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E.O. 12065: ADS 4/19/81 (KILDAY, L.C.)

TAGS: SHUM, BR
SUBJECT: 1980 HUMAN RIGHTS REPORT: BRAZIL

L. (C-ENTIRE TEXT).

2. FOLLOWING IS THE FINALLY APPROVED TEXT OF THE 1980 HUMAN RIGHTS REPORT ON BRAZIL. THE REPORT HAS BEEN DELIVERED TO CONGRESS. UNTIL CONGRESS RELEASES IT, UNDER NO CIRCUMSTANCES MAY THE REPORT BE DISCUSSED WITH OR SHOWN TO HOST COUNTRY OFFICIALS OR NATIONALS, THIRD COUNTRY NATIONALS, OR REPRESENTATIVES OF THE MEDIA, INTERNATIONAL ORGANIZATIONS OR NON-GOVERNMENTAL ORGANIZATIONS. YOU WILL BE INFORMED BY DEPARTMENT CABLE OF THE EXACT DATE AND TIME THIS EMBARGO WILL BE LIFTED. REPORT WILL BE UNCLASSIFIED UPON PUBLICATION.

3. BEGIN TEXT: DURING HIS SECOND YEAR IN OFFICE, PRESIDENT JOAO FIGUEIREDO CONTINUED TO PURSUE THE POLITICAL LIBERALIZATION PROCESS WHICH HAS PROVIDED FOR HUMAN RIGHTS ADVANCES IN BRAZIL IN THE PAST FEW YEARS. A CONSTITUTIONAL AMENDMENT TO RESTORE DIRECT ELECTION OF STATE GOVERNORS AND ALL SENATORS WAS ENACTED IN 1980. IN ADDITION, THE 1979 AMNESTY MEASURE CONTINUED TO BE IMPLEMENTED SO THAT THE LAST REMAINING BRAZILIANS IMPRISONED FOR POLITICAL OFFENSES WERE RELEASED. UNDERSCORING ITS CONTINUED COMMITMENT TO THE POLITICAL OPENING, THE FIGUEIREDO ADMINISTRATION TOLERATED HIGHER LEVELS OF PUBLIC CRITICISM OF GOVERNMENT (THOUGH A FEW CRITICS WERE TAKEN TO COURT ON DEFAMATION GROUNDS). SOME REPORTS OF POLICE ABUSE OF COMMON CRIMINALS AND SUSPECTS PERSISTED IN STATE AND LOCAL JURISDICTIONS, ALTHOUGH THERE WERE FEWER THAN IN PREVIOUS YEARS. SUCH ABUSE IS OFFICIALLY CONDEMNED AND ABSENT AT THE FEDERAL LEVEL.

THE PERIOD ALSO PROVIDED EVIDENCE THAT THE FUTURE COURSE OF LIBERALIZATION MAY NOT ALWAYS BE SMOOTH. CONTINUED SERIOUS ECONOMIC PROBLEMS, NOTABLY INFLATION AND INCOME LEVEL DISPARITIES, RAISED ANEW CONCERNS IN SOME QUARTERS THAT EXPANDED POLITICAL AND CIVIL EXPRESSION COULD ENCOURAGE DISSIDENT MOVEMENTS TO TAKE ADVANTAGE OF LATENT SOCIAL TENSIONS. SUCH CONCERNS WERE UNDERLINED EARLY IN THE YEAR WHEN LABOR UNREST IN THE KEY SAO PAULO INDUSTRIAL AREA CAUSED FRICTION BETWEEN LABOR AND GOVERNMENT AND BETWEEN GOVERNMENT AND THE CATHOLIC CHURCH. DURING THE SUMMER, THE NATION EXPERIENCED ITS FIRST SERIOUS POLITICAL VIOLENCE IN RECENT YEARS IN THE FORM OF BOMBINGS WIDELY ATTRIBUTED TO OPPONENTS OF LIBERALIZATION.

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON,

INCLUDING FREEDOM FROM:

A. TORTURE

TORTURE IS PROHIBITED BY ARTICLES 122, 129, 136, AND 148 OF THE PENAL CODE, ALL OF WHICH DEAL WITH PHYSICAL MISTREATMENT AND BODILY HARM, AND HAS BEEN CONDEMNED BY THE BRAZILIAN GOVERNMENT. THERE HAVE BEEN NO RECENT ALLEGATIONS OF TORTURE BY FEDERAL AUTHORITIES. SUCH ALLEGATIONS ARE STILL MADE OCCASIONALLY AGAINST LOCAL POLICE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THERE ARE NO SUMMARY EXECUTIONS AND BRAZILIAN LAW PROHIBITS CAPITAL PUNISHMENT DURING PEACETIME. THERE IS NO CORPORAL PUNISHMENT FOR CRIMES. AS NOTED ABOVE, SOME LOCAL POLICE ARE ALLEGED TO HAVE PHYSICALLY ABUSED PRISONERS AND CRIMINAL SUSPECTS. SUCH PRACTICES ARE NOT OFFICIALLY CONDONED. DETENTION

FACILITIES ARE OVERCROWDED, AND THE LEVEL OF PRISON HEALTH CARE, DIET, AND SANITATION IS LOW. OFFICIALS POINT OUT THAT, AS WITH OTHER SOCIAL SERVICES, THE COUNTRY LACKS RESOURCES TO UPGRADE DETENTION FACILITIES. THERE ARE NO LEGAL DISTINCTIONS IN TREATMENT OF PRISONERS BASED ON TYPE OF OFFENSE, CLASS, OR SEX.

C. DISAPPEARANCES

ABDUCTION, SECRET ARREST, AND CLANDESTINE DETENTION DO NOT OCCUR. THERE HAVE BEEN NO ALLEGATIONS OF "DISAPPEARANCES" OF BRAZILIANS DURING 1980.

D. ARBITRARY ARREST AND IMPRISONMENT

HABEAS CORPUS IS CONSTITUTIONALLY GUARANTEED AND USUALLY RESPECTED IN PRACTICE. COURTS ARE REQUIRED TO RULE IMMEDIATELY ON HABEAS CORPUS PETITIONS. BRAZILIAN LAW PERMITS PREVENTIVE DETENTION IN CERTAIN WELL-DEFINED INSTANCES. IN CASES OF OFFENSES AGAINST THE NATIONAL SECURITY LAW, THE ACCUSED MAY BE KEPT IN CUSTODY FOR 30 DAYS, RENEWABLE FOR A LIKE PERIOD IF AUTHORIZED BY COMPETENT JUDICIAL AUTHORITY. CASES OF PERSONS BEING ARRESTED AND ILLEGALLY HELD WITHOUT CHARGE ARE OCCASIONALLY REPORTED IN THE PRESS. IN THE EVENT OF ARREST, THE LAW PROVIDES FOR IMMEDIATE NOTIFICATION OF A JUDICIAL AUTHORITY WHO MUST THEN DETERMINE LEGALITY OF THE ARREST, SET BAIL (IF THE OFFENSE PERMITS IT), AND HEAR HABEAS CORPUS PETITIONS.

E. DENIAL OF FAIR PUBLIC TRIAL

BRAZILIAN LAW ENTITLES AN ACCUSED PERSON TO A FAIR PUBLIC TRIAL. TRIAL BY A SINGLE JUDGE IS THE GENERAL PRACTICE, WITH JURY TRIAL REQUIRED IN CASES OF WILLFUL CRIMES AGAINST LIFE. DEFENDANT ARE ENTITLED TO COUNSEL, WHICH, IF NECESSARY, WILL BE PROVIDED BY THE STATE. BRAZILIAN LAW REQUIRES THAT DEFENDANTS BE MADE FULLY AWARE OF THE CHARGES AGAINST THEM, AND DEFENDANTS AND THEIR LAWYERS ARE LEGALLY ENTITLED TO BE INFORMED OF THE EVIDENCE ON WHICH THE CHARGES ARE BASED.

THE BRAZILIAN JUDICIAL SYSTEM IS CONSTITUTIONALLY AN INDEPENDENT BRANCH OF GOVERNMENT. THE JUDICIAL SYSTEM PROVIDES FOR A RANGE OF SPECIALIZED COURTS

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TO DEAL WITH SPECIFIC TYPES OF ACTIVITY --I.E., CRIMINAL, CIVIL, ELECTORAL, FAMILY, AND LABOR. THE MILITARY COURT SYSTEM, WHICH IS PART OF THE JUDICIAL RATHER THAN EXECUTIVE BRANCH, HEARS CASES INVOLVING PERSONS CHARGED WITH OFFENSES AGAINST THE NATIONAL SECURITY LAW OR MILITARY INSTITUTIONS.

F. INVASION OF THE HOME

THE BRAZILIAN CONSTITUTION PROVIDES FOR THE INVIOABILITY OF THE HOME. NO AUTHORITY CAN LEGALLY ENTER A HOME WITHOUT A WARRANT, EXCEPT WHEN IT IS BELIEVED THAT A CRIME IS BEING COMMITTED OR AN ACCIDENT HAS TAKEN PLACE. THE BRAZILIAN PRESS HAS OCCASIONALLY REPORTED INSTANCES OF ILLEGAL POLICE ENTRY.

SECTION 2. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

CURRENT ECONOMIC CONDITIONS AND VITAL NEEDS

AFTER A DECADE OF IMPRESSIVELY HIGH GROWTH RATES, THE BRAZILIAN ECONOMY IS IN A PERIOD OF ADJUSTMENT. FROM AN AVERAGE ANNUAL GDP GROWTH RATE OF 11.5 PERCENT DURING THE PRE-OPEC OIL CRISIS PERIOD (1970-74), GROWTH FELL TO AN AVERAGE OF 6.3 PERCENT IN THE SUBSEQUENT PERIOD. REAL GDP GROWTH IS EXPECTED TO BE OVER 7 PERCENT IN 1980. PER CAPITA GDP INCREASED IN REAL TERMS FROM \$1,452 IN 1977 TO \$1,738 IN 1979, PLACING BRAZIL IN THE GROUP OF MIDDLE-INCOME COUNTRIES.

THE ECONOMY FACED SEVERAL DIFFICULT PROBLEMS IN 1980. INFLATION CLIMBED FROM 77 PERCENT AT THE END OF 1979 TO A YEARLY RATE OF OVER 100 PERCENT IN THE SECOND HALF OF 1980, DESPITE GOVERNMENT EFFORTS TO STABILIZE THE ECONOMY THROUGH SPENDING CUTS, PRICE AND CREDIT CONTROLS, AND REDUCED PRIVATE SECTOR INVESTMENT. THE TRADE DEFICIT, AGGRAVATED BY THE COUNTRY'S HEAVY DEPENDENCE ON IMPORTED OIL, IS EXPECTED TO BE OVER \$2.5 BILLION FOR THE YEAR. WHILE THE VOLUME OF OIL IMPORTS HAS BEEN CONTAINED, OPEC PRICE INCREASES HAVE THWARTED GOVERNMENT ATTEMPTS TO BALANCE THE TRADE ACCOUNT AND HALT THE GROWTH OF INFLATION. BRAZIL'S MOUNTING FOREIGN DEBT IS ESTIMATED TO BE MORE THAN \$55 BILLION. DEBT SERVICE PAYMENTS AND OIL IMPORT COSTS WILL EXCEED BRAZIL'S EXPECTED 1980 EXPORT EARNINGS OF MORE THAN \$20 BILLION.

SEVENTY PERCENT OF BRAZIL'S POPULATION LIVES WITHIN 100 KILOMETERS OF THE COAST. RURAL-TO-URBAN MIGRATION IS CONCENTRATING POPULATION INCREASES IN THE CITIES, WHERE BASIC ECONOMIC NEEDS ARE MORE ADEQUATELY MET. PRELIMINARY 1980 CENSUS DATA INDICATE THAT THE ANNUAL POPULATION GROWTH RATE FOR THE PAST DECADE HAS BEEN 2.4 PERCENT, COMPARED WITH 2.9 PERCENT FOR THE 1960-70 DECADE. POPULATION GROWTH AND MIGRATION HAVE COMPLICATED THE GOVERNMENT'S ABILITY TO KEEP UP WITH THE EXPANDED NEED FOR PUBLIC HEALTH AND SOCIAL SERVICES.

INCOME DISTRIBUTION IS A SERIOUS DOMESTIC SOCIAL PROBLEM, EVEN THOUGH EVIDENCE SUGGESTS THAT NEARLY ALL SOCIAL STRATA HAVE BENEFITTED ABSOLUTELY FROM THE COUNTRY'S ECONOMIC GROWTH. ACCORDING TO GOVERNMENT STATISTICS, BETWEEN 1960 AND 1976 THE CONCENTRATION OF INCOME IN THE RICHEST 10 PERCENT OF THE POPULATION INCREASED FROM 39.5 TO 59.4 PERCENT, WHILE THE SHARE RECEIVED BY THE POOREST 50 PERCENT FELL FROM 17.4

TO 13.5 PERCENT. REGIONAL INCOME DIFFERENCES ARE MARKED, WITH THE SOUTH-SOUTHEAST--CONTAINING SLIGHTLY MORE THAN 50 PERCENT OF THE POPULATION--EARNING 82 PERCENT OF THE INCOME.

LIFE EXPECTANCY IS OFFICIALLY ESTIMATED AT 60 YEARS. NATIONALLY, INFANT MORTALITY IS 109 PER 1,000 LIVE BIRTHS, BUT THERE ARE WIDESPREAD REGIONAL DIFFERENCES. 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 SOME VITAL NEEDS--NUTRITION, POTABLE WATER, BASIC EDUCATION, AND MEDICAL CARE. ILLUSTRATIVE OF THIS ARE THE FINDINGS OF A RECENT BRAZILIAN CONGRESSIONAL INQUIRY WHICH FOUND THAT BRAZIL HAS TWO MILLION ABANDONED CHILDREN AND 18 MILLION CHILDREN WITHOUT THE BASIC NECESSITIES OF LIFE.

ADULT LITERACY WAS OFFICIALLY ESTIMATED IN 1979 AT 72 PERCENT (ALTHOUGH SOME BRAZILIAN EDUCATORS BELIEVE THIS FIGURE TO BE HIGH). THERE WERE 43 CHILDREN OF SCHOOL AGE PER AVAILABLE TEACHER.

THE RIGHT TO HOLD AND SELL PRIVATE PROPERTY IS A FUNDAMENTAL PRINCIPLE. ACCORDING TO GOVERNMENT FIGURES, THE CONCENTRATION OF LANDHOLDING INTENSIFIED BETWEEN 1972 AND 1976, DUE PRINCIPALLY TO THE EXTENSION OF AGRIBUSINESS AND THE INCORPORATION OF RANCHES AND FARMS. IN 1972 THERE WERE 3.4 MILLION REGISTERED RURAL PROPERTIES ON LAND CLASSIFIED AS ARABLE, TOTTALLING 370 MILLION HECTARES. INDIVIDUAL PROPERTIES WITH OVER 1,000 HECTARES REPRESENTED 1.5 PERCENT OF ALL PROPERTIES, BUT 51.4 PERCENT OF THE TOTAL AREA. IN 1976 TOTAL PROPERTIES HAD INCREASED TO 3.84 MILLION UNITS AND 464 MILLION HECTARES. THE NUMBER OF PROPERTIES WITH OVER 1,000 HECTARES INCREASED TO 1.7 PERCENT OF ALL PROPERTIES AND ACCOUNTED FOR 55.3 PERCENT OF TOTAL LAND AREA.

IN THE COURSE OF BRAZIL'S RAPID THOUGH UNEVEN ECONOMIC DEVELOPMENT, WOMEN HAVE MADE MAJOR STRIDES IN ATTAINING EQUAL STATUS. BASIC LEGAL RIGHTS ARE GUARANTEED WITHOUT REGARD TO SEX. IN BRAZIL'S RELATIVELY AFFLUENT, ECONOMICALLY AND POLITICALLY DYNAMIC URBAN AREAS, WOMEN ARE BECOMING INCREASINGLY ACTIVE IN THE PROFESSIONS, INDUSTRY, EDUCATION, THE ARTS, AND MEDIA AS WELL AS POLITICAL LIFE, INCLUDING A SMALL REPRESENTATION IN THE NATIONAL CONGRESS. THIS LEVEL AND THIS RANGE OF ACTIVITIES ARE MUCH LESS IN EVIDENCE IN THE RURAL, ECONOMICALLY UNDERDEVELOPED SECTORS OF THE COUNTRY, AND ESPECIALLY IN THE NORTHEAST WHERE POVERTY AND TRADITIONAL ATTITUDES CONSTITUTE OBSTACLES. ALTHOUGH A LEGAL REQUIREMENT, EQUAL PAY FOR EQUAL WORK IS NOT WIDELY PRACTICED. DURING THE YEAR CONSIDERABLE PUBLIC ATTENTION WAS FOCUSED ON THE QUESTION OF ABUSE OF WOMEN BY THEIR HUSBANDS, A VIOLATION WHICH WOMEN'S RIGHTS ADVOCATES CLAIM HAS LONG GONE UNPUNISHED AND UNRECOGNIZED IN BRAZIL.

GOVERNMENT POLICIES RELATING TO VITAL NEEDS

THE FIGUEIREDO ADMINISTRATION ISSUED THE FOLLOWING GENERAL POLICY DECLARATION IN 1979 CONCERNING ITS GOAL OF IMPROVING BRAZILIAN LIVING STANDARDS: "IT

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BEHOOVES THE GOVERNMENT TO CREATE CONDITIONS WHEREBY CITIZENS CAN REALIZE, WITHOUT PREJUDICE OR DISCRIMINATION, THEIR HOPES FOR HEALTH, WELL-BEING, HOUSING, EDUCATION, EMPLOYMENT OPPORTUNITIES AT REMUNERATIVE WAGES, PLUS SOCIAL SERVICES PROVIDED BY THE GOVERNMENT." AMONG THE "INESCAPABLE" OBJECTIVES WHICH THE DOCUMENT

SET FORTH WERE REDUCING ECONOMIC INEQUALITY THROUGH PROGRESSIVE TAXATION, IMPROVING THE LOT OF DISADVANTAGED REGIONS BY TAX AND CREDIT INCENTIVES, AND CONTINUATION--AND EXPANSION IF POSSIBLE--OF PUBLIC HEALTH PROGRAMS. EXPENDITURES FOR EDUCATION AND CULTURE, HOUSING, HEALTH AND SANITATION, AND WELFARE INCREASED FROM 18.9 PERCENT OF THE GOVERNMENT BUDGET IN 1975 TO 19.4 PERCENT IN 1980. BY CONTRAST, MILITARY EXPENDITURES FOR THE 1976-79 PERIOD AVERAGED ONLY 9.5 PERCENT OF THE GOVERNMENT BUDGET.

WHILE THE GOVERNMENT IS COMMITTED TO IMPROVING LIVING STANDARDS, THE FIGUEIREDO ADMINISTRATION HAS MADE CLEAR THAT ITS IMMEDIATE PRIORITIES ARE RAISING AGRICULTURAL PRODUCTION AND REDUCING INFLATION. THE GOVERNMENT HAS ALSO INDICATED THAT FULFILLMENT OF ECONOMIC AND SOCIAL OBJECTIVES WILL BE DEPENDENT, OVER THE MEDIUM TERM, ON RESOLVING THE BALANCE OF PAYMENTS AND ENERGY PROBLEMS. FACED WITH THESE PRESSING ECONOMIC PROBLEMS, THE GOVERNMENT IS FINDING IT MORE DIFFICULT THAN IN PREVIOUS YEARS TO MAKE PROGRESS IN THE FULFILLMENT OF VITAL NEEDS.

THE COUNTRY'S ESTIMATED 200,000 INDIANS HAVE SUFFERED IN RECENT DECADES FROM THE GRADUAL ENCROACHMENT OF BRAZIL'S COASTAL-BASED POPULATION AND FROM THE GOVERNMENT'S EFFORTS TO PROMOTE ECONOMIC DEVELOPMENT IN THE AMAZON REGION AND FRONTIER AREAS WHERE MOST INDIANS LIVE. THE INCREASING CONTACT BETWEEN INDIANS AND NEWCOMERS HAS BRED OCCASIONAL CONFLICT. THE FIGUEIREDO ADMINISTRATION HAS RENEWED THE GOVERNMENT'S COMMITMENT UNDER THE 1973 INDIAN STATUTE TO PROTECT THE INDIAN POPULATION, AND THE GOVERNMENT'S INDIAN AFFAIRS AGENCY (FUNAI) HAS BEEN CHARGED UNDER THE LAW WITH THE TASK OF DEMARCATING TRIBAL LANDS, WHICH WOULD PROVIDE A GREATER MEASURE OF SECURITY FOR THE INDIANS. IN THE FACE OF MORE IMMEDIATE PRIORITIES, HOWEVER, FUNAI HAS REMAINED AN UNDERSTAFFED AGENCY AND THE DEMARCATION HAS NOT BEEN COMPLETED ON SCHEDULE.

SECTION 3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH, PRESS, RELIGION AND ASSEMBLY

THE GOVERNMENT GUARANTEES (WITH MINOR QUALIFICATIONS DISCUSSED BELOW) ALL THESE CIVIL LIBERTIES WHICH ARE, IN TURN, WIDELY EXERCISED. THERE CONTINUES

TO BE BROAD ACCEPTANCE ON THE PART OF THE ADMINISTRATION OF PUBLIC PROTEST AND DISSENT. THERE ARE NO LIMITATIONS ON ASSEMBLIES AS LONG AS THESE ARE NOT SEEN TO THREATEN PUBLIC ORDER. EVEN ILLEGAL ORGANIZATIONS SUCH AS THE BRAZILIAN COMMUNIST PARTY AND THE NATIONAL UNION OF STUDENTS HAVE BEEN ALLOWED TO ASSEMBLE AND ORGANIZE. OCCASIONALLY, PUBLIC PROTESTS HAVE LED TO SKIRMISHES WITH SECURITY FORCES.

OPPOSITION VIEWPOINTS ARE FREELY VENTILATED. IN THE MEDIA THERE IS PUBLIC DISCUSSION AND CRITICISM OF OFFICIAL POLICIES AND OF THE PERFORMANCE OF

ADMINISTRATION OFFICIALS FROM THE PRESIDENT ON DOWN. IN THE SO-CALLED ALTERNATIVE (MAINLY LEFTIST) PRESS, THIS CRITICISM IS OFTEN SCATHING AND HIGHLY PERSONAL. DURING THE PAST YEAR, LEGAL ACTION WAS BROUGHT AGAINST TWO FEDERAL CONGRESSMEN AS A RESULT OF THE LATTERS' ALLEGEDLY LIBELOUS CRITICISM OF THE PRESIDENT AND THE MILITARY ESTABLISHMENT. THE CASES ARE CURRENTLY BEFORE THE SUPREME COURT.

WHILE NO CENSORSHIP EXISTS, THE PRINT MEDIA ARE LEGALLY ACCOUNTABLE FOR WHAT THEY PUBLISH. THE ADMINISTRATION TOOK ACTION SEVERAL TIMES DURING THE YEAR AGAINST WHAT IT CONSIDERED UNACCEPTABLY BLATANT ATTACKS, CONFISCATING ONE EDITION OF A LEFTIST WEEKLY AND BRINGING LAWSUITS IN A HALF-DOZEN OTHER INSTANCES. RADIO AND TV EXERCISE SOME INTERNAL CONTROLS ON THEIR PROGRAMMING TO AVOID POTENTIAL CONFLICTS OVER CONTENT. THERE ARE FEW INHIBITIONS ON THESE MEDIA, HOWEVER, AND PROGRAMMING INCLUDES FREQUENT COMMENT ON CONTROVERSIAL SOCIAL AND POLITICAL TOPICS. THERE HAS BEEN NO GOVERNMENT HARASSMENT OR CLOSING OF THE MEDIA. THERE IS NO CENSORSHIP OF BOOKS, ALTHOUGH THERE HAVE BEEN SOME OFFICIAL MOVES TO RESTRICT THE DISTRIBUTION OF PUBLICATIONS JUDGED TO BE PORNOGRAPHIC.

THERE HAS BEEN NO REPORTED INTERFERENCE WITH ACADEMIC INQUIRY IN THE NATURAL OR SOCIAL SCIENCES OR PERSECUTION OF PROFESSIONAL GROUPS.

LABOR UNIONS HAVE THE EFFECTIVE RIGHT TO ORGANIZE, NEGOTIATE, AND STRIKE. HOWEVER, STRIKES ARE NOT PERMITTED IN ESSENTIAL INDUSTRIES (WHICH HAVE BEEN BROADLY DEFINED), AND UNION RIGHTS ARE GENERALLY CIRCUMSCRIBED BY A BAN ON PARTISAN POLITICAL ACTIVITY. ORGANIZED LABOR WAS INCREASINGLY ACTIVE IN 1980, INCLUDING MORE EFFECTIVE COLLECTIVE BARGAINING AND MORE FREQUENT USE OF THE STRIKE WEAPON. THE GOVERNMENT DEMONSTRATED GENERAL TOLERANCE TOWARD UNION ACTIVISM, EVEN WHEN IN EXCESS OF FORMAL LEGAL LIMITS. HOWEVER, THE GOVERNMENT INTERVENED IN THE SAO PAULO METALWORKERS' STRIKE IN APRIL-MAY 1980 AND REMOVED KEY UNION LEADERS FROM OFFICE ON THE GROUNDS THAT THE STRIKE WAS BEING USED FOR POLITICAL PURPOSES.

PRACTICE OF RELIGION IS FREELY PERMITTED. THERE IS NO STATE RELIGION. MINORITY RELIGIONS ARE NOT PERSECUTED OR HARASSED; ADHERENCE TO A PARTICULAR FAITH DOES NOT CONFER ADVANTAGE OR DISADVANTAGE IN SECULAR AREAS.

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

THERE ARE NO RESTRICTIONS ON MOVEMENT WITHIN THE COUNTRY OR ON EMIGRATION OR REPATRIATION, NOR ARE WOMEN OR OTHER GROUPS SUBJECT TO SEPARATE PROVISIONS IN THESE AREAS.

BRAZIL APPLIES A SELECTIVE REFUGEE POLICY, BASED ESSENTIALLY ON GEOGRAPHICAL PROXIMITY, CULTURAL AFFINITY, AND THE NATION'S ABILITY TO ABSORB NEWCOMERS. (BRAZIL HAS SLOWED OVERALL IMMIGRATION TO A TRICKLE AFTER YEARS OF A MUCH MORE LIBERAL POLICY.) HENCE, BRAZIL ACCEPTS PRIMARILY SOUTHERN CONE (ARGENTINA, CHILE, URUGUAY) REFUGEES. IT ACCEPTED FOR RESETTLEMENT 35 CUBANS WHO PARTICIPATED IN THE RECENT EXODUS AND WHO REQUESTED TO GO TO BRAZIL. IT RECEIVED

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A HUNDRED OR SO VIETNAMESE "BOAT PEOPLE" WHO HAD BEEN PICKED UP BY BRAZILIAN VESSELS. A "FOREIGNERS" LAW ENACTED IN 1980 REPORTEDLY RAISED SOME CONCERNS AMONG REFUGEES AND EXPATRIATES THAT THEIR STATUS WILL BE JEOPARDIZED. THE CHURCH, TOO, EXPRESSED CONCERN OVER THE APPLICATION OF THIS LAW WHEN A FOREIGN PRIEST WAS EXPELLED FROM THE COUNTRY UNDER ITS PROVISIONS IN OCTOBER. HOWEVER, THE GOVERNMENT HAS ANNOUNCED THAT IT IS CONSIDERING AMENDMENTS TO THE TEXT.

BRAZILIAN LAW PROVIDES FOR POLITICAL ASYLUM BUT IS NOT PRECISE ON CRITERIA. IN PRACTICE, BRAZIL HAS BEEN GENERALLY SELECTIVE IN GRANTING ASYLUM.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE CONGRESS APPROVED IN NOVEMBER AN ADMINISTRATION-SPONSORED CONSTITUTIONAL AMENDMENT RESTORING DIRECT GUBERNATORIAL ELECTIONS AND MAKING ALL FUTURE SENATE ELECTIONS DIRECT. MUNICIPAL LEGISLATURES ARE POPULARLY ELECTED, AS ARE MAYORS, EXCEPT THOSE IN STATE CAPITALS AND "STRATEGICALLY LOCATED" CITIES WHO ARE APPOINTED BY STATE GOVERNORS. MUNICIPAL ELECTIONS SCHEDULED FOR 1980 WERE POSTPONED BY THE CONGRESS FOR TWO YEARS ON THE GROUNDS THAT ORGANIZATION OF NEW PARTIES HAD MADE IT IMPOSSIBLE TO MEET THE ORIGINAL ELECTORAL TIMETABLE. THE OPPOSITION DEPICTED THIS AS A STEP AWAY FROM THE RECENT REFORMS IN THE ELECTORAL AND OTHER AREAS, ALTHOUGH THE FIGUEIREDO ADMINISTRATION REITERATED ITS COMMITMENT TO CONTINUING THE LIBERALIZATION PROCESS.

CITIZENS ARE FREE TO PARTICIPATE IN GOVERNMENT THROUGH SUFFRAGE, POLITICAL PARTY AFFILIATION, MEMBERSHIP IN INTEREST GROUPS, DIRECT APPROACH TO OFFICE HOLDERS, ETC. ALL OF THESE MEANS ARE OPENLY AVAILABLE; USE OF THEM VARIES WITH EDUCATIONAL LEVEL, INTEREST, PHYSICAL PROXIMITY, AND OTHER FACTORS. VOTING IS SECRET AND MANDATORY FOR ADULT LITERATES; ILLITERATES CANNOT VOTE. OPPOSITION PARTIES AND GROUPS, EXCEPT FOR THE COMMUNIST PARTY, OPERATE FREELY AND PARTICIPATE FULLY IN THE POLITICAL PROCESS. PROBLEMS OF NATIONALITY, STATELESSNESS, ETC., ARE NOT SIGNIFICANT FACTORS.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

ALTHOUGH THE BRAZILIAN GOVERNMENT CONSIDERS INTERNATIONAL AND THIRD-COUNTRY INVESTIGATION INTO ALLEGED HUMAN RIGHTS VIOLATIONS AS UNWARRANTED INTERFERENCE IN BRAZIL'S INTERNAL AFFAIRS, THE FEDERAL GOVERNMENT HAS NOT IMPEDED VISITS BY REPRESENTATIVES OF SUCH ORGANIZATIONS IN RECENT YEARS. NO SUCH VISITS TO INVESTIGATE ALLEGED VIOLATIONS IN BRAZIL ARE KNOWN TO HAVE TAKEN PLACE IN 1980.

NON-GOVERNMENTAL BRAZILIAN ORGANIZATIONS, SUCH AS THE NATIONAL CONFERENCE OF BRAZILIAN (CATHOLIC) BISHOPS (CNBB), THE NATIONAL BRAZILIAN BAR ASSOCIATION (OAB) AND ITS LOCAL CHAPTERS, THE BRAZILIAN PRESS ASSOCIATION, AND LOCAL LAY AND CHURCH-SPONSORED JUSTICE AND PEACE GROUPS, INVESTIGATE AND PUBLICIZE ALLEGED HUMAN RIGHTS

VIOLATIONS OR INSTITUTE LEGAL PROCEEDINGS TO REDRESS THEM. AS A POSSIBLE CONSEQUENCE OF THIS ACTIVITY, SOME OF THESE ORGANIZATIONS - NOTABLY

THE OAB - OR INDIVIDUALS WORKING FOR THEM HAVE BEEN TARGETS OF RECENT POLITICALLY MOTIVATED VIOLENCE. BRAZIL IS A PARTY TO A NUMBER OF UN HUMAN RIGHTS CONVENTIONS INCLUDING THE CONVENTIONS ON GENOCIDE, RACIAL DISCRIMINATION, REFUGEES, AND THE POLITICAL RIGHTS OF MARRIED WOMEN. BRAZIL HAS NOT SIGNED THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS. END TEXT.

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