

DEPARTMENT OF STATE
BRIEFING PAPER

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BRAZIL - HUMAN RIGHTS PERFORMANCE

The following summarizes Brazil's political, civil, economic and social rights performance as of the end of 1978. It reflects the impressive progress made during the last few years and the high expectations for future progress that will challenge President Figueiredo's new administration.

The Political Record. Since December 31, 1978, the Brazilian President can no longer unilaterally close the Congress, remove elected officials from office or suspend an individual's political rights. In addition, habeas corpus (with certain qualifications), autonomy of the judiciary and parliamentary immunity (except for National Security offenses) have been restored. As provided for in other Latin constitutions, however, the President can still invoke a number of exceptional measures, including declaring a state of siege, in the event of emergencies.

Free popular elections of one-third of the federal Senate, the full federal Chamber of Deputies, and the full membership of all 22 state legislative assemblies were held in 1978 along with the regular indirect elections of the Brazilian President and Vice-President, state governors and another third of the Senate. These events were fully and openly covered by an aggressive and critical press operating free of censorship. The elections were conducted under special rules decreed by President Geisel which facilitated the victory of his hand-picked successor and comfortably large pro-government ARENA majorities in the Congress and most state assemblies.

Individual Rights. At the end of his term of office, President Geisel is receiving praise for his successful efforts to curb individual rights violations. The President's dismissal in early 1976 of a four star Army general after the deaths of two military prisoners is one such endeavor that triggered wide approval.

Human rights abuses have largely disappeared at the federal level, as a result of firm guidance from the political leadership. At the same time, police mistreatment and torture of arrested persons persists at the state and local levels, but at a clearly diminished rate and most always towards persons suspected of common crimes. Sensitive to the problem, top govern-

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ment officials have expressed their aim to eliminate prisoner mistreatment. Subsequent investigations have resulted in the discipline or dismissal of some implicated police officials. Legal redress can be sought for prisoners claiming abuse of police powers. As a consequence, rights activists are increasing efforts to document such prisoner allegations.

The current number of political prisoners is estimated to be between 180-300 persons, or the same as in 1977. A new and less severe National Security Law (LSN) should benefit some 30 percent of those prisoners through sentence reductions or, in some cases, immediate release. The restoration of habeas corpus and other recent reforms will also benefit the estimated one to several thousand Brazilians living in exile, although many will still face pending criminal charges should they return. The new LSN abolishes capital punishment, life imprisonment and banishment. It also reduces the period that an accused person can be held incommunicado and establishes the right to physical examination during the period of investigative detentions. Catholic church organizations and other human rights groups have criticized, however, the new LSN as retaining many of its former teeth.

Previous government control of subversive groups has given way under Geisel to more selective clamping down on those suspected of subversive activities.

Widespread terrorism has not existed in Brazil since 1970. Isolated cases of right-wing terrorism, however, still arise in several Brazilian cities. So far no deaths have resulted from these acts, which usually consist of office bombings and personal threats aimed at advocates of political liberalization. Activities of so-called "Death Squads", believed to be composed largely of off-duty local police, are not considered to be politically motivated. The kidnapping in Brazil and forced repatriation of a Uruguayan refugee couple in November has proven embarrassing to the Government of Brazil. The incident, which appears to have involved the cooperation of state security officials in Rio Grande do Sul, is currently under investigation by Brazilian state and federal authorities.

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Civil Rights. Many traditional civil rights in Brazil, such as religious freedom, have always been allowed and there has been growing official tolerance of various manifestations of protest and dissent. At the same time, however, there is significant government influence over the media and the electoral processes.

In June 1978, the GOB ended all prior censorship of periodicals (a vigorous press has been largely free of censorship since late 1975). In 1978, though, the GOB reasserted its right to reimpose censorship under certain circumstances. Moreover, the new LSN allows the government to chastise the press for such loosely-defined offenses as "alienating the people from the government."

Radio and television programs are subject to a form of self-censorship, based on government guidelines with an occasional ban on coverage of specific issues or developments.

Brazilians have the right to vote freely and in secret. Since 1964, however, numerous offices are filled by the vote of specially constituted electoral colleges rather than by direct elections. At present, these include the presidency, state governors and one-third of the Senate. Election outcomes are further influenced by GOB restraint of political advertising.

Popular sentiment is increasingly in favor of amnesty for prisoners convicted of political offenses. While President-elect Figueiredo has indicated that he might support a selective amnesty, he has made clear his opposition to full and unconditional amnesty.

The Economic Situation. Brazilian social development has depended principally upon investment and economic growth rather than social welfare or income distribution programs. Nevertheless, programs for the rural poor have been initiated and social programs benefitting the lower income groups have been expanded considerably since 1964. Brazilians now receive free health care in addition to unemployment and pension benefits. While real income

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increased for every segment of Brazilian society during the last 15 years, income inequality has also increased over this period. The incoming administration recognizes this inequality as one of the major economic problems it will face. At the same time, GOB economists are concerned that organized labor's efforts to improve its income share might fuel inflation and result in constraints on social welfare programs.

The GOB tolerates worker strikes as long as they are non-violent, non-political and do not involve production of essential goods or public services. The GOB, however, does prohibit unions from engaging in political activities even though low key lobbying has been permitted in recent months.

Even though most social indicators show notable improvement, Brazil's record on social advancement of the poor still does not measure up to the accomplishments of a number of other Latin American countries. During the last 15 years, life expectancy has increased from 55 to 63 years and the literate population from 60.6 to 86 percent. Only the infant mortality rate, 109 per 1000, has failed to improve.

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