Brazil

Egregious abuses in the criminal justice system—including extrajudicial killings and torture by police and prison authorities—remain Brazil's most pressing human rights problem, but in 2004 there were new threats to freedom of expression. A foreign correspondent was nearly expelled from Brazil for an article that President Luiz Inácio Lula da Silva considered offensive, and the government took steps to create regulatory bodies for the country's film, broadcast, and print media.

Socially and economically marginalized populations are among those hardest hit by long-standing and systemic weaknesses of the criminal justice system. The problems of forced labor and human trafficking, as well as rural violence and land conflicts, also target the country's poorer citizens. As in the past, perpetrators of human rights abuses enjoy impunity in the vast majority of cases.

Police Violence

Both civil and military police forces are frequently responsible for serious abuses, including torture, extrajudicial executions, "disappearances," and acts of racism. In the first six months of the year, the state police ombudsman for São Paulo reported 109 homicides by police. Although high, the figure represented a 73 percent decrease from that of the previous year, when police killings reached an eleven-year high. In Rio de Janeiro, the only state to publish such data monthly, police killed 593 people during the first eight months of 2004, representing a 25 percent decline from the previous year's figure. Despite these decreases, unofficial estimates have placed the total number of police killings in Brazil at around 3,000 annually. Indeed, the death toll may be even higher as many states do not record such figures correctly and some do not record them at all.

Complaints of police abuse tend to cite brutality, murder, corruption, and a lack of interest in maintaining order in certain areas. In October 2004, rights groups accused the Rio police of sitting on the sidelines in the *favela* of Vigario Geral while rival drug gangs engaged in deadly gun battles, endangering the lives of the area's residents.

Free Expression

Brazil tarnished its record of respect for freedom of expression in May 2004 when it took steps to expel a foreign correspondent for commenting on the president's alleged drinking habit. In response to an article published in the *New York Times*, the government canceled Larry Rohter's visa, stating that it was "inconvenient" for him to stay in the country. The government later changed course and allowed him to remain.

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With the introduction of legislation to create a National Journalists' Council just three months later, the government cast further doubt on its commitment to press freedom. The draft law, still pending at this writing, would empower the council to "orient, discipline and monitor" journalists and their work and require all journalists to register with the body. A violation of the council's rules could result in fines or even dismissal from the official registry. Critics of the proposed measures, among them the country's main journalism, film, and television associations, called the draft law the worst affront to press freedom since censorship under the military dictatorship.

Also widely criticized is draft legislation that would establish a National Cinema and Audiovisual Agency. The agency would have the power to conduct prior review of programming and could veto certain programs if they were judged not to meet standards of "editorial responsibility."

In a related move, the government has also proposed legislation, passed by the Senate on June 29, 2004, to "register, regulate and control" nongovernmental organizations (NGOs). Federal funding to these organizations would be conditioned on their registry, and they would be required to report annually on all private and public funding they receive, including donations.

Detention Conditions

According to the federal Ministry of Justice, the number of inmates in Brazilian prisons rose from 114,000 in 1992 to 300,000 in 2004. Severe overcrowding and institutionalized violence—such as beatings, torture and even summary executions—are chronic and widespread in Brazilian prisons. In April 2004, a riot in Urso Branco prison in the northwestern state of Rondonia left nine inmates dead, two of whom were decapitated in front of shocked onlookers. According to press reports, the prison was designed to hold 350 inmates, but housed some one thousand more than capacity at the time of the riots. In a step toward greater transparency, the government recently announced the creation of a System of Penitentiary Information (Infopen), which it says will make data on prison conditions available online, and will be updated regularly by state officials.

Children are vulnerable to abuses in the juvenile justice system. Although they are promised special protection under Brazilian and international law, children in Brazil are routinely detained in abusive conditions, where they face violence at the hands of other youths or prison guards, and are unnecessarily confined to their cells for lengthy periods of time. As of early 2004, the Justice Ministry reported that 13,489 under-eighteen-year-olds were in detention, half of them in the state of São Paulo alone, exceeding the capacity of the country's juvenile detention centers, which are designed to hold 11,199. In May 2004, rights groups called for more transparency in cases of abuse, following public allegations that a new body within São Paulo's state juvenile detention system charged with investigating such abuses had thrown out 94 percent of the cases that came before it in its first year of operations. According to these groups, official sources counted ten deaths in custody and twenty-six riots in São Paulo juvenile facilities in the same period.

Impunity and Access to Justice

The vast majority of human rights crimes in Brazil go unpunished, reflecting widespread corruption and other factors. Lack of access to justice—especially for the poorest and most vulnerable sectors of society—is a major problem, even according to Brazil's own Secretariat for Human Rights. Though the federal government created a Public Transparency and Anti-Corruption Council in September 2004, additional efforts are necessary to increase transparency and to ensure that human rights abusers are punished adequately.

The Brazilian government has yet to pass federal laws to criminalize a number of serious human rights offenses. Such laws, if enacted and enforced, would contribute significantly to improving the country's poor record of allowing abusers to go free.

Forced Labor and Trafficking in Human Beings

More than a hundred years after slavery was formally abolished in Brazil, a modern-day version of this hateful practice continues to thrive in rural areas. In 2004, the Labor Ministry made progress toward addressing the issue of forced labor through a national campaign conducted in partnership with the International Labor Organization. As of September 2004, mobile inspections teams had freed 2,078 people in situations of forced labor. Worryingly, however, three inspectors and their driver were killed on January 28, 2004, in Unaí, Minas Gerais, as they were investigating forced labor on ranches in the region.

The Brazilian Ministry of Justice, in partnership with UNODC, launched a program in May 2004 against human trafficking. According to the U.N., most victims of such trafficking in Brazil are women, who are trafficked through international prostitution networks. A U.S. Congressional report estimated that between eight hundred and nine hundred women are exported for these purposes each year.

Rural Violence and Land Conflict

Though urban violence in Brazil grabs the most attention, the problem of rural violence is extremely serious. The Pastoral Land Commission has reported that 1,349 people were murdered in rural areas between 1985 and 2003. Only seventy-five cases have gone to court, however, and, of these, forty-four resulted in acquittal. In 2003 alone, seventy-three rural laborers were murdered, the highest number since 1990 and up nearly 70 percent from the previous year.

In January 2004, twenty-nine illegal diamond miners were killed on the Roosevelt reservation, home of the Cinta-Larga indigenous peoples in the state of Rondônia. Members of the tribe claimed responsibility for the massacre, stating they were acting to protect their land, which has been the site of violent clashes and invasions by miners for decades.

Key International Actors

The U.N. special rapporteur on the right to adequate housing, Miloon Kothari, visited Brazil in May and June 2004. He expressed concern regarding the removal of indigenous communities from ancestral lands in Alcântra, Maranhão—due to expansion of an aeronautical missile launch base—urging that such removals be carried out only with the consent of the populations facing displacement.

In an official visit to Brazil in early October, U.S. Secretary of State Colin Powell praised the country's role in supplying peacekeeping troops to Haiti, a country suffering from political turmoil and natural disasters.

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