIGHTS CONVENTIONS ON GENOCIDE, RACIAL DISCRIMINATION, REFUGEES, AND THE POLITICAL RIGHTS OF MARRIED WOMEN.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

IN 1983, BRAZIL'S GROSS DOMESTIC PRODUCT FELL BY APPROXIMATELY 3.2 PERCENT, THE THIRD CONSECUTIVE YEAR OF ECONOMIC STAGNATION. IN 1982, THE WORLD BANK ESTIMATED GNP PER CAPITA AT 2240 DOLLARS. BY 1983 IT HAD FALLEN TO SOME 1700 DOLLARS. INFLATION THAT YEAR SURPASSED 200 PERCENT. UNEMPLOYMENT ROSE, INDUSTRIAL PRODUCTION FELL. THE COUNTRY WAS IN ARREARS ON PAYMENTS OF ITS 95 DOLLARS BILLION FOREIGN DEBT. THE MAJOR BRIGHT SPOT IN THE ECONOMY WAS A TRADE SURPLUS APPROACHING 6.5 BILLION IN 1983.

CONTINUED RAPID EXPANSION OF EXPORTS PRODUCED THE BEGINNING OF RECOVERY IN 1984. ECONOMIC GROWTH FOR THE YEAR IS TENTATIVELY ESTIMATED AT TWO TO FOUR PERCENT. HOWEVER, PERSISTENT HIGH INFLATION, RAPID DEMOGRAPHIC GROWTH, AND THE PRESSURES OF BRAZIL'S HIGH DEBT SERVICE WILL CONTINUE TO LIMIT IMPROVEMENTS IN LIVING STANDARDS.

ALTHOUGH EVIDENCE SUGGESTS THAT ALL SOCIAL STRATA BENEFITED FROM THE COUNTRY'S ECONOMIC GROWTH DURING THE 1970'S, UNEVEN INCOME DISTRIBUTION REMAINS A SERIOUS SOCIAL CONCERN. 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 ONLY SLIGHTLY MORE THAN 50.9 PERCENT OF THE POPULATION.

BRAZIL CONTINUES TO HAVE A LARGE RURAL-TO-URBAN MIGRATION. SEVENTY PERCENT OF BRAZIL'S APPROXIMATELY 134 MILLION INHABITANTS LIVE WITHIN 100 KILOMETERS OF THE COAST, AND NEARLY 30 PERCENT ARE CONCENTRATED IN NINE URBAN AREAS. THE GOVERNMENT ENCOURAGES SETTLEMENT IN THE WESTERN FRONTIER AREAS.

THE GOVERNMENT ESTIMATES THE ANNUAL POPULATION GROWTH RATE

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AT ABOUT 2.47 PERCENT (THE WORLD BANK ESTIMATE IS 2 PERCENT FOR THE YEARS 1980-2000). LIFE EXPECTANCY AT BIRTH IS ESTIMATED AT 65 YEARS AND 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.

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.

SIGNIFICANT PORTIONS OF THE SOCIETY LACK ADEQUATE NUTRITION, POTABLE WATER, BASIC EDUCATION, AND MEDICAL CARE. AN ESTIMATED 23 PERCENT OF THE POPULATION LACKS ACCESS TO SAFE WATER. ILLUSTRATIVE OF THESE PROBLEMS 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 1981, 93 PERCENT OF THOSE ELIGIBLE WERE ENROLLED IN PRIMARY SCHOOL. THE WORLD BANK HAS CALCULATED A PRIMARY SCHOOL ENROLLMENT RATIO OF 118. 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 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 ISSUES SCH AS CITIZENSHIP, VOTING AND THE RIGHT TO HOLD OFFICE. SHULTZ