



Brazil

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Brazil is a constitutional federal republic composed of 26 states and the Federal District. The federal legislative branch exercises authority independent of the executive branch. In 1998 voters elected President Fernando Henrique Cardoso, of the Brazilian Social Democratic Party (PSDB), to a second 4-year term. The 1998 elections marked the third time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. All parties are able to compete on the basis of fair and equal procedures. The judiciary generally is independent; however, it is inefficient and subject to political and economic influence.

The military forces handled national defense and are subject to effective civilian control, both in law and in practice. Police forces fall primarily under the control of the states. State police are divided into two forces. The civil police have an investigative role, and the uniformed police, known officially as the "military police," are responsible for maintaining public order. Although the individual state governments control the uniformed police, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system. The federal police force is very small and primarily investigative. It plays little role in routine law enforcement. The state police forces committed numerous serious human rights abuses.

Brazil has a market-based, diversified economy. The Government, which traditionally played a dominant role in shaping economic development, is encouraging greater private sector participation in the economy through privatization of state enterprises, deregulation, and removal of some impediments to competition, trade, and investment. Industrial production, including mining operations and a large and diversified capital goods sector, accounts for approximately 35 percent of gross domestic product (GDP); agriculture contributes about 8 percent. Exports consist of both manufactured and primary goods. Among the principal exports are iron ore, coffee, airplanes, soybeans, and footwear. Per capita GDP was about \$3,400, and the economy grew by 4 percent. Income distribution remained highly skewed: the poorest half of the population received only 10 percent of national income while the richest tenth received 48 percent.

The Government generally respected many of the human rights of its citizens; however, there continued to be numerous serious abuses. State police forces (both civil and uniformed) committed many extrajudicial killings, tortured and beat suspects under interrogation, and arbitrarily arrested and detained persons. Police also were implicated in criminal activity of all kinds, including killings for hire, death squad executions, and kidnappings for ransom. Prison officials often tortured and beat inmates. The state governments concerned did not punish most perpetrators of these abuses effectively. Police tribunals (special courts for the uniformed police) remained overloaded, rarely investigated cases thoroughly, and seldom convicted abusers. The separate system of uniformed police tribunals contributes to a climate of impunity for police officers involved in extrajudicial killings or abuse of prisoners. Prison conditions range from poor to extremely harsh. The judiciary has a large case backlog and often is unable to ensure the right to a fair and speedy trial. Justice is slow and often unreliable, especially in areas where powerful economic interests influence the local judiciary. Human rights monitors on occasion face threats and harassment. Violence and discrimination against women are problems. Child prostitution and abuse are problems. Despite constitutional provisions safeguarding the rights of indigenous people, government authorities often fail to protect them adequately from outsiders who encroach on their lands, and fail to provide them with adequate health care and other basic services in many areas. Discrimination against Afro-Brazilians is a problem. Violence against homosexuals is a problem. Forced labor continued to be a serious problem. Child labor is a serious problem. There continued to be occasional reports of forced child labor. The Government continued its interministerial campaign against child labor. Trafficking in women and children for the purpose of forced prostitution is a serious problem.

The National Secretariat of Human Rights oversees the implementation of the Government's action plan to address human rights abuses. A new secretary was installed in May. In May U.N. High Commissioner for Human Rights Mary Robinson visited, and U.N. Special Rapporteur for Torture Nigel Rodley visited in August and September. Robinson commented on the Government's recognition of its human rights problems and stated that President Cardoso was on the right track in trying to reduce and eliminate abuses. Rodley noted the poor conditions in prisons and said that in many cases law enforcement authorities who torture prisoners and suspects do so with impunity. The Government undertook several programs to promote the protection of human rights. In 1996 a nongovernmental organization (NGO) established a witness protection program; the Government adopted it in 1999 in an attempt to combat widespread impunity. The Government's inter-ministerial Committee for the Defense of the Human Being (CDDPH), chaired by the National Human Rights Secretary, continued to be an effective instrument to highlight human rights abuses and allocate federal resources to bolster the efforts of the states. However, because of jurisdictional and resource limitations, the efforts of the Federal Government had an uneven and limited impact in many of the states where human rights violations are most common.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Police committed numerous extrajudicial killings, which continued to be a serious problem throughout the country. The uniformed police summarily executed suspected criminals rather than apprehend them, and then filed false reports that the suspects were resisting arrest. Preliminary estimates from the states of Rio de Janeiro and Sao Paulo alone indicated that the police killed at least 1,000 persons during the year while operating in their "official" capacity. In addition many other killings occurred as the result of death squads and other criminal groups, many of which included police as members. The failure to investigate, prosecute, and punish police who commit such acts creates a climate of impunity that continues to encourage human rights abuses. Harsh conditions in prisons and rioting led to the death of inmates (see Section 1.c.).

The lack of accountability and the inefficient criminal justice system allow impunity to continue. All crimes less serious than murder committed by uniformed police officers against civilians remain in the military justice system. In 1999 an investigation into Sao Paulo's special courts for uniformed police uncovered 1,107 "missing" and "delayed" cases against uniformed police charged with crimes against civilians that include murder and torture. In 1999 a newspaper that had access to 300 cases under investigation found 100 murder charges among them, some delayed for up to 12 years. Equally long delays allowed many cases of torture and lesser charges to expire due to statutes of limitations. This probe was the closest scrutiny ever of the special police courts and resulted in the authorities bringing criminal charges against two court officials.

Human rights activists believe that the 1996 "Bicudo" law, which gives civil courts jurisdiction over intentional homicide committed by uniformed police officers, has had limited success. In 1995--the last year before the implementation of the new law--police courts convicted 23 percent (48 of 205) of officers tried for homicide. In 1998 civilian courts convicted 48 percent (31 of 64) of officers charged with homicide. The comparable rate for civilians tried for murder in Sao Paulo was 50 percent. The law allows for civil prosecutors to review the most egregious cases, while less prominent cases are reviewed by the police force itself. Almost without exception, the police investigators conclude that suspects were resisting arrest.

Police often were members of vigilante groups and death squads responsible for killings. In addition uniformed and civil police involvement in criminal activity is widespread. Throughout the country, police were implicated in crimes ranging from killing for hire and kidnaping to drug trafficking and extortion.

Reputable NGO's reported hundreds of extrajudicial killings and other abuses of force by police throughout the country during the year.

A Sao Paulo press report indicated that on November 8, a local police officer was arrested near Boa Vista, Roraima, on the accusation that he had participated in the killing of seven adolescents whose noisy party had bothered him.

Two Sao Paulo police officers were arrested on or about December 11 and accused of having killed four persons in a bakery in Sao Bernardo do Campo 5 days earlier. Three other persons were injured in the attack.

In May police shot and killed a member of the Landless Movement (MST) during a confrontation between protesters and uniformed police in the state of Parana (see Section 2.b.). The authorities did not charge or

arrest any officer by year's end.

The use of torture by police sometimes led to the death of the victims (see Section 1.c.). The authorities opened an investigation into the death of Nilson Saldinia, who died in February in the 50th district jail in Sao Paulo's Itaim Paulista neighborhood. At year's end, the investigation continued, but no one had been accused.

Police killings of street children continued (see Section 5).

Harsh or dangerous prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons. Inmates in prisons and at juvenile detention facilities rioted repeatedly during the year (see Section 1.c.). Many riots resulted in a number of deaths, but no estimates were available for the number of prisoners killed nationwide during prison riots.

The office of the police ombudswoman in Rio de Janeiro state received 2,894 complaints from April 1999 through December 15, during its first 20 months of operation. Complaints against the uniformed police accounted for 60 percent of that total. There were 312 officially reported police homicides in the first 9 months of the year, compared to 289 in all of 1999. These statistics seriously understate the number of killings by police, as they do not include the deaths of perpetrators allegedly caught in the act of committing a crime. Previous research by the Institute for Religious Studies (ISER) suggests that, to estimate the true number of police homicides, the official figures should be doubled. The ISER report also stated that Rio de Janeiro police killed half of their victims with 4 or more bullets and shot the majority of victims in either the shoulder or the head; 40 cases clearly demonstrated execution-style deaths, where police first immobilized the victims and then shot them at point-blank range. In 64 percent of the cases examined, the victims were shot in the back.

According to the Sao Paulo state government, the uniformed and civil police killed 635 civilians in the first 9 months of the year, an increase of 30 percent over the same period in 1999. A Sao Paulo police ombudsman's report released in July showed that of the 664 persons killed by police officers in 1999, 31 percent were committing crimes at the time they were shot, 56 percent had no previous criminal record, and 51 percent of the victims were shot in the back. Many human rights observers believe that the report reflects excessive use of force by the Sao Paulo police.

In a nationally televised bus hijacking in Rio de Janeiro in June, police wounded a hostage while attempting to shoot the hijacker. The hijacker then killed the hostage. The hijacker was apprehended unhurt, but arrived dead at the hospital after police riding in the ambulance allegedly strangled him. At year's end, one police officer had been acquitted and four awaited trial.

Four uniformed police officers were sent to prison to await trial in a civil court for the highly publicized killing of three persons, including two juveniles (aged 14, 17, and 21) in Sao Paulo in February 1999. The officers arrested the victims for fighting, beat them, then were seen leading them into a forested area near where the bodies were found 2 weeks later. Each victim was shot once in the head. The police officers initially denied having any contact with the victims. They later confessed to the killings after 19 witnesses came forward to testify against them and a DNA test identified blood inside the police car as that of one of the victims. The perpetrators were charged with aggravated triple homicide, abuse of power, and hiding bodies.

The five uniformed police officers arrested in the March 1999 shooting deaths of two persons, one of whom was mentally disabled, in Sao Paulo's Jardim Elba slum, were jailed in September, pending trial. The officers, who allegedly shot the two outside of their police car, dragged the bodies inside, and then simulated an exchange of gunfire, were charged with homicide. At year's end, no trial date had been set.

Police sources reported that the investigation continues into the April 1999 death of 20-year-old Ricardo Galvao, who was shot, stabbed, and beaten. Galvao was last seen in a police vehicle after being caught trying to steal a car. On August 11, the police involved in the apprehension were expelled from the police force. The authorities charged two civilians with Galvao's death.

Four uniformed policemen are still in custody awaiting trial in the August 1999 double homicide that took place in Sao Bernardo do Campo, Sao Paulo. The accused suspected the victims of stealing a police motorcycle, questioned them, and returned to the neighborhood the following day, when they allegedly killed the two youths by shooting them in the head and leaving another youth for dead. The third victim survived by feigning death and was placed in the witness protection program.

In December 1999, police in the Federal District shot and killed one person and blinded another during a peaceful demonstration. The governor removed certain officials as a result. At year's end, the case against the police officers awaited trial.

There was no information available about an investigation into the February 1999 killing of Antonio Lopes in Natal, Rio Grande do Norte, or in the October 1999 killing of Robelio dos Santos, in Salvador, Bahia.

Amnesty International reported that police death squads still were active in Mato Grosso do Sul. There was no information available about the status of the cases against various police officers accused of participating in death squads in the states of Alagoas and Mato Grosso do Sul in 1997 and 1998.

In April a court retried and convicted former military policeman Otavio Lourenco Gamba, also known as "Rambo," for the murder of Mario Jose Josino in a highly publicized March 1997 extortion and killing incident in Sao Paulo's Favela Naval neighborhood. Gamba's 1998 conviction had been overturned due to lack of evidence. Eight other police officers were convicted of bodily harm and professional negligence. All were serving time in Sao Paulo prisons at year's end.

In April the State Court of Para annulled an August 1999 trial in the city of Belem that acquitted 3 uniformed police officers in command of the unit responsible for the 1996 massacre of 19 landless workers at Eldorado de Carajas in the Amazonian state of Para. Human rights activists considered this decision a major blow against police impunity. A new trial was scheduled for March 2001.

In September the State Court of Rondonia convicted 3 of 12 uniformed policemen and 2 squatters of homicide in the August 1995 killings of 11 squatters and 2 policemen in Corumbiara. The three officers received sentences of 16, 18, and 19 years. The two squatters who were tried were not convicted of murder but of inciting the killings and received 6 and 8 years respectively. Activists criticized the fact that the courts had acquitted 9 of the 12 police officers involved and that the court had not indicted the landowner who was involved directly in the conflict, despite the fact that there was a videotape of the landowner in which he told the police to attack the squatters, whom he called enemy guerrillas.

Of 31 police officers charged with participation in the 1993 massacre of 21 residents of the Vigario Geral neighborhood in Rio de Janeiro, the courts acquitted 19 and convicted 6 officers. At year's end, four officers awaited trial; two died before going to trial.

The trial of retired police Colonel Ubiratan Guimaraes again was delayed. Guimaraes is accused of homicide in the deaths of 111 inmates during an October 1992 riot in Sao Paulo's Carandiru prison. The charges he faces carry a penalty of 1,350 years of imprisonment, although his jail term would be limited to 30 years by the Constitution. Guimaraes would be the first policeman of the rank of colonel to face a civilian jury under the Bicudo law. The other 85 officers who are accused of involvement also await trial. The statute of limitations expired for the charges of torture and beatings, but the officers can be tried for murder. All of the officers, including Guimaraes, were released to await trial.

Death squads in which the police are involved contribute significantly to the level of violence and lawlessness, according to public security officials. Human rights groups reported the existence of organized death squads linked to the police forces that target suspected criminals and persons considered "undesirable" (such as street children) in almost every state. A report on death squads issued by the committee for human rights of the Federal Chamber of Deputies in 1999 highlighted death squad activity with police involvement in the states of Bahia, Rio Grande do Norte, Mato Grosso do Sul, Mato Grosso, Amazonas, Para, Paraiba, Ceara, Espirito Santo, and Acre. The report stated that death squads "arise because of the loss of credibility in the justice and public security institutions and the certainty of impunity as the result of the incapacity of the institutions that have jurisdiction in resolving the problem." The report indicated that death squad activity appeared to be declining except in Bahia.

In August 1999, the Governor of Espirito Santo (the state with the highest rate of homicide), stated that death squad activity involving the police contributed significantly to the level of violence in the state. A state police investigation and a state parliamentary committee of inquiry reported that an informal organization, the "Squad le Cocq" involving police, judicial, and elected authorities including Jose Carlos Gratz, president of the state assembly, was responsible for the vast majority of organized crime in the state.

An investigation instigated by the former president of the supreme court of Acre state and carried out under the auspices of the CDDPH amassed evidence that former Acre military police chief and former state and federal deputy Hildebrando Pascoal headed a crime ring and death squad in that Amazonian state linked to at least 30 murder and torture cases previously suspended by state authorities for lack of evidence. Charges against Pascoal include the kidnaping--with the collusion of military police officers from Piaui--and murder of the suspected killer of Pascoal's brother, and the kidnaping of the victim's wife and children in an attempt to locate the victim. A congressional committee of inquiry also established Pascoal's control of narcotics trafficking within the state. A witness who testified before that committee identified the site of a mass grave in Acre that federal authorities believe Pascoal's organization used to dispose of at least eight murder victims. Pascoal's

election to the federal Chamber of Deputies in October 1998 conferred on him parliamentary immunity from all prosecution. However, in October 1999, the Chamber voted to remove Pascoal's immunity and the police subsequently arrested him. In June a federal judge ruled that Pascoal would face a jury trial on account of the capital offense, but no trial date was set. At year's end, he was in prison and awaited trial on charges of murder; additional charges of narcotics trafficking and electoral violations were pending.

The authorities also failed to conclude the investigation of the May 1996 death squad killings in the Franco da Rocha neighborhood of Sao Paulo, and no charges have been filed in connection with the case. Witnesses identified five uniformed police officers as having arrested four men who were found dead a few hours later. Franco da Rocha is one of Sao Paulo state's poorest communities and the location of a clandestine dumping site for the victims of death squads. Since 1993 at least 212 bodies have been found there, including 50 victims shot in the head. Progress in the investigation has been hampered by difficulty in identifying bodies whose heads or hands were amputated.

Several persons were killed in conflicts involving the settlement of disputes of land ownership and usage. The MST increased its campaign of legal occupation of lands identified as unproductive, and illegal occupation of land not yet so designated. In addition as a new policy, the MST began occupying public buildings in an effort to embarrass the Government and gain publicity for its cause. MST activists destroyed private property during some occupations. The Catholic Church's Pastoral Land Commission (CPT), the country's foremost entity monitoring human rights in rural areas, released in October its report covering rural violence in 1998. The report presents a mixed picture of the overall human rights climate relating to the country's land conflicts. Killings of landless activists increased to 47 in 1998, compared with 30 in 1997, while attempted murders rose from 37 to 46. Cases of torture rose from 5 to 35, but less serious indicators of aggression fell sharply. The report notes that increased actions by the Government to remove activists from illegal settlements resulted in increased confrontations and destruction of property and homes but also noted that the pace of agrarian reform outstripped new MST occupations, contributing to a less violent climate overall.

In the investigation into the March 1999 killing of the brother of an MST leader in Parana, the police arrested a suspected gunman but later released him. There was no information available about the investigation into the April 1998 death of MST leader Sadi Padillo in Santa Catarina.

The CPT's report concludes that the climate of impunity enjoyed by landed interests as a result of the "fragile" justice system and the collusion of local political interests continues to encourage serious human rights abuses of landless activists, including murder and torture. However, the report also notes that the tactics of the land reform movement have led to a self-perpetuating cycle in recent years, whereby increased confrontation and tension have led to increased government attention, encouraging in turn more land occupations. In 1999 statistics showed a decrease in violence.

Manuel Souza Neto, a leader of the MST, was killed in October and his body was found in his home. He had been shot, and reports indicate that his neck was slit. Members of the MST reported that landowners had sent death threats to the victim, and suspect one landlord in his death. However, others note that the victim also was active in politics and that his killer could have been motivated by political goals.

On July 25, a wave of MST actions throughout the country left three dead. In Recife, a police officer shot and killed one protester. The protester was part of a group of about 300 activists attempting to occupy a regional bank headquarters. Near Fortaleza ranchers killed another MST member during an occupation attempt. In Para state, an unknown gunman killed an MST activist; six other persons had died in land-related violence in that area since May.

On November 21, MST leader Sebastiao da Maia, also known as Tiozinho, was killed during the occupation of a ranch in Parana. The authorities claimed that Maia was killed in a shootout during the occupation, but the MST claimed that he died in an ambush by hired gunmen. The authorities did not charge anyone with murder in the case but arrested five security guards on firearms charges. According to the Catholic Church's Pastoral Land Commission, Maia's killing was the tenth killing of a rural activist during the year.

Also on November 21, a gunman killed Jose Dutra da Costa, a rural activist in the state of Para. Police arrested the gunman the same day and suggested that Costa may have been killed on the orders of large landowners in the region. According to one source, for 2 years Costa had been on a death list of 18 activists.

On December 19, federal police seized a large cache of arms at a ranch in Pontal do Paranapanema, east of Sao Paulo, in the home of a member of a landowner's group. In 1997 the ranch had been the scene of an armed conflict between the landowner and the MST, in which eight MST members were shot. The landowner was acquitted of charges of homicide in that case, but faced arms charges after the arms seizure.

In June in the state of Para, Jeronimo Alves de Amorim was convicted of ordering the 1991 murder of the head of a local workers' union, Expedito Ribiero de Souza. Human rights activists noted that this conviction is the first time that a landowner has been held liable for such a crime. The court sentenced Alves de Amorim to 19 years in a maximum security prison (see Section 6.a.).

In an April retrial, a jury acquitted MST leader Jose Rainha for the 1989 killings of landowner Jose Machado Neto and police officer Sergio Narciso da Silva. In 1997 a jury in the small, rural town of Pedro Canario, Espirito Santo, sentenced Rainha to 26 years for the killing. The jury convicted Rainha even though the prosecution presented no material evidence and witnesses testified to Rainha's presence 1,500 miles away from the scene of the crime. Since Rainha's sentence exceeded 20 years, he automatically was entitled to a retrial. Police investigator Celso Jose da Cruz, who appealed his 1997 conviction (and sentence of 516 years' imprisonment) for involvement in these killings, was convicted in a retrial. There was no information available regarding the trials of the 29 policemen charged as codefendants in the killings.

According to human rights activists monitoring the case, proceedings remain stalled against the former mayor of Rio Maria, in the state of Para, who was charged with the 1985 murder of Joao Canuto, the first president of the rural workers' union in Rio Maria. Canuto's daughter, Luzia Canuto, received death threats as a result of the case. In 1998 the Inter- American Commission on Human Rights (IACHR) criticized the Federal Government for failing to prosecute the crime.

The four suspects charged with manslaughter in the burning death of Pataxo indigenous leader Galdino Jesus dos Santos in Brasilia still awaited trial at year's end. In 1998 an appellate court upheld a 1997 court decision to prosecute for manslaughter rather than murder. In 1999 a superior court ruled that a jury would try the defendants, and the defense appealed the decision. The appeal was denied in April, but a new appeal was filed, delaying the trial again. The accused remain in prison. Dos Santos died in April 1997 after the suspects set him on fire while he was asleep on a public bench.

Vigilante groups and death squads, which often included police officials, also were responsible for killings.

The National Secretariat for Human Rights sponsors training programs in human rights, carried out in cooperation with federal and state entities and national and international organizations, in most states. The Secretariat administers a human rights training program for policemen in cooperation with Amnesty International (AI) in 10 states. Human rights groups maintain that the effect of these programs has been limited, at best. However, human rights activists in many states reported willingness of police authorities to address their concerns and to deal with problems brought to their attention.

b. Disappearance

There were no reports of politically motivated disappearances.

In 1995 Congress passed legislation that recognized and assigned government responsibility for the deaths of political activists who "disappeared" during the military regime while in the custody of public officials, and obligated the Government to pay indemnities of between \$100,000 and \$150,000 (200,000 to 300,000 reais) to each of the families. In 1997 President Cardoso signed a decree awarding reparations to the families of 43 such persons. As of March 1999, 265 persons had received indemnities out of 366 requests. A commission created by the law continued to evaluate requests for, and authorize payment of, indemnities.

No further progress was made during the year in investigating the mass grave found in the Perus Cemetery in Sao Paulo on September 4, 1990. Over the last 10 years, the authorities were able to identify the bodies of 6 persons from the 1,500 bones found. Human rights groups state that these persons were opponents of the military regime. However, attempts to identify additional bodies have stopped, and no efforts were made to find those responsible for the deaths.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and a 1997 law prohibit torture and provide severe legal penalties for its use; however, there are frequent credible reports that police torture and beat criminal suspects to extract information, confessions, or money. Victims generally are poor, uneducated about their rights, and afraid to come forward due to fear of reprisals. Prison officials often tortured and beat inmates.

As in the cases of extrajudicial killings, the police benefit from a high level of impunity. A 1999 investigation by prosecutors into Sao Paulo's special courts for uniformed police uncovered 1,107 "missing" and "delayed" cases against uniformed police charged with crimes against civilians that include murder and torture. A

newspaper that had access to 300 cases under investigation found 100 murder charges among them, some dating back up to 12 years. Equally long delays have allowed many cases of torture and lesser charges to expire due to statutes of limitations. Although some policemen are expected face criminal charges as a result of this investigation, human rights officials called the findings "horrifying."

The Sao Paulo state police ombudsman received 481 complaints through the first 9 months of the year alleging torture, abuse, mistreatment, or neglect (negligence accounts for 132 of these complaints). This represented a slight increase from the same period in 1999, when the ombudsman received 467 such complaints. The ombudsman's office believes that many cases are not reported.

U.N. Special Rapporteur for Torture Rodley visited the country for 23 days in August and September. While his final report had not been issued before year's end, Rodley described conditions in some prisons as grotesque and stated that the Congress promotes impunity of police agents by failing to provide proper oversight and by giving them excessive powers. Rodley told the Federal Chamber of Deputies Commission on Human Rights that the authorities routinely subject suspects and prisoners to illegal detention, subhuman conditions and torture, and rarely are punished for the abuses. He described instances during his visit in which prisoners were beaten after talking with him, where torture implements were discovered in a prison, and where he had to take one prisoner to the hospital to recover from a beating. He also told the Commission that officials in one prison promised to discipline one corrections officer, but did not do so. He called the situation worse than he had imagined and presumed that his experience represented only a fraction of the problem.

In 1999 the Globo newspaper in Rio de Janeiro published the results of an investigation into the allegations of torture by state police. The police opened a total of 53 investigations regarding complaints of torture against police authorities between 1997, when the torture law came into effect, and 1999. Only one of the inquiries, which had been suspended, officially had been concluded. The report identified several patterns, including the use of electric shock, beatings with iron bars, and sexual abuse including sodomy with foreign objects. The report noted that police classified such incidents as abuse of authority and physical assault, offenses that are far less serious than torture. As a result of the report, the state government ordered an independent review of the 53 cases, and the Federal Government established a task force to review Rio de Janeiro state police practices.

In 1999 Sao Paulo officials investigated allegations that investigative police of the 26th state police district humiliated and beat prisoners after inmates secretly audiotaped 20 police officers beating them and threatening to kill them. The authorities responded by creating a special service to receive complaints of torture committed by investigative and uniformed police. Persons wishing to make a grievance about police activity or offer suggestions contacted the police ombudsman over 8,000 times during the first 9 months of the year.

On October 18, Amnesty International released a special report on torture that included five cases in the country. One was that of "Jose" (not his real name), a juvenile in the state of Para who was beaten so severely by police that he has needed psychiatric treatment ever since. Jose's mother complained about the beating to the local public prosecutor, who referred the case to the police chief at the same station where the beating occurred. Other cases were cited in Paraiba, Sao Paulo, and Pernambuco.

On October 19, the authorities arrested two civil guards in Sao Paulo and accused them of the sexually assault of three teenage girls caught trespassing in a cemetery. Police authorities began an internal investigation into the matter.

On October 24, Federal Highway Police arrested a Rio state policeman and accused him of having been a member of a gang that specialized in robbing trucks at gunpoint along the highways. Police were investigating the possible involvement of other officials in the activities of the gang.

In late November, several former prisoners who had been held in an Air Force prison in Rio de Janeiro made public their allegations of having been tortured during their time in prison. The allegations included accusations of beatings and electric shocks. The Federal Police announced that it would begin an investigation into the reports. The allegations were also investigated in early December by the Human Rights Commission of the Chamber of Deputies.

On December 14, two policemen severely beat a shoe shiner, Rangel Bezerra de Lima, in Ceilandia, Federal District. The reason given by the police during the attack was that they had experienced a "bad day." The case got the attention of the Human Rights Division of the Ministry of Foreign Relations, which assisted Rangel in filing a complaint against the perpetrators, accusing the police of torture.

The case of Otavio dos Santos Filho, who allegedly died as a result of torture at Sao Paulo's Depatri jail in

1999, was archived without any resolution. No explanation for closing the case was been made public by year's end.

Police authorities took no action regarding 107 cases of torture and beating that took place in the Depatri jail in February 1998 and were confirmed by the Police Medical Institute. Prosecutors and human rights groups continued to push for a trial of the guards who are accused in the case.

In 1997 civil policemen in Belem, Para state, under the command of Captain Clovis Martins de Miranda Filho, accosted Hildebrando Silva de Freitas, who apparently had failed to pay a bribe for a liquor license for his bar. At Captain de Miranda's direction, as many as 10 police officers severely beat and sexually abused de Freitas. In 1998 an internal police investigation concluded that de Freitas had suffered severe physical injury and did not contest the testimony of the witnesses who corroborated his account, but declared there was no connection between his injuries and the officers who had confronted him. At year's end, the case was under review by the Para state prosecutors' office. De Miranda has brought a defamation suit against the state ombudsman for public security in Para for statements that she allegedly made to the press regarding the case. The state has declined to bear the costs of the ombudsman's defense.

Police violence against homosexuals continued (see Section 5).

There continue to be numerous credible reports of state police officials' involvement in crime, including revenge killings and intimidation and killing of witnesses involved in testifying against police officials.

The Sao Paulo state police ombudsman received 218 complaints in the first 9 months of the year alleging corruption, illicit enrichment, swindling, embezzlement, or participation in drug trafficking on the part of policemen.

The International Committee of the Red Cross (ICRC) continued its human rights training courses for high-ranking state military police officers at the Federal Police Academy in Brasilia. A total of 860 military police have been trained in basic techniques, including the apprehension and interrogation of criminal suspects without recourse to excessive or unnecessary force. The program was funded through December, and the ICRC office expected authorization to proceed for 2 to 3 more years. The Center for the Study of Violence at the University of Sao Paulo is expected to review the results. The military police in the states of Amapa, Paraiba, Rondonia, and Sao Paulo already have incorporated the ICRC program into their general police training program.

Over one-fifth of Sao Paulo's uniformed police officers have received some kind of community police training under the state's community policing initiative. Begun in December 1997, the program is expected to take 10 years to implement fully. Under the program, high-ranking police officials meet with citizens' consultative groups weekly. The uniformed police also instituted a policy of "recycling" policemen involved in shootings, removing them from patrols for 6 months and offering them counseling.

Prison conditions range from poor to extremely harsh. Severe overcrowding was prevalent, especially in larger cities. According to Ministry of Justice figures for 1998, about 85 percent of the prison population was kept in substandard conditions. The situation was most critical in the states with the largest prison populations, including Sao Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, and Pernambuco. Most penal authorities in these states do not have the resources to separate minor offenders from adults and petty offenders from violent criminals. Prison riots were frequent occurrences. Discipline is difficult to maintain under such conditions, and prison officials often resort to inhuman treatment, including torture.

AI stated that the prison system was "in crisis" in a comprehensive report on prisons released in June 1999. The report was based on 33 visits to prisons in 10 states. In December 1998, Human Rights Watch (HRW) also issued a comprehensive report entitled "Behind Bars in Brazil," based on an intensive review of prison conditions in eight states. Both reports meticulously detail inhuman conditions and systematic and wide ranging abuses of human rights throughout the prison system. Among the most serious charges are the commonplace undocumented and uninvestigated deaths of inmates at the hands of authorities or other prisoners, and the routine use of torture against inmates by both guards and police officers.

Poor working conditions for prison guards aggravate substandard prison conditions and encourage corruption. The director of Sao Paulo's Carandiru prison (the largest in the country) told representatives from AI that many cases of torture and use of excessive force result in part from employees' working conditions. An investigation of the more than 1,100 employees of Sao Paulo's prison at the end of 1998 showed that 241 had criminal records themselves. The majority of the charges against them were for crimes committed while working at the prison and ranged from drug trafficking and threats to assisting in escapes. The state secretary of penitentiary

administration was aware of the guards' criminal pasts and allowed them to continue working. At year's end, prison officials stated that investigations were continuing and that they had discharged some employees.

In September the director of the maximum security prison Bangu 1 in Rio de Janeiro, who had attempted to clean up corruption and violence at the institution, was murdered--probably on orders from incarcerated drug traffickers, corrupt prison guards, or police officers, according to state security officials.

Prisons do not provide adequate protection against violence inflicted by inmates on each other.

On October 10, news media reported a riot in a Parana state prison in Piraquara, where prisoners armed with pistols and a grenade took seven guards hostage. According to news sources, this was the second riot there in 4 months. Another riot occurred on October 10 in Contagem, a district of Belo Horizonte, in which one policeman and one prisoner were injured. Press reports stated that it was the third riot there during the year, and that the cause was overcrowding.

On October 22, prisoners took 66 persons hostage during a riot in Penitenciaria Nelson Hungria, near Belo Horizonte. The prisoners were armed with pistols and knives. The riot ended with a promise by the authorities to transfer some of the inmates to other facilities.

On October 23, a riot broke out in Penitenciaria 2 de Itapetininga, in Sao Paulo State. At least 500 prisoners were involved; they took 14 guards as hostages. The riot lasted only 9 hours, but three prisoners died from fires set during the incident. On October 24, a gang fight inside Carandiru Prison in Sao Paulo killed two prisoners and injured another five. According to the authorities, the gangs were fighting over control of the prison. Prison authorities responded by transferring prisoners identified as most dangerous gang members to other facilities.

On or about November 5, a riot broke out in the Casa de Detencao Jose Mario Alves da Silva, in Porto Velho, Rondonia. Three prisoners were killed (apparently by other prisoners) and another 17 were injured. A guard also was injured. The revolt lasted 79 hours.

Armed with knives, razor blades, and pistols, prisoners in Sao Paulo's high-security Taubate penitentiary rioted December 17 and 18, resulting in the deaths of nine inmates. The riot was sparked by prisoner demands for transfer to lower-security facilities and was followed by an unsuccessful escape attempt. After the riot was quelled, the authorities transferred 25 prisoners to other facilities.

Prisoners also are subject to extremely poor health conditions. Scabies and tuberculosis, diseases not common in the general population, are widespread in Sao Paulo prisons. The Ministry of Justice estimates that 10 to 20 percent of the national prison population is HIV positive. Denial of first aid and other medical care sometimes is used as a form of punishment.

According to the Sao Paulo state secretary of prison administration, 1,923 prisoners in Sao Paulo's prisons are infected with tuberculosis, 178 have leprosy, 122 are infected with hepatitis, 457 are infected with HIV, and over 3,800 suffer from full-blown AIDS. AI reports that, while underused, the Sao Paulo state hospital for prisoners with AIDS is cleaner and better organized than most prison hospitals.

Overcrowding in Sao Paulo's prisons and police detention centers, which hold about 43 percent of the country's prison population, is a critical human rights problem. Although state prison capacity has risen by 50 percent with the opening of 21 new prisons since 1998, rising crime and inflexible sentencing has meant that facilities remain overcrowded. The prison population increased by 7,000 persons in the first 8 months of the year.

The state of Sao Paulo has approximately 92,000 prisoners. Only about 59,000 these prisoners are in the state penitentiary system. Due to lack of space, more than 32,000 prisoners, most of whom already have been convicted and should be in state penitentiaries, remain in temporary holding facilities in police stations. The state penitentiary system has an over-capacity rate of about 18 percent.

Sao Paulo prison authorities openly admit that overcrowding has led to abysmal conditions and violent riots in Sao Paulo prisons. There were 25 riots during the year in Sao Paulo prisons, which resulted in the deaths of 23 prisoners. A riot in Parana state on June 3-6 left one prisoner dead and three injured. Another riot occurred on July 12, although no one was hurt in that incident. Among the prisoners' complaints were overcrowding, the slow parole process, and lack of conjugal visits.

Overcrowding and lack of adequate security also lead to a number of escapes and carefully planned jail and prison breaks. On September 19, in Sao Paulo state, armed men broke into 2 prisons and 1 jail and freed 206 prisoners. At another break at Sumare prison, also in Sao Paulo state, 7 men stormed the complex and freed 92 of the 100 prisoners. Numerous breaks such as these occurred throughout the year, and very few prisoners were recaptured. In at least one case seven guards were held hostage during the escape.

Torture and mistreatment of prisoners by prison officials is also a serious concern. Investigations began in the torture and beatings of 20 prisoners in Sao Paulo's Sorocaba prison. The prisoners and their relatives charge that on July 28, the prisoners were forced to walk through two rows of police officers (armed with truncheons and sticks) who beat the prisoners as they walked. The prisoners were then divided into groups of five and each group locked into a solitary confinement cell designed to hold one person. In October a public prosecutor charged 20 policemen and 5 penitentiary guards with participating in the torture of inmates.

The authorities opened an investigation in the death of Nilson Saldinia, who died in February in the 50th district jail in Sao Paulo's Itaim Paulista neighborhood. Human rights groups claim that he died as a result of torture after police beat him and other prisoners with bars and metal rods and applied electric shocks to them (see Section 1.a.).

An investigation also has been opened into the allegation of a June 3 torture incident involving over 100 prisoners in Sao Paulo state's prison facility in the city of Americana. According to Justica Global, a local human rights group, prisoners were forced to pass through a "corridor" formed by military policemen from the Special Operations Unit while the policemen beat the prisoners with iron bars, truncheons, and whips. According to the organization, one prisoner's left arm was broken and another prisoner, Wilson Pereira da Silva, was beaten severely and then police threw a mixture of vinegar, water, and salt on his wounds. The director of the facility was fired shortly after the accusations surfaced.

Sao Paulo prison officials have taken steps to improve the quality of the prison guard force. Since 1998 new hires are required to have a high school diploma and to take human rights courses. Sao Paulo prison authorities also are attempting to improve conditions by building more prisons (six small ones were built during the year), by improving training of prison personnel, and by creating committees of community leaders to monitor prison conditions. However, they emphasize that the most serious problem--overcrowding--can not be resolved in the short term as it is simply impossible to build as fast as the prison population is growing.

The states of Rio de Janeiro and Sao Paulo provide separate prison facilities for women, but generally only in houses of detention or actual prisons, where female inmates are separated from men. However, in Rio de Janeiro state there are only two police districts in which women in lockup are held in exclusive short-term jail facilities. Women's facilities in Sao Paulo's penitentiary system are even more overcrowded than those for men. Facilities built to accommodate 600 female inmates hold 1,055. The state's prison expansion program did not include provisions for additional space for women. There are no facilities that are exclusively female--including inmates, guards, and warden. With male officers in women's prisons, opportunities for abuse and extortion of sexual favors are abundant.

Sao Paulo's juvenile detention centers (FEBEM) continue to be plagued by overcrowding, poor conditions, riots, and accusations of torture. The authorities completed an investigation into the 1999 riots at the FEBEM facility at Franco da Rocha and fired the director as a result. Human rights NGO's expressed regret that this was the only management-level employee discharged by year's end.

Since the extremely violent Tatuape complex riot in October 1999, human rights groups estimate that FEBEM employees have tortured or beaten at least 700 FEBEM inmates. The two most common forms of torture cited by these groups are "repique" and "recepcao." Repique is used after attempted escapes or rebellions, when the employees gather the inmates and beat them with iron bars and sticks. Recepcao occurs when adolescents are transferred to different facilities and are greeted by two rows of FEBEM guards who kick, beat, and scream at the prisoners as they pass between them to teach them the rules of discipline.

The Public Ministry was investigating 87 cases of torture and mistreatment in FEBEM facilities. Officials were considering for investigation another 52 complaints of mistreatment. The majority of the investigations and complaints involve the Tatuape complex.

Three cases of torture occurred in FEBEM facilities in June and July, involving the so-called ninjas, a group of FEBEM guards who roam FEBEM complexes at night, beating inmates at random. Actions by this group were registered at the Cadeiao de Pinheiros, Tatuape, and Franco da Rocha facilities.

Human rights organizations also accuse the Sao Paulo state government of holding 900 of the 4000 FEBEM

inmates in an "irregular" state (in violation of a federal statute) by putting them in adult prison facilities, in violation of the International Convention on the Rights of the Child, to which the Government is a signatory. The transfer of youth to adult prison facilities began in August 1999 and intensified after the riots in November of that year. Injunctions that would force FEBEM officials to move the youth to juvenile facilities consistently have been reversed by the Sao Paulo supreme court, citing the fact that there is no other place to put the inmates.

Government action has proved ineffective in improving the conditions in FEBEM. After the November 1999 riots, Sao Paulo Governor Mario Covas promised to build 20 new facilities and fire all FEBEM employees responsible for torture. To date 4 of the 20 facilities have been built, but they have failed to resolve overcrowding. Moreover, two of these new facilities were sites of later riots, leading employees to complain that the inmates had been transferred before the facilities were ready and able to provide basic care or recreational or educational activities. Some employees accused of mistreatment have been fired, but human rights groups claim that only a small portion of those responsible have been dismissed.

There is no evidence that conditions have improved in the 14 months since riots began. A report put together by several human rights groups also notes that FEBEM officials demand 5 days' notice for visits by human rights groups, inhibiting the independent analysis of conditions within the FEBEM complexes.

In August local human rights NGO's delivered a report to Nigel Rodley, the U.N. Special Rapporteur for Torture about the situation in FEBEM. Rodley toured the facilities and reported finding instruments of torture.

In November 1998, President Cardoso approved a law authorizing alternative sentencing for nonviolent offenders aimed, in part, at easing prison overcrowding. In its 1999 prison report, AI noted that the states of Rio Grande do Sul and Mato Grosso do Sul have imposed noncustodial sentences effectively, but points out that in states such as Rio de Janeiro alternative sentencing has not been implemented effectively. There was minimal improvement during the year on the issue of alternative sentencing. In May the Government approved legislation that provided new funds for prisons and options for alternative sentencing. In September Justice Minister Jose Gregori inaugurated a National Center of Support and Accompaniment for Alternative Sentences to educate the judiciary to apply alternatives such as community service to convicts sentenced to less than 4 years' incarceration to reduce prison overcrowding.

It is government policy to permit prison visits by independent human rights monitors, and state prison authorities generally observe this policy in practice. Federal officials in the Ministry of Justice responsible for penal matters offered full cooperation to AI, which reported no significant problems in gaining access to state-run prison facilities. U.N. Special Rapporteur Rodley was given full access during his 3-week fact-finding mission in August and September. By contrast, HRW noted in preparing its prison report in 1998 that gaining access to prisons was "surprisingly difficult," and that barriers ranged from outright denial of access to the use of procedural delays. Only three states of the eight investigated--Amazonas, the Federal District, and Rio Grande do Norte--had made their prisons completely accessible to Human Rights Watch.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes this prohibition; however, police continued at times to arrest and detain persons arbitrarily. The Constitution limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority. The authorities generally respect the constitutional provision for a judicial determination of the legality of detention, although many convicted inmates are detained beyond their sentences due to poor record keeping. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. However, groups that work with street children claim that the police sometimes detain street youths illegally without a judicial order or hold them incommunicado.

Human rights monitors allege that civil and uniformed police regularly detain persons illegally to extort money or other favors, citing the Favela Naval incident of 1997 as the most notorious example (see Section 1.a.).

The U.N. Special Rapporteur on Torture made an inquiry into the death of Anderson Carlos Crispiniano, who alleged himself to be the victim of police torture in Rio de Janeiro. In June Crispiniano was asleep at his home when a group of armed men identifying themselves as policemen forced their way in and arrested him without a warrant. They removed Crispiniano from his home and later telephoned to say that he was being held hostage for ransom. He later was released, badly beaten and partly paralyzed, and died after 15 days in the hospital.

HRW noted that police in the state of Parana arrested 173 persons, mostly without probable cause, during

forced evictions carried out during the year.

According to an AI press release, police detained 141 persons in an attempt to prevent protesters from disrupting the 500th anniversary celebration in Porto Seguro on April 22. Human rights activists protested the police action, calling the detentions unjustified and out of proportion to any perceived threat (see Sections 2.b. and 5). The authorities later released the temporarily detained demonstrators without filing charges.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary is an independent branch of government; however, it is inefficient, subject to political and economic influence, and plagued by problems relating to lack of resources and training of officials. In many instances, lower-income, less educated citizens make limited use of the appeals process that otherwise might ensure the right to fair trial.

The judicial system, with the Federal Supreme Court at its apex, includes courts of first instance and appeals courts. States organize their own judicial systems but must adhere to the basic principles in the Constitution. Specialized courts deal with police, labor, elections, juveniles, and family matters.

Defendants in criminal cases arrested in the act of committing a crime must be charged within 30 days of their arrest, depending on the crime. Other defendants must be charged within 45 days, although this period can be extended. Defendants for all but the most serious crimes have the right to a bail hearing. Based on the police investigation leading to the formal charges, prosecutors prepare an indictment for the review of a judge, who determines if the indictment meets the legal requirements to bring the accused to trial. A judge and jury try persons accused of capital crimes, attempted homicide, or more serious crimes. A judge tries lesser crimes. Defendants have the right to appeal all convictions to state superior courts. They further have the right to appeal state court decisions to both the Federal Supreme Court on constitutional grounds and to the Federal superior court to contest whether a decision was inconsistent with the decision of a court in another state or infringes on federal law. All defendants sentenced to 20 years in prison or more have the automatic right to a retrial in the same court.

Special police courts have jurisdiction over state uniformed police (except when charged with intentional homicide); the record of these courts shows that conviction is the exception rather than the rule. These courts (which are separate from the courts-martial of the armed forces, except for the final appeals court) are composed of four ranking state uniformed police officials and one civilian judge. With too few judges for the caseload, there are backlogs, and human rights groups note a lack of willingness by police to investigate fellow officers.

A 1996 law gives ordinary courts jurisdiction over cases in which uniformed police officers are accused of intentional homicide against civilians. However, except for the most egregious cases, the internal police investigation determines if the homicide was intentional, and the police tribunal decides whether to forward a case to a civil court for trial. As a result, few cases are referred to the civil courts. It takes 8 years to reach a definitive decision in the average case. At the appellate court level, a large backlog of cases hinders the court's ability to ensure fair and expeditious trials.

Defendants are entitled to counsel and must be made aware fully of the charges against them. According to the Ministry of Justice, approximately 85 percent of prisoners cannot afford an attorney. In such cases, the court must provide one at public expense; courts are supposed to appoint private attorneys to represent poor defendants when public defenders are unavailable, but often no effective defense is provided. Juries decide only cases of willful crimes against life, including crimes by police; judges try all others.

The right to a fair public trial as provided by law generally is respected in practice, although in some areas, particularly rural areas, the judiciary generally is less capable and more subject to influence. Similarly local police often are less dutiful in investigating, prosecutors are reluctant to initiate proceedings, and judges find reasons to delay when cases involve gunmen contracted by landowners to eliminate squatters or rural union activists.

Low pay, combined with exacting competitive examinations that in some years eliminate 90 percent of the applicants, make it difficult to fill vacancies on the bench. The system requires that a trial be held within a set period of time from the date of the crime. However, due to the backlog, old cases frequently are dismissed. According to a former judge, this practice encourages corrupt judges to delay certain cases purposely, so that they can be dismissed. Lawyers often drag out cases as long as possible in the hope that an appeals court

might render a favorable opinion and because they are paid according to the amount of time that they spend on a case.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary intrusion into the home. Wiretaps authorized by judicial authority are permitted. The law regulating the conditions under which wiretaps may be used appears to strike a fair balance between giving the police an effective law enforcement tool and protecting the civil liberties of citizens. The inviolability of private correspondence is respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution prohibits all forms of censorship and provides for freedom of speech and a free press, and the authorities respect these rights in practice.

Newspaper, magazines, and a growing number of on-line electronic publications, which are privately owned, vigorously report and comment on government performance. Both the print and broadcast media routinely discuss controversial social and political issues and engage in investigative reporting. Most radio and television stations are privately owned; however, the Government has licensing authority, and politicians frequently obtain licenses. Current or former congressional representatives, some of whom are or were members of the committee that oversees communications, own many television and radio stations, as well as local newspapers. It is difficult to determine how many media outlets are controlled indirectly by politicians, since concessions often are registered in the names of family members or friends linked to them. In addition the Government regularly approves transfers of concessions already granted to other individuals with little oversight.

The penalty for libel under the 1967 Press Law is a prison term. It is considered extreme by judges and rarely is imposed. The National Newspaper Association (ANJ) continued to press for an updated press law, noting that the current law dates from time of the military regime. Newspaper owners throughout the country have complained about judges who have imposed huge fines and jail terms against newspapers for "moral damage" that appear aimed at crippling news organizations. According to the ANJ annual report issued in September, if the new law does not establish criteria for calculating maximum fines for libel, there is a risk of restrictions to freedom of the press.

In December 1999, the Lower House of the Congress approved a press gag law (Lei Mordaca) that would penalize prosecutors, judges and government attorneys for revealing information about ongoing cases to the press. The ANJ, together with the Inter-American Press Association, mounted a public campaign against the law and Congress effectively stalled the legislation. The journalists argued that such a gag law would represent a prior restraint on freedom of speech, in violation of the Constitution.

Complex electoral campaign laws regulate the broadcast media and prescribe complicated arrangements to apportion the free use of commercial radio and television broadcast time granted to political parties during an election campaign. The short periods for rulings and non-appeal provisions of the regulations are designed to enforce discipline and ensure that remedies are applied in a timely manner. Media and free speech advocates generally accept the manner in which the campaign laws are enforced.

Foreign publications are distributed widely; prior review of films, plays, and radio and television programming is used only to determine a suitable viewing age.

The National Federation of Journalists (FENAJ) and the ANJ have documented a number of violent attacks, including killings and threats against journalists. The September ANJ report, which covered the period August 1999 through July, listed 8 cases of physical aggression against 12 journalists, including a murder attempt upon a newspaper reporter in Bauru, Sao Paulo. It also described five death threats against journalists. Although no new murder cases were reported during the year, the ANJ report noted that seven journalists have been murdered since 1995 and none of the crimes have been solved. The police said that charges have been brought in four of the cases, and that they could not gather sufficient evidence in the other three. The ANJ further stated that impunity for crimes committed against journalists and inappropriate and inconsistent application of the Press Law are impediments to the functioning of the free press.

The ANJ alleged that on February 17, two uniformed police officers attacked Juarez Rodrigues, from the newspaper Estado de Minas. The officers also confiscated Rodrigues' working equipment, his cellular phone, and demanded the roll of film in which Rodrigues had recorded a police action. Police Commander Augusto Severo later visited the newspaper's director to apologize for the actions against the reporter and to promise to pay for any material damage to the equipment. Severo also stated that a military inquiry had been initiated to punish the officers responsible.

The ANJ also alleged that, on February 22, two journalists and a driver from the newspaper O Povo de Fortaleza were beaten and tortured on the orders of the mayor of a small town, Hidrolandia, in which they were investigating a story. Although criticized and forced to leave his political party, the mayor remained in office.

According to the Inter-American Press Association (SIP), on March 3, journalist Ricardo Noblat, managing editor of the newspaper Correio Braziliense of Brasília, alleged that two of his sons had been attacked and that he had been receiving anonymous telephone threats since 1998. He stated that these actions were political persecution because of his professional activity. On June 27, the CDDPH gave the Justice Minister a preliminary report about the attacks on Noblat's sons. Although it was only preliminary, the report by the Justice Ministry concluded that the attacks were political.

Also according to the SIP, on March 8, a group of masked, armed men kidnaped journalist Klester Cavalcanti, correspondent of the magazine Veja in Belem, capital of Para state. The men pushed the journalist into a car, drove him to a forest with his head inside a black plastic bag, tied him to a tree in an isolated spot, pointed a revolver at him, and threatened him with death if he published a report on an illegal land sale.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully, and the Government respects this right in practice. Permits are not required for outdoor political or labor meetings, and such meetings occur frequently.

Police used force to disperse demonstrators on several occasions during the year, resulting in serious injuries and at least one death (see Sections 1.a. and 1.c.). In May MST protesters heading to Parana state's capital of Curitiba were stopped by police 20 kilometers outside the city. They said that they were planning to protest peacefully in front of government buildings. However, the same week, MST groups had invaded government buildings in several other capital cities. Parana state police say that they acted to prevent the same occurrence in their state. The confrontation between police and protesters which took place when the bus was stopped resulted in one death (see Section 1.a.). Human Rights Watch reported that police killed another demonstrator--Jose Marluccio da Silva---in Recife on July 25 during a similar protest, but no further information was available about this case.

Between May and October, MST protests increased, culminating in promises of about \$2 billion (4 billion reais) in federal government money for agrarian reform. Protests in the capital, Brasilia, united large numbers of protesters. In August joint protests by the MST and Contag (Confederacao Nacional de Trabalhadores na Agricultura) drew over 12,000 participants. Demonstrations in Brasilia were usually concurrent with smaller, local protests and invasions, of anywhere between 200 and 5,000 landless activists. Many protests occurred without incident, with notable exceptions. The MST's new method of forcibly invading public buildings is an example of increasing aggressiveness on the part of the movement. The movement also invaded President Cardoso's family farm.

However, the number of land invasions decreased sharply during the year. According to INCRA (the government agency charged with implementing land reform), there were only 226 invasions by landless militants through November, compared with 438 in 1999 and 427 in 1998, indicating that the large amount of land that has been distributed by the Federal Government may have had some effect in decreasing landless movement activity. The CPT noted that the number of conflicts between landless movement members, landowners, and police increased over the last 3 years, but that the number of resulting deaths declined from 47 in 1998 to 24 in 1999. The total number of MST activists killed during the year was not yet available.

In April a group of indigenous leaders organized a march in protest of the ceremonies to mark the 500-year anniversary of Portuguese arrival; however, police using riot gear prevented the protesters from entering the main square, and fired rubber bullets into the crowd. Human rights observers criticized the police for injuring over 30 persons, arresting over 100 others, and limiting free assembly and lawful protests. The then-president of FUNAI, Carlos Frederico Mares, resigned in protest over this incident.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no favored or state religion. All faiths are free to establish places of worship, train clergy, and proselytize, although the Government controls entry into indigenous lands.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement, except entry into protected indigenous areas, nor are there any restrictions on emigration or return. However, a parent is not allowed to leave the country with children under the age of 18 without the permission of the other parent, whether or not the marriage still is in effect.

In 1997 the Government passed legislation with provisions for asylum and refugee status intended to conform to the principles of the 1951 U. N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum and cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were 2,632 refugees in the country, mostly from Angola and other African countries, but also including persons from Iran, Bosnia, and Kosovo. During the year, a total of 445 persons were granted refugee status, out of a total of 590 requests.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting is secret and mandatory for all literate citizens aged 18 to 70, except for military conscripts who may not vote. It is voluntary for minors from 16 to 18 years of age, for the illiterate, and for those age 70 and over.

Women have full political rights under the Constitution and are increasingly active in politics and government; however, they are underrepresented in both fields. Cultural, institutional, and financial barriers continue to limit women's participation in political life. The number of female candidates for office in the 1998 national elections roughly doubled, compared with the number in 1994, according to statistics released by the Supreme Electoral Court (TSE). Women constituted approximately 12 percent of the total candidates. However, their representation in the national Congress decreased from 7.6 percent to 6.1 percent after the 1998 elections; 29 women were elected to the 513-seat Chamber of Deputies, and 5 to the 81-seat Senate. In August the TSE reported that for the first time, a majority of registered voters were female (50.45 percent). The TSE also reported that there were over 70,000 female candidates for the nationwide municipal elections. At 18.3 percent of the total number of candidates, this was a 40 percent increase from the last municipal elections in 1996. There were no female members of Cabinet. In December the first woman assumed her seat on the country's highest court, the Supreme Federal Tribunal.

Diverse ethnic and racial groups, including indigenous persons, while free to participate politically, are not represented in government and politics in proportion to their numbers in the general population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and national human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Federal officials generally are cooperative and responsive to their views. Federal and state officials, due to insufficient resources, in many instances actively solicit the aid and cooperation of NGO's in addressing human rights problems. However, on occasion human rights monitors are threatened and harassed due to their efforts to identify and take action against human rights abusers, especially members of the state police forces (see Section 1.a.).

AI reported in February that its office in Sao Paulo received a bomb threat from an extreme right group (see Section 5). The police investigated the threats and no bomb was found. AI noted that gay rights groups had received similar threats, that a member of their staff was attacked during the year, and that police had not acted to protect their staff or other human rights activists from violent attacks. The head of the AI office continued to receive threats by mail and phone. As a result, AI closed their Sao Paulo office and moved to Porto Alegre. At year's end, the Sao Paulo State Civil police still were investigating. The AI office in Porto

Alegre also continued to receive threats, which the Rio Grande do Sul police were investigating.

Henri des Roziers, a Dominican monk, attorney, and human rights activist in Xinguara, Para, received several death threats during the year for his assistance to victims of violence in the region and his direct involvement in criticizing cases of torture, police abuse, and forced labor. Des Roziers, along with the Ministry of Labor's Office to Combat Forced Labor, was instrumental in freeing 462 rural workers from forced labor in 1999. In May Pastoral Land Commission President Dom Tomas Balduino announced that des Roziers' name appeared on a "hit list" of 10 names of activists who were to be murdered, drawn up by large landowners. In July Des Roziers and the CPT criticized the use of torture in the Xinguara city police station. Para state civil police chief Joao Moraes responded with a personal attack on des Roziers and accused him of involvement in the murder of a landowner.

Established in April 1997, the Justice Ministry's National Secretariat of Human Rights oversees implementation of a 1996 action plan to address human rights abuses. The Secretariat also administers or sponsors programs to reduce violence among the poor, to train police officials in human rights practices, and to combat discrimination against blacks, women, children, indigenous people, the elderly, and the disabled. In May the Government appointed Gilbert Saboia, former ambassador to Sweden, as the new Secretary for Human Rights.

In May U.N. High Commissioner for Human Rights Mary Robinson visited the country and met with a full range of NGO's as well government officials. Robinson commended the Government for allowing her to investigate and for its recognition of its human rights problems and commitment to seek a solution. Robinson declared that impunity from prosecution is the greatest human rights problem, linking it to killings, torture, racial and sexual discrimination, and the exploitation of children. She also stated that the U.N. might open an investigation into the repression of indigenous rights during an April commemoration of the 500th anniversary of the European arrival to the country (see Sections 2.b and 5).

In December the Government released the second National Report on Human Rights, independently prepared by the Center for the Study of Violence at the University of Sao Paulo. The National Secretariat for Human Rights, the University of Sao Paulo, and the U.N. Development Program co-sponsored the preparation of the report. A comprehensive account of the human rights situation in each state, it provides information on health, education, public security, and labor conditions and a list of human rights monitors and advocates in each state.

In 1999 two attorneys working for a human rights group in Aracatuba, Sao Paulo state, received death threats after successfully prosecuting three police officers who were convicted of torture and homicide. The attorneys asked for police protection and refused to leave the city. Police investigations into the threats produced no results; the attorneys continued their work but without police protection.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination on the basis of sex, race, religion, or nationality; however, discrimination against women, blacks, and indigenous people continued to be a problem. The International Labor Organization (ILO) notes that important differences in wages affect women and blacks, particularly in rural areas. A 1997 law provides prison penalties and fines for racist acts, including promulgation of pejorative terms for ethnic or racial groups, use of the swastika, or acts of discrimination based on sex, religion, age, or ethnic origin. Several persons have been charged with racism since the law's enactment, mostly for the use of racial slurs.

There continued to be reports of violence against homosexuals, although it was not always clear that the victim's sexual orientation was the reason for the attack. The Gay Group of Bahia (GGB), the country's best known homosexual rights organization, and AI have in the past 7 years documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia. In some cases, these gangs included police officers.

In September Jose Eduardo do Bernardes da Silva, a member of AI, and Roberto de Jesus, president of the Gay, Lesbian, and Bisexual Pride Association, both received bombs in the mail with swastikas and the word revenge printed on the package (see Section 4).

Homosexual activist groups reported that 130 gay, lesbian, and transgender persons were murdered during the year, compared to 169 in 1999 and 116 in 1998. However, data compiled by activist organizations and claims that violence against homosexuals is increasing cannot be confirmed, because the motives for the crimes are not always clear. Information from the GGB and other homosexual rights groups clearly indicates

that transvestite prostitutes, the most visible homosexual group, are at a greater risk of violence than other homosexuals. Police routinely extort money from transvestites and often beat or kill those who fail to cooperate. Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. In past years, flagrant abuses by the police in the states of Alagoas and Bahia have been reported.

The Secretariat of State Security of Rio de Janeiro state, in partnership with NGO's, continued to operate a hot line to receive complaints of violence or other crimes against homosexuals. The Secretariat also continued to operate a hot line for complaints of prejudice, discrimination, or other crimes based on race, ethnicity, color, religion, or national origin. The offices in police headquarters where both hot lines are located also offered professional counseling to victims of such offenses. Respect for human rights and sensitivity to the problems of minorities and the poor are included in police training in Rio de Janeiro. In April a new Institute for Public Security was created to reform police organization, recruitment, and training; it also aims to improve police performance on human rights.

Women

The most pervasive violations of women's rights involved sexual and domestic violence, which are both widespread and vastly underreported. There is a high incidence of physical abuse of women. Most major cities and towns have established special police offices to deal with crimes of domestic or sexual violence against women; there are over 250 such offices. However, reporting crimes and receiving help continue to be a problem for women living in remote areas who must sometimes travel great distances to the nearest special precinct. For example, the large but sparsely populated states of Acre and Roraima each have only one such precinct.

Though the numbers of reported cases of the most common crimes rose through much of the 1990's, they generally have leveled since 1998. For example, in the state of Sao Paulo, there were 1,731 reported cases of rape in the first 11 months of the year, compared with 1,833 for all of 1999. In the Federal District, the number of reported cases of rape declined slightly to 371 during the year, compared with 416 cases in 1999. The annual number of cases of harmful physical assault against women reported to the police in the state of Rio de Janeiro nearly doubled from 1991 to 1999, to 34,831, and the number of rapes reported increased from 952 to 1,455. Both state authorities and women's rights activists agree that a large number of rapes go unreported. According to a 1998 study of two middle-class neighborhoods in Rio de Janeiro, only 10 percent of women who had suffered violent attacks reported them to the police. The Sao Paulo Center for Assistance to Female Victims of Sexual Violence reported that 400 women sought the center's intervention in rape cases after receiving no help from the police in 1998. In Bahia there were 7,751 complaints about violence to women filed with the police Delegate for the Protection of Women during the first 7 months of the year, an increase of 40 percent over the same period in 1999.

Trafficking in women for the purpose of forced prostitution is also a serious problem (see Section 6.f.).

Each state Secretariat for Public Security runs "women's stations" (delegacia da mulher). However, the quality and availability of services provided varies widely, especially in isolated areas. These offices are intended to provide the following services for victims of domestic violence: psychological counseling; a "shelter home" for victims of extremely serious abuses who have no place to go; hospital treatment for rape victims, including abortion (up to 12 weeks of pregnancy) and treatment for HIV and other sexually transmitted diseases; and initiation of criminal cases by investigating and forwarding evidence to the courts.

The penalties for rape vary from 8 to 10 years in prison.

A domestic violence offender in a case that does not involve a serious offense and carries penalties of less than 1 year's imprisonment may receive alternative sentencing with no jail term, according to the Latin American and Caribbean Committee for the Defense of Women's Rights.

Men who commit crimes against women, including sexual assault and murder, are unlikely to be brought to trial and courts still are reluctant to prosecute and convict men who claim that they attacked their wives for infidelity. A 1999 study by an academic at the Catholic Pontifical University of Sao Paulo indicates that 70 percent of criminal complaints regarding domestic violence against women are suspended without a conclusion. Only 2 percent of criminal complaints of violence against women lead to convictions. In 1998 the National Movement for Human Rights reported that female murder victims were 30 times more likely to be killed by current or former husbands or lovers than by others.

The Constitution prohibits discrimination based on sex in employment or pay and provides for 120 days of paid

maternity leave. However, the provision against wage discrimination rarely is enforced. According to statistics released in 1998 by the International Confederation of Independent Unions, women are paid, on average, 44 percent less than men. According to government statistics released in 1998, women with a high-school education or less earn, on average, 63 percent of the salaries earned by men with the same level of education. Black women earned on average 26 percent of a white male's salary. A 1998 study by a sociologist showed that women who started working in positions in which they earned twice the minimum wage advanced in pay after 10 years to a wage of seven times the minimum wage. Men starting in the same positions earned 2.6 times the minimum wage and advanced to a wage of 10.9 times the minimum wage after 10 years. A Ministry of Labor survey reported that the average starting salary for high-school-educated women in Sao Paulo was one-third less than the average starting salary for high school educated men. According to the Ministry of Labor and Employment (MLE), Centers for the Prevention of Workplace Discrimination have been established in 16 states. These centers, which are housed in regional bureaus of the Ministry, promote programs to end discrimination in the workplace and cultivate partnerships with other organizations that combat discrimination. The centers also serve as clearinghouses for allegations of discrimination.

In response to the Maternity Leave Law, some employers seek sterilization certificates from female job applicants or try to avoid hiring women of childbearing age. A 1995 law prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates. Employers who violate the law are subject to a jail term ranging from 1 to 2 years, while the company must pay a fine equal to 10 times the salary of its highest-paid employee.

Children

Millions of children continue to suffer from the poverty afflicting their families, must work to survive, and fail to get an education. Schooling is free and compulsory until the age of 14 and is available in all parts of the country. The education system does not exclude any groups; however, 1.1 million children between 7 and 14 years of age did not attend school in 1999.

In September UNICEF reported that nearly 100,000 children die each year before their first birthday, almost half during the peri-natal period. While the national infant mortality rate declined from 50.8 in 1989 to 36.1 per 1,000 live births in 1998, in some states, such as Alagoas, it reached 72 per 1,000. Some municipalities have a rate of 110 per 1,000.

According to a UNICEF report, over 20 million children and adolescents, or almost 35 percent, live in poverty. About 2.9 million children under the age of 15, including over 375,000 between 5 and 9 years old, continue to work (see Section 6.c.). Many work together with their parents, most often in agriculture. Many other children beg on city streets. According to the most recent government figures released in November 1999 and confirmed by UNICEF, the number of children working has decreased steadily since 1993, while the number of children attending school has increased. However, the overall level of child labor remained roughly the same between 1998 and 1999, because progress in reducing it was hampered by a rise in agricultural production that year. The Federal Government administers a total of 33 programs under 5 separate ministries aimed at combating child labor. The Ministry of Social Security and Assistance's program for the eradication of child labor provided supplemental income or "school scholarships" to the families of 390,000 children in rural and urban areas who, in return, must attend school. The federal scholarship program is supplemented by a number of similar programs administered by municipalities and NGO's. Some of the largest such programs are in Campinas (Sao Paulo state), Belo Horizonte (Minas Gerais), and Olinda (Pernambuco).

There are no reliable figures on the number of street children. Some are homeless, but the majority return home at night. Disparities in the numbers of children living on the street reported by children's rights activists indicate the difficulty of arriving at accurate estimates. The Center for the Defense of Children and Adolescents (CEDECA) in Belem, in the state of Para, reported that in 1998 a total of 2,328 youths under the age of 18, or 0.5 percent of the youth population, spent their days in the streets. CEDECA estimated that 97 of those youths lived permanently in the streets.

NGO's in Rio de Janeiro have made 28 shelters available for homeless children, but some children prefer the freedom and drugs that street life offers. Drug use, particularly glue sniffing and crack, is increasingly prevalent among street children. NGO's report that extreme poverty at home or sexual abuse by fathers and stepfathers are the principal reasons that many children choose to live in the streets. A national study of rape cases carried out by a group of Sao Paulo academics indicated that family members committed roughly 70 percent of rapes within their own homes. A study by the Brazilian Geography and Statistics Institute (IBGE) reported that 47 percent of Sao Paulo street children come from families that earn less than \$200 (350 reais) per month. Nationwide, the Inter-American Development Bank estimates that some 30 million children live below the poverty line and increasingly come from households headed by women.

In the October 1999 case of a child prostitution ring in Maranhao that involved police, judicial authorities, and elected officials, charges were brought against the owner of a bar, a local judge, a high-ranking police official, and two attorneys. At year's end, trials had not yet taken place.

Youth are both victims and perpetrators of violence. Of all deaths of 15- to 19-year-olds, 72 percent are due to causes such as homicide, suicide, and traffic accidents, which reduces by at least 3 years the average life expectancy of men. During the first half of the year, 50 young people died as a result of manslaughter in the state of Sao Paulo alone. Approximately 85 percent were victims of commercial sexual exploitation and ranged from 12 to 17 years of age. Homicide is the leading cause of death for children aged 10 to 14, and only 1.9 percent of murderers are serving prison sentences.

A 1999 study by the Information Network for Violence, Exploitation, and Sexual Abuse of Children and Adolescents (CECRIA), an entity within the National Human Rights Secretariat, states that government efforts to combat sexual exploitation of children need to be better tailored and coordinated. It cites 40 separate programs operated by national and international NGO's, some in partnership with Government entities, but notes that most of the programs face shortfalls in resources and personnel. In association with the Ministry of Justice, the NGO ABRAPIA has since 1997 operated a telephone hot line to register complaints of sexual abuse against children and adolescents. ABRAPIA also administers the "SOS-child" program in Rio de Janeiro state that registers complaints of domestic abuse against children and provides medical and social assistance.

Sexual exploitation of children and child prostitution remained a significant problem throughout the country. The CECRIA report indicated that patterns of sexual exploitation of children correspond to the distinct economic and social profile of the country's region. In the northern Amazonian region, sexual exploitation of children centers around brothels that cater to mining settlements. In the large urban centers, children, principally girls, who leave home because of abuse or sexual exploitation often prostitute themselves on the streets in order to survive. In the cities along the northeast coast, sexual tourism exploiting children is prevalent, and involves networks of travel agents, hotel workers, taxi drivers, and others who actively recruit children and even traffic them outside the country. Child prostitution also is developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. In port cities, crews from cargo vessels are a primary clientele. The report notes that although trafficking develops in part to meet the demands of foreigners, and that the local population sustains it.

Trafficking in children for the purpose of forced prostitution is a serious problem (see Section 6.f.).

People with Disabilities

The Constitution contains several provisions for the disabled, stipulating a minimum wage, educational opportunities, and access to public buildings and public transportation. However, groups that work with the disabled report that state governments failed to meet the legally mandated targets for educational opportunities and work placement. A 1991 law stipulates that all businesses with over 200 employees must reserve 2 percent of their vacancies for the disabled. In 1999 labor officials in the Federal District launched an information campaign to encourage firms to comply with the law and warned that noncomplying firms could be fined.

The National Human Rights Secretariat sponsored a "City for Everyone" program in cooperation with municipal governments and national and international NGO's that focused on providing better access for the disabled to public areas and public transport. However, little progress in the elimination of architectural barriers to the disabled has been made. In 1999 Rio de Janeiro state mandated that bus companies must make a specific number of buses on certain routes accessible to wheelchair users within 3 months. By September only 14 public buses--of thousands in the city--had been adapted for wheelchair use. No intercity or interstate buses had been modified. The city of Niteroi put in service 10 vans specifically for the use of disabled persons, but the supply of this service lagged behind the rising demand.

In June the Chamber of Deputies' Human Rights Commission released the report of its investigation into the conditions of mental hospitals and asylums. The report cited many examples of understaffed and poorly administered hospitals, substandard living conditions for many patients, and severely overcrowded and unclean facilities.

According to the Federal Ministry of Education, in 1997 only 5 percent of the estimated 6 million school-age children with disabilities had access to specialized instruction. Throughout the country, 43 percent of school districts offer special instruction for disabled children. In the nine states in the northeast part of the country, only 24 percent of school districts offer special instruction.

Indigenous People

The Constitution grants the indigenous population of approximately 330,000 broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands; however, the Government has fallen short of securing these rights for indigenous people in practice. The Government estimates that over half live in poverty in communities whose traditional ways of life are threatened on a variety of fronts. The number of indigenous citizens receiving food assistance in the southern states of Sao Paulo and Rio Grande do Sul exceeded the total indigenous population at the time of the 1995 census in those states. The greatest number of beneficiaries reside in Mato Grosso do Sul state, where 42,000 persons of a total indigenous population of 45,300 receive food assistance.

Indigenous leaders and activists complain that indigenous people have only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders. Illegal mining, logging, and ranching are serious problems on indigenous land.

The National Indian Foundation (FUNAI) is responsible for the coordination and implementation of indigenous policies. The President appoints the head of FUNAI; it is organized into 52 regions with directors appointed directly by the FUNAI president.

The 1988 Constitution charged the Federal Government with demarcating indigenous areas within 5 years. By January the Government had completed demarcation of roughly 79 percent of the total area of identified indigenous territory. During the year, the Government demarcated 4 more areas totaling about 360 square miles. Of the 563 identified indigenous areas, 313 have reached the final registration stage, and 250 remain to be demarcated legally. Identified indigenous territory comprises 11 percent of the national territory.

In December 1998, the Federal Government issued a decree recognizing the original boundaries of the Raposa Serra do Sol indigenous area in the Amazonian state of Roraima, overturning a controversial decision made in 1996 by the Justice Minister to limit and alter the shape of the reserve. In 1999 a state court suspended the demarcation process after local landowners and economic interests filed a suit requesting that action. In 1999 Roraima Senator Mozarildo Cavalcanti presented a bill canceling the 1998 decree. In September the bill was given an unfavorable report in committee. Indigenous activists claim that the Government's failure to allocate resources and complete the demarcation was a political concession to local economic and political interests who then were able to influence the state court. The demarcation of Raposa Serra do Sol has been pending since 1992.

The Constitution provides indigenous people with the exclusive use of the soil, waters, and minerals on indigenous lands, subject to congressional authorization. In granting such authorization, the Constitution stipulates that the views of the affected communities must be considered and that the communities also must "participate" in the benefits gained from such use. However, legislation regulating mining on indigenous lands has been pending before the Congress since 1995. The Catholic Church-affiliated Indigenous Missionary Council (CIMI) criticized the regulations within the legislation that would provide for indigenous groups' approval of mining concessions and their participation in the profits from mining, on the grounds that they do not address sufficiently the constitutional rights of indigenous people.

In 1999 landowners brought a civil action to the Supreme Court against a lower court ruling in Bahia that restored demarcated land of the Caramuru-Catarina Paraguacu reserve to the Pataxo Ha-Ha-Hae tribe. At year's end, no trial date had been set. Other attempts were made to negotiate between the tribe and landowners.

The Government estimates that 208 of the 563 identified indigenous lands are used illegally by nonindigenous persons for mining, logging, and agriculture. Nonindigenous invaders destroy the environment and wildlife, spread disease, and provoke violent confrontations. FUNAI admits that it does not have the necessary resources to protect indigenous lands from encroachment.

Due partly to the Government's failure to provide adequate medical care as required by law, indigenous people have suffered epidemics of malaria, measles, and tuberculosis. According to the chief of FUNAI's medical department, 60 percent of the indigenous population suffer from a chronic disease such as tuberculosis, malaria, or hepatitis. In certain areas of the Amazon region, up to 80 percent of the population are affected. Illegal mining in the Amazon has led to the doubling of the incidence of malaria in the 1994-98 period. FUNAI estimates that 75 percent of the affected population is indigenous. The infant mortality rate among the Yanomami in 1997 was 13 percent, while infant mortality among nonindigenous residents in the area was only 1.5 percent. According to health workers' unions, poor working conditions and lack of resources from the

Government make it very difficult for health workers to travel into indigenous areas to provide sufficient medical care.

FUNAI also has been unable to provide mandated health care and other basic services. Hoping to improve the level of health care provided to indigenous people, in 1999 the Government transferred that responsibility from FUNAI to the Ministry of Health.

According to the Pro-Yanomami Committee, in 1999 FUNASA, the Government's health agency, issued a report showing that in 1998, 279 indigenous persons died in Roraima, 180 of them Yanomami. Most of the deaths were caused by acute respiratory infection, malaria, and diarrhea. Almost half died without having received medical assistance.

In September after Federal prosecutors complained about the slowness of the police investigation, the National Council for Human Rights formed a committee to oversee the investigation of the May 1998 killing of Xucuru Chief Francisco "Xicao" de Assis Araujo. Araujo defended the land claims of his tribe, whose lands are being encroached upon by ranchers in his home state of Pernambuco.

No progress was made in the case of mass sterilizations promoted among women of the Pataxo tribe of Bahia by Federal Deputy Dr. Roland Lavigne in exchange for votes during his 1994 electoral campaign. Women were reluctant to have children due to the general level of poverty in the community, and campaign workers allegedly convinced them that sterilization was the only effective form of birth control. Pataxo leaders claim that the sterilizations were a deliberate program of genocide intended to eliminate their tribe and free their land for farmers who illegally occupy the Pataxo reserve.

In April during the celebration of the 500th anniversary of the arrival of the Portuguese in Porto Seguro (Bahia), police used rubber bullets and tear gas, in violently blocking 2,000 indigenous marchers from entering the city. Indigenous leaders were seeking damages in civil court at year's end. In May U.N. High Commissioner for Human Rights Mary Robinson raised the police's actions with President Cardoso. The President denied any use of excessive force, and in July a Federal Police investigation reached the same conclusion. However, the Federal Public Prosecutor has challenged these findings. FUNAI president Mares resigned in protest over the treatment of indigenous people during the event.

In May an Acre state judge sentenced former Acre governor Orleir Cameli, his family's firm, and his partner Abraao Candido da Silva, to pay about \$5 million (10 million reais) to the Ashaninka-Kampa indigenous group for material and moral damage caused by the extraction of mahogany and cedar from 1981 to 1987. The firm extracted 2,478 cubic meters of wood from the area. Cameli announced he would appeal the decision.

In September CIMI reported that FUNAI was going to press charges against Jordao, Acre city councilman Auton Farias, and two others for the murder of an indigenous person in Tarauaca, Acre.

Religious Minorities

Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi groups.

Amnesty International reported that Eduardo Bernardes da Silva, a worker with the NGO's office in Sao Paulo, received a suspicious package at his home on September 5. He

opened it partially and found a device covered in swastikas, thought to have been sent by a neo-Nazi group. Police confirmed that it was a bomb and destroyed it in a controlled explosion.

The next day a similar bomb was sent to the offices of the Associacao da Parada GLBT, an association which organizes an annual Gay Pride March, reportedly by the same group.

In September a neo-Nazi group sent letters to two prominent Sao Paulo human rights commission members, Renato Simoes and Italo Cardoso, threatening to "exterminate" gays, Jews, black people and nordestinos (people from the impoverished northeast of the country), as well as those seeking to protect their rights. The letter said that the group intended to target a number of human rights organizations on or around the country's September 7 Independence Day, including Tortura Nunca Mais (No More Torture), Action by Christians against Torture, AI, and gay and lesbian groups.

National/Racial/Ethnic Minorities

Although racial discrimination has been illegal since 1951, darker-skinned citizens say that they frequently encounter discrimination. Legislation in force since 1989 specifically prohibits, among other practices, denial of public or private facilities, employment, or housing to anyone based on race. A 1997 amendment to this law added prohibitions against, and jail terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. The media reported arrests of several persons charged with using racial slurs during the year. Several examples of such cases include that of a seamstress pressing charges against her employer, a stagehand bringing charges against a theatrical director, and a customer pressing charges against an employee of a video rental store. All instances involved use of racial slurs when insults were uttered; at year's end, none had completed the trial process.

In Sao Paulo human rights activists continued to express concern because of discrimination against blacks and poor persons from the northeast by neo-Nazi groups in the south. Many of these groups maintain Web sites that espouse violence. The Sao Paulo State Assembly Human Rights Committee criticized several hate groups who maintain such Web sites and asked the Public Ministry for an investigation. One man, who maintained a Web site that called for the eviction from Sao Paulo of all emigrants from northeastern part of the country, was accused of crimes under the Racism Law. Instead of going to trial, he chose to accept guilt for the crime and did community service as punishment. At year's end, other similar cases still were being investigated.

ISER research noted a disproportionately higher rate of police killings of Afro-Brazilians. Persons of color are five times more likely to be shot or killed in the course of a law enforcement action than are persons who are perceived to be white.

In September two members of the Sao Paulo State Assembly's Human Rights Committee received threatening letters stating that the group which identifies itself as "raca pura" (pure race) is "fighting for an end to homosexuals, blacks, and northeasterners." Sao Paulo's State Secretary of Security ordered an investigation into both incidents. The investigations were ongoing at year's end.

In addition to these violent threats against minorities, research conducted this year at the Federal University of Rio de Janeiro reconfirmed that Afro-Brazilians experience lower standards of living than whites. Cross-checking data from the IBGE, the national statistics office, and the U.N. Human Development Index showed that Afro-Brazilians have lower salaries, life expectancies (62 years instead of 69 years), and educational standards (79 percent literacy rates, compared with 92 percent) than whites. Afro-Brazilians and mulattos still are clearly disadvantaged economically and socially throughout the country. In Sao Paulo, for example, the rate of unemployment among blacks is 22.7 percent, while the rate among nonblacks is 16.1 percent. Nonblacks in Sao Paulo have an average monthly income of about \$523 (1,005 reais), while blacks average only \$267 (512 reais) a month.

According to research carried out by the Inter-Union Department of Statistics and Socioeconomic Studies in 1998, Afro-Brazilians had higher rates of unemployment, earned less, and enjoyed less job stability than white Brazilians in each of the five largest metropolitan regions where data were gathered. In and around Salvador, Bahia, which has the highest percentage of Afro-Brazilians of any metropolitan region, unemployment among Afro-Brazilians was 45 percent higher than among whites (the difference among heads of household was 75 percent). In Sao Paulo, Afro-Brazilian unemployment was 41 percent higher than among whites and 64 percent higher among heads of households. Afro-Brazilian men earned on average between 62 percent and 70 percent of the average salary earned by white men in the five regions surveyed. Afro-Brazilian women earned on average between 33.5 and 47 percent of the average salary of a white man. Illiteracy also is a problem: 32 percent of blacks are illiterate, compared with 14 percent of whites. Blacks are less likely than whites to be enrolled in institutes of higher education.

A much higher percentage of blacks are convicted by courts than whites, according to professor Sergio Adorno of the University of Sao Paulo's Nucleus for the Study of Violence. Adorno analyzed 500 criminal cases judged in Sao Paulo courts in 1990 and found that 60 percent of whites able to afford their own lawyers were acquitted, while only 27 percent of blacks who hired lawyers were found not guilty. Ignacio Cano, a researcher at the Sociological Institute of Religious Studies in Rio de Janeiro, found strong evidence of racial bias by the police in the use of lethal force against residents of color in Rio de Janeiro from 1993 to 1996 and in Sao Paulo from 1996 to 1999. According to Cano, Afro-Brazilians were three times as likely as whites to suffer death or injury from police gunfire.

In 1997 the Federal Government's Interministerial Working Group for the Valorization of the Black Population issued 29 recommendations, including the creation of affirmative action programs for university admissions and government hiring. The group is charged with proposing public policies to increase the participation and access of Afro-Brazilians in society. The National Secretariat for Human Rights adopted some of the group's recommendations in the national human rights program, which now contains, as a specific goal, the development of affirmative actions programs to increase access for Afro-Brazilians to professional schools and

universities.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provides for representation of all workers (except members of the military, the uniformed police, and firemen) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the Ministry of Labor and Employment (MLE), which accepts the registration if no objections are filed. Registration can be contested with the MLE by other unions which represent workers in the same geographical area and professional category. In the case of such an objection, the MLE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MLE will not register the union and it remains for union organizers to challenge the decision in the labor courts.

The 1988 Constitution freed workers to organize new unions out of old ones without prior authorization of the Government; however, it retained many other provisions of the old labor code. One such provision is a restriction known as "unicidade" ("one-per-city"), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement, as well as the International Confederation of Free Trade Unions (ICFTU), criticize the retention of unicidade. The Cardoso administration submitted a constitutional amendment to Congress that would end unicidade, but at year's end, it still had not come to a vote due to disagreement over the proposal.

In practice a number of competing unions have been allowed to exist among the thousands of local unions. However, these do not represent the norm, and the MLE and the courts actively enforce the principle of unicidade in decisions regarding the registration of new unions.

Approximately 16 percent of the work force voluntarily pays union dues, but nearly twice that percentage is charged a mandatory union tax and also is represented in collective bargaining. The Ministry of Labor estimates that there are over 16,000 unions. Local unions are able to associate with state federations and national confederations in their professional category. Unions are obliged by law to represent all workers in a professional category and geographical area, regardless of membership status.

Although the law makes no provision for central labor organizations that include multiple categories of workers, four major groups have emerged: the Workers' Unitary Central (CUT), the Forca Sindical (FS), the Workers' General Confederation (CGT), and the Social Democratic Union (SDS). Labor centrals are not provided for in the Labor Code, and centrals do not have legal standing to represent professional categories of workers in collective bargaining.

Unions and their leadership are independent of the Government and of the political parties. The leadership of major unions is distinct and independent from that of the political parties. The major union centrals tend to share links to various left-of-center political parties. In some instances, unions and centrals form alliances with political parties and social movements to advocate or carry out protest acts regarding specific issues. One of the largest such acts in recent years was the "March of 100,000," which brought 75,000 representatives of the CUT, the National Confederation of Agricultural Workers, the MST, and 30 other organizations to Brasilia in 1999 to protest government policies.

The Constitution provides workers with the right to strike (except for the military, police, and firemen). Enabling legislation passed in 1989 stipulates that essential services must remain in operation during a strike and that workers must notify employers at least 48 hours before beginning a walkout. Congress has yet to pass the complementary legislation establishing legal protection for strikes in the public sector; however, in practice the Government has not interfered with the right of public workers to strike. The Constitution prohibits government interference in labor unions, but provides that "abuse" of the right to strike (such as not maintaining essential services, or failure to end a strike after a labor court decision) is punishable by law. Employers are prohibited from firing workers or hiring substitute workers during a strike, with certain exceptions, provided that the strike is not ruled abusive. If a union follows the laws regarding strikes, which were eased in the 1988 Constitution, the labor courts generally do not rule that the strikes are abusive.

The number of strikes has diminished in recent years. According to the Inter-union Department of Socioeconomic Studies and Statistics (DIEESE), there were approximately 550 strikes in 1999, compared with 1,250 strikes recorded in 1996. In the city of Sao Paulo and the surrounding region, which covers the country's industrial center, data from the regional labor court showed that there were 84 strikes during the year, the lowest number in a decade. Public sector strikes received the most attention in the media during the year.

Public sector unions that struck during the year include municipal transit workers, customs agents, public teachers, state university workers, and various categories of federal employees. In addition major strikes in the private sector included the metalworkers of Sao Paulo, bank workers, truck drivers, and longshoremen in the port of Santos.

On May 18 in Sao Paulo, military police fired tear gas and rubber bullets into a crowd of striking workers from a coalition of 25 unions linked to the CUT. More than 20 strikers were injured. Strikers reacted by throwing rocks and cans at police, injuring five policemen (see Section 1.c.). The ICFTU reported that police fired on striking workers at a government-run company in Brasilia in December 1999, killing public sector worker Jose Ferreira da Silva and injuring 20 others. Although police said that they used only tear gas and rubber bullets, live ammunition was found in Ferreira's body.

According to leaders of the National Confederation of Agricultural Workers, an organized campaign exists in the state of Para to assassinate rural labor leaders. In November labor organizer Jose Dutra da Costa was shot and killed in Rondon do Para. Costa served as director for land reform policy of the local union, which was involved in taking over disputed land for the settlement of rural workers. In June in the state of Para, Jeronimo Alves de Amorim was convicted of ordering the 1991 murder of the head of a local workers' union, Expedito Ribiero de Souza (see Section 1.a.).

Unions and centrals freely affiliate with international trade union organizations; the CUT, FS, and CGT are affiliated with the ICFTU.

The ICFTU reports that intimidation and killings of rural labor union organizers and their agents also continues to be a problem.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize. Businesses and unions are working to expand and improve mechanisms of collective bargaining. However, due to the highly detailed labor code, the scope of issues legally subject to collective bargaining is narrow. The labor court system exercises normative power with regard to the settlement of labor disputes, discouraging direct negotiation. The Cardoso administration made expansion of collective bargaining one of its major objectives in the labor sector. However, the Labor Ministry has yet to introduce legislation on the issue due to fierce resistance by labor unions, which view such government efforts as an attempt to make negotiable collective bargaining rights provided for by the Constitution.

Collective bargaining is widespread in the formal sector. More than 16,700 negotiated contracts were registered with the Labor Ministry in 1999, a significant increase from the 10,000 contracts registered 2 years earlier. To be binding, all collective bargaining agreements must be reported to the Labor Ministry within 8 days of their conclusion. In spite of the prevalence of collective bargaining, unciidade and the inability of new unions to compete with existing unions limit the effectiveness of negotiations and the bargaining power of unions. As a result, DIEESE reports that only half of the collective bargaining agreements it tracked in 1999 contained wage increases that kept pace with inflation.

In 1995 the Cardoso administration promulgated a provisional measure that simultaneously ended inflation indexing of wages, allowed for mediation of wage settlements if the parties involved so desired, and provided greater latitude for collective bargaining. Previously the labor court and the Labor Ministry had responsibility for mediation in the preliminary stages of dispute settlement. Although labor court decisions still set wages in many disputes, parties now may choose mediation as an alternative. Free mediation services are provided by the Ministry of Labor and the Public Ministry of Labor, and unions and employers also may choose a private mediator from a registry kept by the Labor Ministry.

The Constitution incorporates a provision from the old labor code that prohibits the dismissal of employees who are candidates for or holders of union leadership positions. Nonetheless, dismissals take place, with those dismissed required to resort to a usually lengthy court process for relief. In general the authorities do not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances are slow and cumbersome. At year's end, over 2.5 million complaints were languishing in the labor court system, where they may remain unresolved for 5 to 10 years. According to the Supreme Labor Court, over 2 million complaints have been registered in labor courts each year during the past 5 years.

The Government is attempting to reduce this backlog and increase the efficiency of the courts. Legislation approved in January enables cases with relatively low monetary claims to be adjudicated in one meeting with a

judge within 30 days of the filing. Another recent law promotes the formation of employee/employer conciliation commissions designed to resolve grievances before they reach the labor courts. In the past, according to union officials, as many as 95 percent of cases in courts took between 5 to 10 years to resolve.

Labor law applies equally in the free trade zones. The unions in the Manaus free trade zone, like rural unions and many unions in smaller cities, are weaker vis-a-vis employers than unions in the major industrial centers.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor; however, there continue to be credible reports of compulsory labor in many parts of the country. The 2000 ICFTU report states that forced laborers number in the hundreds of thousands, but there are no government sources to confirm such estimates. Forced labor is most common in agricultural activities in the rural north and center-west of the country, in logging, charcoal production, herding, and agriculture. The majority of cases occur when employers recruit laborers from population centers and transport them long distances to remote areas where escape is difficult. Laborers often are forced to work in inhuman conditions, many times under the watch of armed guards, to pay off debt that they incurred on the trip or at the worksite. In many cases, overseers or owners of farms withhold pay from migrant laborers and use force to retain and intimidate them.

According to the Penal Code, violators of forced or compulsory labor laws may be sentenced up to 8 years in prison. Legislation passed in December 1988 better defined penalties for those who recruit workers under fraudulent claims, withhold documents or salaries, or force workers to labor against their will to repay debt.

Government officials and labor activists say that widespread poverty, low levels of education, and lack of awareness of workers' rights greatly complicate efforts to combat forced labor. Enforcement also has been hampered by the remoteness of the areas in which forced labor is practiced and the difficulty of arriving in these areas without alerting those using illegal labor. Additionally, freed workers often are afraid to testify against those who recruited and supervised them and are unable to remain in the region in order to testify. Thus the authorities often have found it difficult to identify and prosecute the owners of farms or businesses that exploit forced labor. In its March report, the ILO Committee of Experts noted that when convictions do occur, usually only the third party recruiters are punished and the owners of the large estates who employ illegal labor are not sanctioned. Beginning in 1996, the Government may expropriate and use in land reform programs land on which slave labor is found. However, land owners must be compensated for these lands. In one case, the Government paid the owner of the Flor da Mata ranch in the Para state for lands expropriated for use in land reform in 1998. The Pastoral Land Commission objected to the amount paid to the ranch owner, stating that it was well above what the owner paid for the land, thereby contributing to a sense of impunity and rewarding those who allow their lands to be used for forced labor. There is proposed legislation in Congress that would allow land to be confiscated with no payment to land owners.

Federal Government efforts to eliminate forced labor are coordinated by the Executive Group to Combat Forced Labor (GERTRAF), which was established in 1995. The Ministry of Labor coordinates GERTRAF, which includes representatives from seven different ministries. The enforcement arm of GERTRAF is the Special Group for Mobile Inspection (SETIF), which works in conjunction with Federal Police. During 1995-98, the teams carried out more than 500 raids. They reached over 140,000 persons working under varying conditions approximating forced labor. Over this period, SETIF freed nearly 800 workers from slave-like conditions and helped in the prosecution and incarceration of 13 persons. SETIF conducted 123 raids and freed 639 workers from forced labor in 1999--more than in any previous year. Through the first 6 months of the year, the group freed 418 workers from 45 ranches and levied over \$200,000 (370,000 reais) in fines. Although 33 minors under 16 years of age were found working on ranches during raids by SETIF during the year, none of them were laboring in conditions of forced or compulsory labor.

In its largest single operation to date, SETIF and the Federal Police freed 135 workers from slave-like conditions on a cotton ranch in the state of Mato Grosso in April. The team responded to a complaint made by 15 workers who had escaped from the ranch in February and reported working 7 days a week among rats and snakes, sleeping on the ground, and paying high prices for spoiled food. Workers had been recruited from cities in the region with promises of good housing, food, and salaries; instead, they were forced to work at gunpoint in inhuman conditions. The authorities are investigating at least eight other ranches in the region for suspected use of forced labor.

GERTRAF receives allegations of forced labor from labor unions and other organizations. The CUT initiated a 24-hour hot line with a toll-free number for reporting instances of forced labor in 1997. However, the most important supplier of information to GERTRAF is the Catholic Church's Pastoral Land Commission, which tracks instances of forced labor and carries out campaigns to educate workers about the risks of forced labor. The CPT reported 16 instances of forced labor involving 1,099 workers in 10 states in 1999. Over one-half of

these forced laborers were found in the state of Para. The 1999 figures represented a reversal of a 3-year trend of declining instances of forced labor. The CPT reported that, due to the hidden and complex nature of forced labor, these figures significantly understate the actual number of workers trapped in conditions of forced and compulsory labor in the country.

The law also bars forced and bonded labor by children. Although the MLE found no children working as forced laborers during the year, in 1999 the Pastoral Land Commission reported 25 children under the age of 16 found working in conditions of forced labor. In March the ILO reported that observers have cited over 3,000 girls who were subject to debt servitude and forced into prostitution in the state of Rondonia.

Trafficking in women and children for the purpose of forced prostitution also is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law restricts work that may be performed by children; however, child labor is a serious problem. The Government amended the Constitution in December 1998 to raise the minimum working age from 14 to 16 years and the age at which apprenticeships may begin from 12 to 14 years. The law bars all minors under age 18 from work that constitutes a physical strain or from employment in nocturnal, unhealthful, dangerous, or morally harmful conditions. However, the authorities rarely enforce additional legal restrictions intended to protect working minors under age 18, and the problem is widespread.

The law requires permission of the parents for minors to work as apprentices, and working minors must attend school through the primary grades. Schooling is universal, free, and compulsory until the age of 15.

The rate of school enrollment of children aged 7 to 14 increased from 89.1 percent in 1994 to 95.5 percent in 1999. Rates of repetition have dropped from 30.2 percent in 1995 to 23.4 percent in 1997. Despite these promising numbers, repetition rates and the poor quality of public schools continued to be problems. Fully 40 percent of first-graders repeat the year, and in a number of states first-graders are more likely to fail than to pass. Even with increased enrollment, there still were 1.1 million children between the ages of 7 and 14 who are not attending school.

Although still a serious problem, the incidence of child labor has dropped significantly in recent years. According to government figures, the number of working children fell by nearly 24 percent between 1995 and 1999. Over the same period, the rate of participation in the work force of children from the ages of 5 to 14 dropped from 11 to 9 percent. Nevertheless, more than 2.9 million children under the age of 15 continued to work in 1999. Frequent accidents, unhealthy working conditions, and squalor are common.

A 1999 Labor Ministry report indicates that children work in about 100 rural and urban activities. Common rural activities include fishing, mining, producing charcoal, and harvesting sugarcane, sisal, tobacco, cotton, citrus fruits, and a variety of other crops. In urban areas, children are found in shoe shining, trash picking, street peddling, prostitution, and drug trafficking. According to the Government's Institute for Applied Economic Research, there are around 400,000 children between the ages of 10 to 16 working as domestic servants.

The Ministry of Labor and Employment is responsible for inspecting worksites to enforce child labor laws. These efforts are guided regionally by special Nuclei for the Eradication of Child Labor, which gather data and develop plans for child labor inspection. Nearly all inspections of children in the workplace are driven by allegations and tips from workers, teachers, unions, NGO's, and the media. Approximately 3,200 inspectors investigated 52,000 establishments in 1999. Inspectors lack authority to investigate allegations of child labor in informal sector establishments, where most child labor is found. In all cases but the worst forms, inspectors attempt to reach an alternative solution before applying fines of around \$225 (400 reais) per violation. Inspectors also may refer cases to prosecutors from the Public Ministry of Labor, who are able to levy fines upwards of \$1,670 (3,000 reais) and investigate cases in the informal sector.

Fighting child labor is a priority of the Cardoso administration. The Ministry of Social Security and Assistance's Program for the Eradication of Child Labor (PETI) provides cash stipends to low-income families who keep their children in school and out of work activities. Because the public school day lasts only 4 hours, PETI also offers complementary cultural and instructional activities to children during nonschool hours to keep them from situations in which they could be put to work. PETI has grown from assisting about 3,700 children in 2 states in 1996 to over 390,000 in nearly all 26 states by the end of the year. The program started with children involved in hazardous activities in rural areas, such as charcoal production and sisal, sugar cane, and citrus harvesting. Other rural activities recently included in the program are work in cotton and tobacco fields, flour mills, salt mines, horticulture, weaving, fishing, wood mills, brick production, ceramics, and mining. The PETI program also is growing rapidly in urban activities such as trash picking, shoe shining, and street peddling.

Social programs to end child labor have been matched by investments in programs to support greater access to education. The Ministry of Education's (MEC) Program for the Guarantee of a Minimum Income (PGRM) provides low-income families with modest monthly stipends—typically ranging from \$6-8 (10-15 reais) per child—provided that all children aged 7-14 in the household are attending school. The poorest 20 percent of municipalities in each state are eligible to enroll in the program and receive funds from the Federal Government. MEC estimates that the PGRM has benefited 1 million children in more than 500,000 families. The Government supplements this program with a decentralized school lunch program that serves 37 million children across the country.

In December 1999, the Government ratified ILO Convention 138 dealing with the minimum age for work and Convention 182 on the eradication of the worst forms of child labor. At year's end, Convention 138 had not taken effect due to technical issues concerning the minimum working age that the Government submitted to the ILO. In March the Ministry of Labor established a tripartite commission to produce a list of worst forms of child labor to be eradicated in the country. At year's end, the commission produced a list of over 80 such activities, which includes 27 new activities that are to be banned for all workers under 18 years of age. These new activities include cutting sugar cane, applying pesticides, and driving tractors.

Civil organizations have played a fundamental role in reducing the number of children working. One of the organizations coordinating the diverse efforts has been the National Forum for the Prevention and Eradication of Child Labor. The Forum was established in 1994 with funding from the ILO and UNICEF, and has chapters in every state and over 40 institutional members from government, unions, employers, and NGO's. The ILO's Program on the Elimination of Child Labor (IPEC) sponsors programs in footwear, charcoal, citrus, sisal, and domestic service. IPEC programs have focused on capacity building, awareness raising, research promotion, and the incorporation of income generating schemes and monitoring systems into child labor prevention programs. UNICEF supports various NGO's, and began a campaign in to remove child laborers from working in trash dumps.

The ABRINQ Foundation for Children's Rights has negotiated agreements and garnered commitments from producers in footwear, citrus, automobile production, charcoal, and other industries to investigate and eradicate instances of child labor. ABRINQ also awards mayors who invest in prochild policies with its Child-Friendly Mayor award. Through a labeling program and awareness-raising activities, the footwear industry's Pro-Child Institute has helped to reduce significantly instances of child labor in footwear production in the state of Sao Paulo. Other important NGO's include Projeto POMMAR, which works most closely with children at risk of becoming prostitutes in the Northeast, and Missao Crianca (Mission Child), a new NGO that seeks to disseminate its methodology for minimum income programs to end child labor. All major union centrals have made firm commitments to eradicate child labor by reporting violations and implementing programs to educate union members about the hazards of child labor. The News Agency for Children's Rights closely tracks stories in the media, publishes studies, and gives awards to media outlets that effectively cover children's rights.

e. Acceptable Conditions of Work

The minimum wage is approximately \$77 (151 reais) a month, which is not sufficient to provide a decent standard of living for workers and their families. A 1999 study by DIEESE concluded that the minimum wage was only about one-seventh of the salary necessary to support a family of four in the Sao Paulo metropolitan area. Many workers outside the regulated economy, particularly in the rural northeast, earn less than the minimum wage. At year's end, Congress was considering legislation that would increase the minimum wage.

The Constitution limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The Constitution provides for pay and fringe benefits and establishes protections for agricultural and domestic workers, although not all provisions are enforced. All workers in the formal sector receive overtime pay for work beyond 44 hours, and there are prohibitions against excessive use of overtime.

Unsafe working conditions are prevalent throughout the country. Fundacentro, part of the Ministry of Labor, sets occupational, health, and safety standards, which are consistent with internationally recognized norms. However, the Ministry has insufficient resources for adequate inspection and enforcement of these standards. If a worker has a problem in the workplace and has trouble getting relief directly from an employer, the worker or union can file a claim with the regional labor court, although in practice this frequently is a cumbersome, protracted process.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings do occur, and legal recourse usually requires years for resolution. Individual workers do not have the legal right to remove themselves from the workplace when faced with hazardous working conditions; however, workers may express such concerns to the internal committee, which would conduct an immediate

investigation.

f. Trafficking in Persons

The law prohibits the transport of persons for illicit reasons within and outside the country; however, trafficking in persons, including women and children, in, to, and from the country is a problem. Penalties for trafficking in persons include fines and prison sentences ranging from 1 to 12 years, depending on the severity of the abuse and whether violence, threats, or fraud were employed.

Trafficking within the country often takes the form of rural workers being transported long distances to work on remote ranches in slave-like conditions (see Section 6.c.).

Trafficking of women and children for purposes of prostitution, both within the country and to other countries is also a problem.

Laws on trafficking are enforced by the Federal Police. Officials reported that it is very difficult to capture and incarcerate traffickers because they must be caught in the act of traveling with the victims. Further, most women who leave the country with traffickers do so willingly, and only upon arrival do they realize the severe conditions under which they are forced to work and live. Officials also report that fear of reprisals keeps a number of victims from seeking police intervention or from testifying against those who persecuted them.

The U.N. reported that over 75,000 Brazilian women work as prostitutes in Europe. According to the report, most of the women come from the states of Goias, Rio de Janeiro, and Sao Paulo. During the year, the Federal Police arrested several suspects in the capital of Brasilia, Goias, Rio de Janeiro, and Ceara involved in recruiting women to work as prostitutes abroad, mainly in Spain, but also in Portugal, Japan, and Israel. Police officials stated that in most cases women who are recruited by trafficking organizations understand that they are to work as prostitutes, but that they are lied to about working conditions and their prospective earnings. In other cases women were told that they would work as nannies or as household servants. Upon arrival victims of trafficking often have their passports confiscated and are forced to prostitute themselves and live in virtual confinement. As in other types of trafficking, perpetrators use debt and isolation to control the victims.

In March the federal police arrested one person who was connected to a trafficking ring that brought women from the state of Goias to Spain. The person allegedly received \$130 (234 reais) in return for each woman transported from the bus station to the airport. Four women were with the suspect at the time of arrest.

In June the Federal Police uncovered a travel agency in Goias which had recruited and sent at least 20 women to work as prostitutes in Spain. At year's end, the two agency owners were in prison awaiting trial; the recruiters were still at large.

The Government took a number of steps over the year to combat child prostitution. To call attention to the problem and foster initiatives to fight it, May 18 was declared the first National Day against the Sexual Exploitation of Children and Adolescents. Legislation enacted in June lengthened the maximum sentence to 10 years in prison for those who manage brothels that exploit child prostitutes. In July the Government announced the first national pilot program to combat child prostitution. The program has a budget of a \$556,000 (1 million reais) but was geared to begin its outreach operations at the end of the year.

[End.]