



PRESIDÊNCIA DA REPÚBLICA
Governo Fernando Henrique Cardoso

NATIONAL PROGRAMME ON HUMAN RIGHTS

MINISTÉRIO DA JUSTIÇA
BRASÍLIA
1997

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Table of Contents

FOREWORD	5
INTRODUCTION.....	7
PROPOSED GOVERNMENTAL ACTIONS.....	13
PUBLIC POLICIES FOR THE PROTECTION AND PROMO- TION OF HUMAN RIGHTS IN BRAZIL	13
The right to life	13
The right to freedom.....	18
THE RIGHT TO EQUAL TREATMENT UNDER THE LAW	21
Human Rights, Rights for All.....	21
EDUCATION AND CITIZENSHIP. THE FOUNDATIONS OF HUMAN RIGHTS.....	33
Production and dissemination of knowledge and information	33
Human Rights awareness and enforcement	34
INTERNATIONAL ACTION FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS	35
Ratification of international acts	35
Implementation and dissemination of international acts	36
Supporting organizations and actions for the protection of human rights.....	37
Implementation and follow up of the National Programme on Human Rights.....	38

FOREWORD

Democracy is irreconcilable with serious social injustice and with the various forms of exclusion and the recurrent human rights violations that still occur in our country.

The Brazilian society is determined to promote true democracy. My government is committed to the promotion of human rights.

On 7 September, 1995, I urged all Brazilian citizens to join the movement in favor of human rights. A Human Rights Award was created. I also promised to draw up a National Programme on Human Rights, following the recommendation of the World Conference on Human Rights, held in Vienna, in 1993. Brazil was the President of the Drafting Committee of the Vienna Conference.

Together, government and society have taken the first steps to guarantee human rights as rights for all, to protect those who are excluded and vulnerable.

I launched a national campaign against sexual violence in 1995, and the highest public security and judicial authorities were invited to debate the issue, in Brasília.

I personally took part in the celebrations of the third centennial anniversary of Zumbi's death. At that time, I decided to create an Inter-ministerial Working Group for the Promotion of the Black Population.

The Ministry of Labor has been relentlessly taking measures against forced labor, especially in cases involving children. In June 1995, I ordered the creation of an Executive Group for the Repression of Forced Labor — GERTRAF — to coordinate all efforts aiming at the eradication of this kind of abuse.

On behalf of women' rights, the government sanctioned, on 8 March 1996, a set of specific measures on matters such as health, education, labor and justice.

In December, 1995, I awarded the first Human Rights Awards, amounting to R\$ 75.000,00 (seventy-five thousand reais, equivalent to US\$ 75,000.00).

Notwithstanding this expressive set of measures, the most significant step is the adoption of the National Programme on Human Rights. I am sure that this Programme will become a clear and unequivocal landmark of our commitment to the protection of men and women, of children and the elderly, of minorities and of the excluded.

We all know that injustice, arbitrariness and impunity cannot be abolished overnight. We are well aware that the only way to accomplish this goal is through the cooperation between government and civil society. We will follow this path with determination.

The National Programme on Human Rights has been elaborated following ample consultation with civil society. Dozens of entities and hundreds of people made suggestions and criticism, and took part in debates and seminars.

Most of the actions proposed in this document aim at changing the careless attitude about death: death in traffic accidents, death caused by lack of health care, death inside prisons, death caused by the irresponsible use of fire guns, the killings of children and rural workers. Recommendations are also made in order to prevent persecution and discrimination. Finally, the Programme suggests a set of measures that would render the administration of justice more efficient and readily available to the population, and more capable to curb impunity.

I am convinced that the National Programme on Human Rights will become a reference to guide the actions of the Brazilian government and society in our efforts to accomplish our greatest aspiration : to make Brazil a country that is fair to all its citizens.

Fernando Henrique Cardoso

INTRODUCTION

Human rights are universal rights and must be protected by all States and nations. Murder, slaughter, extermination, kidnapping, organized crime, drug trafficking and fatal traffic accidents cannot be taken as ordinary facts, especially by a State and society that wish to be modern and democratic.

We must say no to the banality of violence and protect human life. In this context, the Brazilian government, under the presidency of Fernando Henrique Cardoso, has decided to elaborate the National Programme on Human Rights.

Human Rights are the fundamental rights of all people: women, blacks, homosexuals, indigenous people, the elderly, persons with disabilities, frontier populations, foreigners, migrants, refugees, HIV-positives, children and adolescents, police officers, prisoners, the needy and the affluent. All must be respected and their physical integrity must be protected.

Human rights must be protected in virtually all fields of human activity: the right to come and go without hindrance; the right to be treated with respect and dignity by State officials, even when one has transgressed the law; the right to the due process of law, in which evidence is lawfully obtained, without torture or ill treatment; the right to expect compliance to the law. The right to have access to the Judiciary and the State Attorney, both aware of their role in a democratic State, and of their obligation not to let serious human rights violations remain unpunished and the violators free and without punishment, as if they were above the law. The right to drive one's car within the allowed speed

limits, minding traffic lights and pedestrian lanes, so as to respect human life. The right to think, to be, to believe, to speak or to love without humiliation, discrimination or persecution. Human rights are the rights that ensure a dignifying existence to every human being.

The understanding of this principle sets the ground for the cultural transformation that will entail positive changes in the practice of governments, of the constituted powers at their various spheres and, above all, of society as a whole. Democracy and the rule of law are strengthened when society becomes aware of its rights and claims them.

Governmental efforts, at local, state and federal levels, along with initiatives of judicial and legislative authorities, and of society as a whole, have not yet been able to prevent daily violations of human rights in Brazil.

The increasing lack of public security, the growth of violence in multiple and ever more perverse ways, require social and governmental agents to take strong and firm action in order to ensure respect for human rights.

The National Programme on Human Rights aims at the accomplishment of this goal and appeals to all Brazilian citizens. The Programme is a clear pledge of the federal government to fulfill its commitments, both domestically and internationally, to curb violence.

Through the National Programme on Human Rights the federal government intends to change a most disquieting state of affairs, which results from past inefficiency and the indifference of public authorities towards the citizen's security and tranquillity. The refusal of Brazilian society to accept the current situation is the driving force that will change this unacceptable *status quo*.

The Programme has been elaborated by the Ministry of Justice in cooperation with several other institutions of civil society. It points out the main obstacles to the protection and promotion of human rights in Brazil, sets priorities and makes concrete recommendations on administrative, legislative, cultural and political measures to overcome obstacles to the full respect of human rights. The Programme is the result of the long and often strenuous process of democratization of Brazilian government and society.

The Federal Constitution of 1988 defined the most precise and detailed chart of rights in Brazilian history. It comprises a vast range of civil, political, economic, social and cultural rights, as well as ample constitutional guarantees. The Constitution also says that Brazil shall be guided in its international relations by the principle of the respect for Human Rights (art. 4, II). As a result of this new constitutional guideline, in the early 90's, Brazil adhered to some of the most important international treaties for the protection of human rights, including the International Pact on Civil and Political Rights, the International Pact on Economic, Social and Cultural Rights, the American Human Rights Convention, the American Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. In addition to these legislative changes, the federal government has been taking several initiatives, both domestically and abroad, aiming at the protection and promotion of human rights.

In May 1993, Mr. Fernando Henrique Cardoso, then Minister of External Relations, invited representatives of the Ministry of Justice and of the Attorney General, congressmen, human rights activists and NGOs to prepare a report on Brazil's most serious setbacks for respecting human rights, so as to define a Brazilian Agenda to the World Conference on Human Rights (Vienna, June 1993). After the Conference, the Minister of Justice, Mr. Mauricio Correa, called upon governmental officials and human rights organizations to elaborate a National Agenda on Human Rights.

On September 7th. 1995, President Fernando Henrique Cardoso reiterated that human rights are an essential part of his government's programme. As he stated, on the verge of the 21st century, "the fight for freedom and democracy has a specific name: Human Rights". He then assigned to the Ministry of Justice the task of elaborating a National Programme on Human Rights, as recommended in the Vienna Declaration and Plan of Action, adopted by consensus on June 25th. 1993, at the World Conference on Human Rights, in which Brazil played an outstanding role.

The Brazilian government believes that constitutional regulations and the adherence to human rights international treaties are essential and decisive steps for the promotion of human rights, and is aware that

the respect of these rights relies on the action of both government and society. This is the background of the National Programme on Human Rights, which we are submitting to the Nation.

- Human Rights, a subject of today -

When the United Nations General Assembly adopted the Universal Declaration on Human Rights, in 1948, it became a landmark in the evolution of the concept of human rights. The rights comprised by the Declaration constitute an indissoluble and interdependent array of individual and collective rights, civil, political, economic, social and cultural rights, without which human dignity cannot be fully attained. Over the last fifty years, the Declaration has become a source of inspiration for several national constitutions and international treaties for the protection of human rights. This document, symbol of our times, has become an authentic ethical paradigm and a parameter to gauge the legitimacy of governments and political systems. The rights comprised in the Declaration form one of the most important instruments of our civilization to ensure a dignifying, just and peaceful social coexistence.

However, human rights are not simply a set of moral principles that should govern the organization of society and create the rule of law. The human rights stated in most international treaties and national constitutions ensure individual and collective rights and lay down the legal duties of the State. There are clear and precise legal norms aiming at the protection of the most fundamental interests of the human being. These norms are obligatory and bind States both internally and internationally.

With the advent of the United Nations in 1945, and the adoption of various international treaties for the protection of human life, human rights have ceased to be a matter of the exclusive domestic jurisdiction of States and have become a subject of concern of the whole international community. The creation of judicial international mechanisms for the protection of human rights, such as the Inter-american Court and the European Court on Human Rights, and of quasi-judicial mechanisms, such as the Inter-american Commission of Human Rights and the United Nations Committee on Human Rights, signals a distinct change in the

concept of sovereignty. Unquestionably, however, the primary responsibility to enforce human rights continues to lie with the State.

- Nature of the National Programme on Human Rights -

The implementation of the National Programme on Human Rights requires a clear and precise definition of its goals. Without prejudice of a comprehensive and integral conception of human rights, the Programme focuses mainly on civil rights, that is, those which are more directly related to the individual's physical integrity and to citizenship.

The indissoluble interrelationship of the three generations of human rights — civil and political rights; social, economic and cultural rights; and collective rights — does not prevent the government from defining specific policies regarding one dimension of rights — in this case, civil rights. In fact, the Programme, which is inspired by the principles set forth in the International Pact on Civil and Political Rights, covers a vast range of measures to protect civil rights that will have a direct impact on the protection of social, economic and cultural rights — for instance, on the enforcement of the international conventions on the rights of children, of women and of workers.

In a society where social injustice and extremely uneven income distribution are still a fact, as is the case of Brazil, the promotion of human rights can be more easily accomplished if structural problems — such as those deriving from unemployment, hunger, difficulties for having access to land property, to health care and education — are targeted by specific governmental policies. However, before people can consider human rights as universal rights, before the institutions of our society are able to fight for these rights and engage in partnership with the State, the most elementary civil rights have to be guaranteed, and Justice must be accessible to all and capable of guaranteeing rights.

The Programme shall take into consideration the obstacles to acceding to full citizenship and the factors that lead to systematic violations of human rights. The Programme aims at the protection of the right to life and to physical integrity; the right to freedom; and the right to equal treatment under the law.

The Programme also focuses on initiatives to strengthen the organized civil society, with a view to creating a culture of human rights. The best way to achieve this goal is to assign responsibilities for the promotion of human rights to civil society institutions, especially in the fields of education and of raising citizens' awareness.

Six regional meetings on human rights have preceded the elaboration of the Programme. They were held between November 1995 and March 1996, São Paulo, Rio de Janeiro, Recife, Belém, Porto Alegre and Natal, gathering 334 participants from 210 organizations. Consultations by fax or by telephone were held with a large number of individuals interested in the subject and with human rights organizations. An exhibition on human rights took place in Brasília, during the meeting of the National Movement on Human Rights, in February 1996. Finally, the draft Programme was submitted to and discussed at the First National Conference on Human Rights, in April 1996, promoted by the Human Rights Commission of the Chamber of Deputies, with the support of the Forum of Legislative Commissions on Human Rights, the Brazilian Bar Association (OAB), the National Movement on Human Rights, the National Bishops Conference of Brazil (CNBB), the Journalists Federation (FENAJ), the Institute of Socio-economic Studies (INESC), the Justice and Peace Service (SERPAJ) and the Indigenous Missionary Council (CIMI). The draft Programme was also presented to a number of international organizations. This process allowed a real partnership between the State and civil society institutions. The enforcement of the Programme will require that this partnership be intensified. Not only human rights organizations, but also universities, research centers, private enterprise, workers unions, professional associations and foundations, in a word, the whole Brazilian society should play an active role in implementing the Programme.

The National Programme on Human Rights inaugurates a new dynamics, in which the Government and society speak the same language and join efforts. The Programme should become a reference for governmental action and for fostering the non-violent coexistence required by democracy.

PROPOSED GOVERNMENTAL ACTIONS

PUBLIC POLICIES FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS IN BRAZIL:

- Support the elaboration and implementation of public and private policies, as well as of social actions, to reduce the great economic, social and cultural inequalities still found in Brazil, with a view to achieving the realization of the right to development.
- Create a Federal Record of «Social Defaulters» (Cadastro de Inadimplentes Sociais), listing the state and municipal administrations that fail to meet the minimum standards of protection and promotion of human rights, so as to prevent them from receiving from the federal government the financial resources, subsidies or any other facilities they would otherwise be eligible to which.

The right to life

Public Security

Short-term actions

- Map urban violence in four large Brazilian cities, using the available data and indicators of urban development and the quality of life.
- Map rural violence in one region of the country, as a means to identifying the areas of conflict and to collect data for further analysis of governmental actions.

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- Support programmes to prevent violence against vulnerable groups such as children and adolescents, the elderly, women, blacks, indigenous populations, migrants, landless peasants and homosexuals.
 - Improve the legislation on the sale, possession and carrying licenses of fire guns and ammunition, and subject the issuance of carrying licenses to strict assessment of the real need, aptitude and ability of citizens to handle fire arms.
 - Propose a bill to regulate the off-duty use of fire arms and ammunition by police officers and impose a stricter control of their use on duty.
 - Support the creation of integrated control systems on fire arms and ammunitions by state governments in partnership with the federal government.
 - Carry out actions to disarm the population, through coordinate operations for the seizure of weapons and ammunition illegally kept or of forbidden use.
 - Encourage the improvement of the criteria for recruiting, admitting and training police personnel.
 - Include Human Rights as a mandatory subject in the syllabus of police academies courses.
 - Implement the Protocol of Intentions agreed upon by the Ministry of Justice and Amnesty International for providing training courses on human rights to the police forces of the states.
 - Set up the newly created Human Rights Division of the Federal Police.
 - Encourage the creation and the strengthening of police internal affairs divisions in order to control the excessive use of force during police operations and to set clear guidelines on human rights protection to all policemen.
 - Recommend the withdrawal from duty of policemen accused of violence against citizens, and open the required administrative and penal inquiries without delay.

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- Encourage the creation of Police Ombudsmen with the participation of representatives of the civil society and with full authority to carry out inspections and investigations.
 - Encourage the creation of life and health insurance programmes for police officers.
 - Support the creation of a special protection system for the families of police officers under threat as a result of their work.
 - Encourage cooperation and exchange programmes between civil and military police and between the latter and the Attorney General.
 - Support the adoption of bill no. 73, which provides for a new and stricter automobile traffic law.
 - Promote preventive actions to reduce car traffic accidents.

Medium-term actions

- Encourage the better equipping of police forces and promote the modernization of their public security apparatus.
- Support the experience of community-oriented and interactive police that work in close cooperation with community councils and that view the police officers as agents for the protection of human rights.
- Support scholarship programmes for police training.
- Revise the regulations on private security services so as to restrict their field of action, provide for a more rigorous selection of their agents and increase their surveillance by the public authority.
- Encourage the exchange of information and the cooperation between the state police forces and support the existing regional Public Security Councils (Northeast, Southeast and Brasília and surroundings) and others that may be created.
- Support the expansion of public security services to all regions of the country.

Fight against impunity

Short-term actions

- Grant competence to the Federal Courts to conduct the trial of (a) crimes against assets or interests protected by a federal organ of human rights and (b) civil or criminal causes in which the Attorney General or the federal agency for the defense of human rights are interested.
- Grant competence to the Civil Courts to indict and try military police officers who commit crimes while on duty, or using weapons that belong to the corporation. The matter is already the subject of a bill approved by the Chamber of Deputies .
- Recommend the approval of a bill calling for the mandatory presence in loco of a Judge or a representative of the Attorney General whenever a writ of entry is enforced against more than one defendant, as a means to prevent the outbreak of violent rural conflicts. Always consult with the land reform authority in these cases.
- Support bills aiming at speeding up the process of expropriation for land reform purposes. Preliminary measures in these cases must be granted with caution so as not to arise violence.
- Support actions within the framework of the State reform carried out by the Ministry of Administration and State Reform aiming at the modernization of the Judiciary. The Judiciary should be better equipped for the promotion of human rights, should carry out legal processes in shorter time, simplify the rules and proceedings and increase the guarantee of equal treatment under the law.
- Support the expansion of the administration of justice to all regions of the country.
- Support the creation and maintenance, by the states, of a growing number of special civil and criminal courts.
- Encourage the creation of 24-hours service shifts at the Judiciary, the Public Prosecution, the Public Legal Defense and the Police Stations.

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- Study the feasibility of creating a system of itinerant judges and public attorneys, especially in remote places, so as to provide a broader access to Justice.
 - Support measures to strengthen the disciplinary organs of the Public Prosecution and the Judiciary, enabling them to closely inspect and survey the activities of attorneys and judges.
 - Implement article 129, VII of the Federal Constitution, which provides for external control over police activities by the Attorney General.
 - Support the creation of programmes to provide protection to witnesses and victims who might be in danger because of their willingness to cooperate with police investigations and to testify.
 - Encourage the approval of bill nº 4716-A/94, which defines the crime of torture and establishes the corresponding penalties.
 - Restructure the Council for the Defense of Human Rights so as to increase the participation of the representatives of civil society and enlarge their sphere of action.
 - Stimulate the creation and the strengthening of councils for the defense of human rights at state and municipal levels.
 - Support the Commission on Human Rights of the Chamber of Deputies and the human rights commissions at state and municipal levels, as well as the Parliamentary Inquiry Commissions — at federal and at state levels — that investigate violations of human rights.
 - Support the creation of Commissions of Human Rights at the Federal Senate and at the legislative assemblies of states and municipalities.
 - Enlarge the sphere of action and strengthen the Federal Ombudsman (Ouvidoria Geral da República), so as to ensure broader popular participation in monitoring activities of government officials.
 - Encourage the creation of *hot lines* throughout the country for receiving anonymous calls from persons who wish to inform the police about criminals. This service should be available at every federal law enforcement department.

Medium-term actions

- Recommend the updating of the legislation on abuse of authority and contempt for authority.
- Improve the forensic science and criminology institutes through the adoption of measures to ensure their technical excellence and their autonomy and to broaden their cooperation with universities, and to intensify the use of new technologies.
- Implement the Programme for the Exchange of Criminal Information in order to establish a national criminal record.
- Conclude the structuring of the Public Legal Defense of the Federal Union and create Public Legal Defenses at every jurisdiction in the country.

Long-term action

- Support the creation of the National Justice Council, which would be able to monitor the Judiciary.

The right to freedom

Freedom of Speech

Short-term actions

- Promote ample debate, through meetings and seminars, of questions related to the freedom of speech and the classification of shows and films for public viewing, and try to achieve consensus on behalf of the public interest.
- Recommend the reform and updating of the existing legislation on the classification of shows and films so as to adapt it to present day demands.

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- Open a frank and friendly dialogue with the entertainment industry so as to make producers aware of the need to comply with the legislation and obtain their support for its effective enforcement.
 - Provide the Department of Shows and Film Classification (Departamento de Classificação Indicativa) of the Ministry of Justice with the necessary means to carry out its task .

Medium-term actions

- Review regularly the criteria used for rating shows .
- Monitor radio and television programmes that make the apology of crime, violence, torture, discrimination, racism, extermination, paramilitary groups and the death penalty so as to take the appropriate legal action against the producers of those programmes.

Forced labor

Short-term actions

- Revise the legislation for the eradication of forced labor.
- Strengthen the mechanisms for monitoring and suppressing forced labor in the framework of the Programme for the Eradication of Forced Labor, created on September 3rd., 1992.
- Support the Executive Group for the Repression of Forced Labor — GERTRAF, linked to the Ministry of Labor.
- Support the expansion of the activities of the Mobile Enforcement Unit of the Ministry of Labor in its fight against forced labor.

Medium-term action

- Create a special division of the police for the repression of forced labor, with emphasis on the exploitation of children, adolescents, foreigners and Brazilian migrants.

Penalties entailing the restriction of freedom

Short-term actions

- Reactivate and disseminate information on the INFORPEN (computer database on the situation of prisoners) as a means to speeding up trials and prevent excessive servicing of sentence terms.
- Support emergency programmes to remedy inadequate penitentiary conditions, open new prisons and increase the availability of prison space throughout the country. This goal is to be met through partnership between the federal government and the state governments, with the resources of the National Penitentiary Fund — FUNPEN.
- Encourage the functioning of the open and semi-open prison systems contemplated in the Law of Penal Execution.
- Stimulate the creation of Community Councils in every region of the country, as provided in the Law on Penal Execution, for supporting, monitoring and enforcing the procedures of the criminal courts.
- Open a national debate to discuss the forms of punishment inflicted on law transgressors so as to encourage the Judiciary to impose more often penalties which constitute alternatives to incarceration. This measure might reduce the current crisis of the penitentiary system.
- Propose legislation on penalties alternative to incarceration for non-violent crimes.
- Encourage the organization of seminars and training courses for penitentiary agents.
- Recommend the standardization of search procedures on visitors to penitentiaries so as to prevent violations of their human rights and dignity.

Medium-term actions

- Encourage speedy judicial proceedings in order to reduce the number of persons held in custody awaiting trial.
- Promote educational and professional training programmes for convicts as a means to facilitating their social reintegration.
- Develop programmes for providing health care to prisoners and their families.
- Provide fiscal, credit and other incentives for companies willing to hire former prisoners as employees.
- Carry out an epidemiological survey of the Brazilian inmate population.
- Increase the decentralization of penal institutions through the construction of small-sized penitentiaries that enable prisoners to stay in the vicinity of their families.

Long-term actions

- Close down the São Paulo House of Detention (Carandiru), and other penitentiary establishments that fail to meet the minimum international standards for the treatment of prisoners.

THE RIGHT TO EQUAL TREATMENT UNDER THE LAW

Human Rights, Rights for All

Short-term actions

- Propose legislation to ban any kind of discrimination based on origin, race, ethnic group, gender, age, religious belief, political conviction or sexual orientation and revoke discriminatory provisions in the infra-constitutional legislation so as to reinforce the prohibition of discriminatory practices determined by the Federal Constitution.

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- Stimulate the creation of direct channels granting the population free access to governmental documents and information in order to render the functioning of the Executive, the Legislative and the Judiciary more transparent. A database on inquiries and legal procedures related to cases of human rights violations could facilitate public monitoring.
 - Launch a national campaign, with the cooperation of the state and municipal governments, in order to grant citizens, within a year, the documents considered more important to citizenship, such as: birth certificate, identification card, work permit, voter's registration and military service certificate.
 - Make the issuance of birth and death certificates free of charges.
 - Improve the quality of medical treatment of drug addicts and make treatment more easily accessible and less costly.
 - Encourage studies, research and programmes aiming at restricting the dissemination and the negative impact of illicit drugs.
 - Support the implementation of the Anti-Drug National Programme of Action (PANAD — Programa de Ação Nacional Antidrogas).
 - Support the participation of persons infected with HIV and NGOs that represent them in the efforts to prevent and fight the incidence of HIV infection.
 - Stimulate information campaigns on HIV/AIDS infection so as to raise the public awareness of the risks of contamination and of measures to prevent it.
 - Strive for higher quality of the assistance to and treatment of persons infected with HIV and make treatment more easily accessible and less costly.
 - Encourage studies, research and programmes to limit the contamination and the impact of HIV/AIDS infection.
 - Stimulate the creation of municipal councils for the defense of consumer rights.

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- Stimulate the creation of secretariats, departments or committees for the defense of human rights and citizenship in every labor union, workers' association or federation, and in popular and students' organizations, following the example set by the Brazilian Bar Association (OAB) and the National Journalists Federation .

Medium-term action

- Institute the national identification card.

Children and Adolescents

Short-term actions

- Support the activities of the National Council on the Rights of the Child and the Adolescent — CONANDA.
- Encourage the development of programmes for family counseling in order to help families solve domestic conflicts peacefully and to fulfill their responsibilities to protect and care for their children .
- Recommend the reform of the Penal Code with a view of reducing the domestic violence against children and adolescents.
- Recommend the reform of the Penal Code so as to punish the exploitation of child labor, and encourage actions aiming at the eradication of child labor.
- Proceed with the National Campaign Against Sexual Abuse and Exploitation of Children and Adolescents.
- Stimulate the development of social and educational programmes to assist adolescents in conflict with the law.
- Recommend the reform of the legislation regarding the sexual exploitation of children and adolescents and penalize both the exploiter and the customer.

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- Stimulate the creation, at state and municipal levels, of Councils of the Rights of Children and Adolescents, Tutelage Councils and Funds for the Rights of Children and Adolescents.
 - Encourage the development of training programmes for family counseling agents.
 - Support the elaboration and publishing of documents which could contribute to the enforcement of the Statute of the Child and the Adolescent.
 - Institute a national policy to encourage adoption, especially by Brazilian families, of abandoned children and adolescents, so as to promote their right to enjoy family life.
 - Support the implementation of the Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption, adopted in The Hague, in 1993, and appoint a central authority to handle international adoption of Brazilian children.
 - Support the creation of adoption committees by the competent courts.
 - Promote joint action by state and municipal governments and the civil society to launch educational campaigns on the situation of children at risk, so as to foster the public awareness concerning the rights of children and adolescents, especially regarding domestic violence and sexual abuse, prostitution, exploitation of child labor, and drug addiction.
 - Extend the School Dinner Programme to day-care centers.
 - Support the "Programa Brasil Criança Cidadã" (Child Care: Becoming a Citizen Programme) developed by the Secretariat of Social Assistance of the Ministry of Social Welfare.
 - Support the National Forum for the Prevention and Eradication of Child Labor, under the coordination of the Ministry of Labor.
 - Encourage the debate about the role of the media in fighting against the sexual exploitation of children and adolescents.

Medium-term actions

- Invest in the professional training of governmental and non-governmental representatives having responsibilities in the implementation of the rights of children and adolescents.
- Create federal and state-level data base on the situation of children and adolescents, in order to monitor the following issues: (a) creation and functioning of the Councils on the Rights of Children and Adolescents and the Tutelage Councils; (b) search and identification of missing children and adolescents; (c) violations of the rights of children and adolescents, with data on the number of claims, the number of lawsuits, the places where the violations took place, and the age group and color of the victims (d) child and adolescent prostitution; (e) violent death of children and adolescents.

Long-term actions

- Encourage the restructuring of institutions for minors in conflict with the law, reduce the number of adolescents in each unit, and give priority to the social and educational measures prescribed in the Statute of the Child and the Adolescent.
- Support the creation, by the Judiciary and the office of the Attorney General, and by state governments, of special courts and police stations for handling cases of minors in conflict of the law, as provided for in the Statute of the Child and the Adolescent.

Women

Short-term actions

- Support the National Council on Women's Rights in the elaboration and implementation of public policies for the defense of the human rights of women.
- Support the National Programme to Combat Violence Against Women, coordinated by the Federal Government.

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- Encourage the creation of shelters for women victims of domestic and sexual violence .
 - Support the policies of state and municipal governments to prevent domestic and sexual violence against women.
 - Stimulate the collection and dissemination of data on violence and discrimination against women and on the means of protection and promotion of the rights of women.
 - Ensure compliance with the provisions of Law n° 9.029/95, which protects women against discrimination due to pregnancy.
 - Support the bill that amends the Penal Code provisions regarding the crimes of rape and sexual assault against women.

Medium-term actions

- Adopt a law to regulate article 7, XX, of the Federal Constitution, which provides for the protection of the work market for women through the creation of economic incentives for enterprises that hire women.
- Revoke the discriminatory provisions of the infra-constitutional legislation, especially the norms of the Civil Code on paternal authority, the role of the male spouse in the matrimonial society, the right of the male spouse to demand the annulment of the marriage in case the bride is not a virgin, and the privilege of the male spouse in determining the family domicile.
- Reformulate the norms to combat violence and discrimination against women, and, in particular, support the bill that defines rape as a crime against the individual, and not as a crime against morals.
- Encourage a gender-oriented approach in the education and training of civil and military servants, as well as in the curricula of primary and high school education, so as to foster a positive attitude towards the recognition of women's civil, political , economic, social and cultural rights.

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- Stimulate the collection of statistical data on working conditions of women: salaries, work shifts, work environment, occupational diseases and labor rights.

Long-term action

- Devise governmental policies and programmes at federal, state and municipal levels, for the implementation of the laws that ensure equal rights for men and women in every aspect, including: health, education, professional training, work, social security, access to rural property and credit, culture, political participation and justice.

Black Population

Short-term actions

- Support the Inter-ministerial Working Group created by the Presidential Decree of November 20th. 1995, in order to devise actions and policies for the promotion of the black population.
- Include the item "color" in all population statistics, data and registries.
- Support the Working Group for the Elimination of Discrimination in Work and Occupation — GTEDEO, created in the framework of the Ministry of Labor (Decree of March 20th. 1996). The GTEDEO is a tripartite body entrusted with the task of drawing up an action plan and strategies to fight discrimination in work, in compliance with the principles of Convention no. 111 of the International Labor Organization — ILO.
- Stimulate and support the creation and implementation of Black Community Councils, at state and local levels.
- Encourage the representation of the different ethnic groups that compose the Brazilian population in advertising and promotional campaigns of governmental agencies and state-owned companies.

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- Support actions and public policies for the promotion of the black population.
 - Support affirmative action of the private sector to promote the black population.
 - Encourage the Public Security authorities of the states to organize seminars and training courses on how to handle the problem of racial discrimination.

Medium-term actions

- Revoke any discriminatory provisions still existing in the infra-constitutional legislation.
- Improve the norms on the elimination of discrimination of the black population.
- Create a database to assess the degree of respect for the civil, political, social, economic and cultural rights of the black population in order to provide subsidies for affirmative policies for the promotion of the black community.
- Promote the mapping and preservation of historical sites and documents and ensure the protection of Afro-Brazilian cultural traditions.
- Propose the adoption of a bill regulating the implementation of articles 215, 216 and 242 of the Federal Constitution.
- Develop affirmative action to facilitate the access of black students to university, to professional courses, and technology institutes .
- Ask the Brazilian Institute of Geography and Statistics — IBGE to range the mulattos and pardos (mestizos) among the black population.
- Criminalize the practice of racism, according to the Penal Code and the Code of Criminal Procedure.
- School books and manuals should stress the historical contribution of the black population in building the Brazilian national

identity, and contribute to the elimination of racial stereotypes and prejudices.

- Disseminate information on the International Conventions, the Constitutional provisions and the infra-constitutional legislation regarding racism.
- Support the elaboration and publishing of documents that could contribute to the dissemination of anti-discriminatory legislation.
- Facilitate the contact of the black community organizations with the governmental authorities, so as to devise plans of action and strategies for the promotion of the black community.

Long-term actions

- Encourage actions to foster the protection and promotion of the black community's cultural production and traditions .
- Devise affirmative policies for the social and economic promotion of the black population.

Indigenous Population

Short-term actions

- Devise and implement policies to protect and promote the rights of the Indigenous Population, and abandon paternalistic attitudes and assimilation policies.
- Support the reform of the Indian Statute (Act nº 6.001/73), so as to incorporate the changes proposed in the bill on the Statute of the Indigenous Population, already approved by the Chamber of Deputies.
- Ensure that representatives of the Indigenous population and organizations take active part in decisions and policy-making regarding the protection and promotion of Indigenous rights.

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- Guarantee the rights of the Indigenous population to the lands they traditionally occupy.
 - Demarcate and legally recognize all the lands traditionally occupied by the Indigenous population.
 - Contribute to increase mutual trust between governmental and non-governmental organizations, through seminars, workshops and projects that combat misinformation and fear, which may lead to conflicts and violence against the Indigenous population.
 - Provide the National Indian Foundation — FUNAI with the necessary material resources for the performance of its task to protect the rights of the Indigenous Population, especially regarding land demarcation.
 - Ensure health care to the Indigenous Population, taking into account their specific needs and characteristics.
 - Ensure schooling and education to the Indigenous Population, respecting their specific social and cultural background.
 - Promote public awareness and knowledge, through the media and the school system, about the Indigenous Population and their rights, since misinformation is one of the root causes of discrimination and violence against them.

Medium-term actions

- Create a system of permanent survey over Indian lands, in order to protect them against intruders, using mobile inspection units and trained personnel recruited among members of the Indian community.
- Collect information on conflicts involving Indian lands, and include it in the map of land conflicts and rural violence in Brazil.

Long-term actions

- Restructure the National Indian Foundation — FUNAI in order to enable it to perform the task of protecting the rights of the Indigenous Population more effectively.
- Support the development of economically, environmentally and culturally sustainable projects by the Indigenous communities.

Foreigners, Refugees and Brazilian Migrants

Short-term actions

- Legalize the situation of foreigners currently living in Brazil.
- Adopt measures to prevent and punish violence and discrimination against foreigners in Brazil or against Brazilian citizens abroad.
- Propose the adoption of the bill on the Statute of the Refugees.

Medium-term actions

- Develop policies for the protection of the human rights of foreign communities living in Brazil.
- Develop policies for the protection of the human rights of Brazilian citizens abroad.

Long-term action

- Submit to the National Congress Bill no. 1831/91, which regulates the situation of foreigners in Brazil, and thus promote the reform of the present Foreigners Act.

The Elderly

Short-term actions

- Grant obligatory precedence to the elderly at waiting lines at public services and at banks.
- Facilitate the access of the elderly to cinemas, theaters, shows and other places of entertainment.
- Support the development of a National Policy for the Elderly.

Medium-term actions

- Create and strengthen councils and organizations for the elderly, and encourage their participation in governmental programmes and in projects on their behalf.
- Equip public facilities and means of transportation in order to facilitate the locomotion of the elderly.

Long-term actions

- Expand the gratuitous admission and precedence to the elderly in the public transportation system.
- Create and strengthen decentralized assistance programmes for the elderly in order to facilitate their integration to family and social life and to provide them with in-house care.

Persons with disabilities

Short-term actions

- Devise policies for persons with disabilities so as to coordinate governmental and non-governmental initiatives and to enforce Decree no. 914, of November 6th., 1993.

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- Recommend norms for the access of persons with disabilities to the work market and to the civil service, as provided by article 37, VIII, of the Federal Constitution.
 - Adopt measures to facilitate the access of persons with disabilities to media information.

Medium-term actions

- Elaborate an educational programme for persons with disabilities.
- Remove physical barriers that hinder or restrain the movements of persons with disabilities; facilitate their access to historical and touristic sites, health spas, and urban centers, according to the guidelines of the project "Cidade para todos" («City for All»).

Long-term action

- Devise an information and database system on the situation of persons with disabilities including legislation, technical assistance, bibliography, training and rehabilitation programmes.

EDUCATION AND CITIZENSHIP. THE FOUNDATIONS OF HUMAN RIGHTS

Production and Dissemination of Knowledge and Information

Short-term actions

- Set up and consolidate educational programmes for the respect of human rights at the primary school, high school, and university, through the adoption of the "transversal themes" (syllabi) which are being elaborated by the Ministry of Education and Sports, and through the creation of specific courses on human rights.
- Support the creation and development of educational and research programmes focused on human rights.

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- Create awards, scholarships, and other incentives to individuals and institutions which distinguish themselves for their action on behalf of human rights.
 - Encourage the political parties and the electoral courts to actively participate in the campaign for the promotion of human rights.
 - Confer annually a Human Rights Award.
 - Medium-term actions
 - Facilitate the access of the public to information on measures for the protection of human rights (for example, through telephone "hot lines").

Human Rights Awareness and Enforcement

Short-term actions

- Support programmes of information, education and training on human rights for attorneys, police officers, penitentiary agents, union leaders, and community leaders, so as to develop their capacity to protect and promote human rights.
- The above mentioned programmes should focus on the respect for cultural and social diversity, and the need for tolerance and equality.
- Support the organization of meetings, seminars and workshops on human rights.

Medium-term actions

- Stimulate the creation of database on organizations, political parties and politicians, worker's unions, churches, academic institutions and other associations committed to the promotion and protection of human rights.

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- Encourage the proportional representation of racial, ethnic and gender minorities in publicity and advertising campaigns of federal agencies.

Long-term action

- Encourage the dissemination of information about candidates to public office functions and about civil society leaderships committed to the cause of human rights.

INTERNATIONAL ACTION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Ratification of International Acts

Short-term actions

- Ratify ILO Convention nº 138 and implement ILO Recommendation no. 146, regarding the minimum age for admission to work .
- Ratify the Convention on Indian and Tribal Peoples of Independent Countries (Convention nº 169), adopted by ILO in 1989.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, approved by the UN in 1990.
- Ratify the Inter-american Convention on Enforced Disappearances, signed in Belém, PA, on June 9th., 1994.
- Adopt internal legislation in accordance with Brazil's commitments as State Party to international conventions on human rights.
- Pursue the policy of accession to international treaties for the protection and promotion of human rights by ratifying and enforcing conventions on human rights.

Implementation and dissemination of international acts

Short-term actions

- Implement the recommendations of the World Conference on Human Rights, held in Vienna in 1993, including those regarding violence against women.
- Enforce the Inter-american Convention to Prevent, Punish and Eradicate violence against women.
- Implement the recommendations of the IV World Conference on Women (Beijing, September, 1995).
- Carry out campaigns to disseminate the most important international declarations and conventions on human rights which Brazil has signed, ratified or adhered to and create public awareness regarding the international commitments made in this field.
- Support the elaboration of the Hemispheric Plan on Human Rights, in the context of the implementation of the Declaration of Principles and Plan of Action adopted by the Americas Summit, held in Miami in 1994.
- In the framework of the Declaration of Principles and Plan of Action of the Americas Summit, create a hemispheric system for the dissemination of principles and means of protection of human rights, and support international programmes to minimize the incidence and the impact of terrorism, drug trafficking and HIV/AIDS infection.
- Enforce international conventions to which Brazil is a Party, specially those regarding the rights of children and adolescents, and fulfill the obligation to submit country reports and action plans.
- Implement measures for the protection of women's rights contained in the following documents: A) the Vienna Declaration and Programme of Action; B) the Declaration on the Elimination of Violence Against Women, approved by the UN in 1993; C) The Inter-american Convention for the Prevention, Punishment and

Eradication of Violence Against Women (Convention of Belém do Pará), adopted by the OAS in 1994.

- Implement the International Convention on the Elimination of all Forms of Racial Discrimination.
- Implement ILO Conventions nº 29, 105 and 111, regarding forced labor and discrimination.
- Enforce the obligation to submit periodic reports on the implementation of human rights conventions and treaties to which Brazil is a Party.

Medium-term action

- Disseminate the texts of international conventions and treaties on human rights to which Brazil is a Party.

Supporting organizations and actions for the protection of human rights

Short-term actions

- Promote the international exchange of experiences on the promotion and protection on human rights.
- Promote the international exchange of experiences in the field of education and training of police forces so as to enable them to perform their duty to fight against crime and violence in a manner consistent with the protection of human rights.
- Create and strengthen international support programmes to national projects for the promotion and protection of human rights, specially those concerning the reform of the Judiciary and the police.
- Support the elaboration of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Medium-term actions

- Strengthen the cooperation with international organizations for the protection and promotion of human rights, in particular with the Human Rights Committee, the Inter-american Commission on Human Rights, the Inter-american Court on Human Rights and the Inter-american Institute on Human Rights.
- Support the elaboration of the United Nations Declaration on the Rights of Indigenous People.
- Encourage countries which have diplomatic relations with Brazil to ratify the international conventions on human rights.
- Implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2005.

Implementation and Follow up of the National Programme on Human Rights

Implementation

- Create a civil service for young persons who would act as human rights defenders in all states of Brazil.
- Elaborate a Manual on Human Rights, to be widely disseminated, in order to provide information, education and training to members of governmental and non-governmental organizations in charge of the implementation of the National Programme on Human Rights, and to raise awareness regarding the international and domestic commitments of the Brazilian Government in the field of human rights.
- Carry out a national information campaign, through the media, about the importance of human rights and the National Programme on Human Rights.
- Assign the Ministry of Justice with the responsibility of coordinating the implementation of the National Programme on Human Rights. For this purpose, the Ministry of Justice is entitled to recei-

ve suggestions and criticism on all aspects related to the enforcement of the Programme. At the state and municipal levels there will also be a competent authority for coordinating the implementation of the Programme.

- Foster studies on the creation of a system of federal incentives to state governments that implement the measures recommended in the National Programme on Human Rights.

Follow up

- Assign the Ministry of Justice with the responsibility to submit periodic reports to the President of the Republic on the implementation of the National Programme on Human Rights.
- Assign state governments with the responsibility to elaborate and submit to the Ministry of Justice periodic reports on the implementation of the National Programme on Human Rights and on the situation of human rights enforcement at state level.

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13. PLANO DIRETOR DA REFORMA DO APARELHO DO ESTADO
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15. OS RUMOS PARA 1996
16. PROGRAMA NACIONAL DE DIREITOS HUMANOS
17. SOCIEDADES INDÍGENAS E A AÇÃO DO GOVERNO
18. COMUNIDADE SOLIDÁRIA: TODOS POR TODOS
19. O MERCADO DE TRABALHO E A GERAÇÃO DE EMPREGOS
20. POR UM BRASIL MAIS JUSTO - Ação Social do Governo
21. UMA ESTRATÉGIA DE DESENVOLVIMENTO SOCIAL
22. PRONUNCIAMENTOS DO PRESIDENTE DA REPÚBLICA - 1995
23. BRASIL EM AÇÃO - Investimentos para o Desenvolvimento

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4. PROGRAMME NATIONAL DES DROITS DE L'HOMME
5. BRÉSIL: DES RÉFORMES À LA CROISSANCE
6. DEUX ANNÉES DE CHANGEMENTS

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