

tion in respect of Employment and Occupation; development of projects for the promotion of citizenship and professional training, financed by the Fund for the Support of the Worker; and support for the dissemination of ILO Convention No. 111 through interventions made during events on discrimination, promotion of equality and human rights organized by different institutions (trade unions, municipalities, non-governmental organizations, Federal and state governments).

With regard to legislation, the report notes that the National Congress has approved, and the President has sanctioned, a law which foresees a penalty of one to three years' imprisonment for those who commit a crime of racism by uttering insults of a racial nature or discriminating on grounds of race, ethnicity, colour, religion or nationality. The principal innovation introduced by this law is to characterize as a crime of racism insults or prejudice in labour or personal relations, thus widening the scope of the previous law which foresaw sanctions only for cases of racism involving the media and restrictions of access to public places on grounds of race. The report also notes that Law No. 9.455 of 7 April 1997, defining the crime of torture, contains specific reference to the racial question, stating that the crime of torture is characterized when a person is constrained by violence or grave threat, with the infliction of physical or mental pain, for reason of racial or religious discrimination.

The SR expressed concern about the potentially undesirable effects of including a mention of race on school and birth certificates, as well as other documents, however laudable the original intent of affirmative action. The SR also continued to be concerned about the fate of indigenous peoples.

The Special Rapporteur's interim report to the 1998 General Assembly (A/53/269, para. 33) notes that in November 1997 the Palmares Foundation (Ministry of Culture) granted one of the 5,000 Afro-Brazilian communities that occupy the quilombos title to their land. According to officials, the government and the Palmares Foundation recognized the topographical surveys and legal studies delimiting the 3,158.11 hectares of land occupied by the Afro-Brazilian communities of the Iavaporunduva quilombo in the municipality of Eldorado in São Paulo state. To guarantee their legal rights, other involved population groups and communities would like similar measures to be taken with respect to their land but through the legislative process, as provided for by the Constitution, and not through decrees.

Sale of children, child prostitution, child pornography, Special Rapporteur on the:

(E/CN.4/1998/101, para. 123)

In the section dealing with education, the report notes that two projects are being implemented in Pernambuco and Bahia to prevent children from entering prostitution by providing them with formal education, vocational training and other activities. The programmes are being implemented by the Confederação Nacional da Indústria (CNI) in cooperation with its member organizations. The

programme includes training courses for local NGOs and local government officials responsible for education, health and law enforcement. In addition, awareness campaigns to put an end to child prostitution are in the process of being conducted through various media such as radio, television, posters and pamphlets. The Centro de Defesa da Criança e do Adolescente da Bahia (CEDECA/Ba) is producing a booklet on child sexual exploitation that is to be used as training material for institutions involved in the fight against child prostitution and trafficking in Brazil.

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 29–33; E/CN.4/1998/38/Add.1, paras. 30–34)

The report refers to information indicating that: the forensic medicine services are subordinate to the security forces, which compromises the independence they ought to enjoy; under Brazilian law only a medical examination authorized by a police authority is valid in court, meaning that victims of possible acts of torture or ill treatment will be reluctant to seek such authorization for fear of reprisals and making it difficult to obtain evidence; the Brazilian Forensic Medicine Society and the Brazilian Society of Forensic Criminology Experts had been seeking financial and administrative autonomy from the police since 1989 and had proposed legislative initiatives to this effect, but the government had not attached priority to this matter; to date forensic services have ceased to be subordinate to the police authorities only in the State of Amapá, where they report directly to a secretariat linked to the Governor's Office. Information also indicated that doctors had been asked to identify the physical cause of death in autopsy forms, but they had not been instructed either to include comments on the means which had provoked the death or to submit the kind of information that might be relevant to a legal investigation. As a result, important data were often lost. The Special Rapporteur also referred to information indicating that: the police — both civil and military — and also the federal police, frequently resorted to torture in much of the country; the lack of training and the impunity usually enjoyed by those responsible were contributing factors; and, while the lower house had approved a bill in July 1996 criminalizing torture, it was still pending in the Senate.

Three individual cases were sent to the government. One involved detention by military police, followed by various forms of torture — i.e., beating the detainee on his testicles and trampling on his hands while four policemen pointed guns at his head; the report notes that this case had been brought before the military courts. A second case involved the arrest of a suspect by Federal Police in connection with drug trafficking, followed by the detainee's death in custody the next day. The doctors of the Institute of Forensic Medicine reportedly gave the cause of death as internal haemorrhaging as a result of injury with a blunt object, and found bruising of the victim's chest, thighs and wrists and four broken ribs. The report took noted that the case had been referred to the federal investigation service for it to decide on the