

Torture

Signed: 23 September 1985; ratified: 28 September 1989. Brazil's initial and second and third periodic reports were due 27 October 1990, 1994 and 1998 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 24 September 1990. Brazil's initial and second periodic reports were due 23 October 1992 and 1997 respectively.

THEMATIC REPORTS**Mechanisms of the Commission on Human Rights****Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1998/43, paras. 13, 108–110)

No new cases of disappearance were transmitted by the Working Group (WG) to the government and one case was clarified when the relatives acknowledged that their missing family member was dead and a death certificate was issued. The report notes that the relatives received compensation.

Most of the 56 cases of disappearance transmitted by the WG occurred between 1969 and 1975 under the military government, in particular during the guerrilla warfare in the Aerugo region. The majority of those cases were clarified by the Working Group in 1996 on the basis of law No. 9.140/95 which recognized as dead persons missing in connection with their political activities in the period 1961-1979. The law provides that: the relatives of these victims are entitled to obtain death certificates and to receive compensation from the state; the right to request death certificates is guaranteed, but it is up to each family to decide whether or not to exercise this right; and the compensation is automatically due from the state once the death of the disappeared victim is acknowledged.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 14, 15, 17, 29, 30, 32, 36, 39, 52, 61, 70, 71; E/CN.4/1998/68/Add.1, paras. 36–49)

Information was transmitted to the government concerning reports of death threats from state officials and/or paramilitary groups, deaths in custody, excessive use of force by law enforcement officials and attacks or killings by security forces, paramilitary groups or private forces cooperating with or tolerated by the state. Allegations relating to situations of impunity were also transmitted, as were cases of children killed by police officers.

Information received by the Special Rapporteur (SR) pointed to an increase in violence against children and adolescents, mainly in the state of Rio de Janeiro, with more children and adolescents killed or injured in drug related violence and clashes between groups and with police officers than in death squad activities. The report notes that the lack of detailed investigations into these deaths makes it difficult to determine who is responsible for them. Further, the SR notes that, in its National

Human Rights Programme which began in May 1996, the government made a commitment to establish a system for gathering and producing accurate statistics on human rights violations against children and adolescents.

The SR referred to the fact that, in November 1995, the state of Rio de Janeiro promulgated Decree No. 21,753, stipulating that police officers performing acts of bravery would be decorated and receive a pay raise of 50 to 150 per cent. Between November 1995 and April 1996, 257 decorations of this type were reportedly issued. Concerns were expressed to the SR that the Decree would encourage the police to use more force in operations in which they were involved in order to qualify as an "act of bravery" and receive a pay raise.

The report referred to information of a general nature related to allegations that in Maceio, the capital of Alagoas, members of the civil police were harassing, ill treating and even violating the right to life of homosexual prostitutes. According to the information received, at least seven homosexual prostitutes had been killed, but a judicial investigation had been opened in only one of those cases.

Four urgent appeals were sent to the government on behalf of: members of the Guarani Kaiowá indigenous community, who were evicted from the land they occupied in Sucuriy, Maracajú municipality, by armed civilians threatening violence, during clashes over land between indigenous people and local landowners; witnesses to the events surrounding the death of five members of a death squad, in a reported clash with members of the civil police of the Robbery and Theft Department in the Alta Sao Sebastiao district of Cavaleiro; witnesses to the massacre at Nova Natal, Natal, Rio Grande do Norte in January 1993, who had begun testifying against four police officers charged with the massacre — three witnesses had been receiving intimidating visits in their homes from the accused and other members of the police; and a lawyer representing the family of an individual who was murdered, noting that members of a police association, Scuderie Detetive le Cocq (SDLC) were allegedly involved.

Individual cases involved: children killed by private security agents, military police officers and civil police officers; deaths during or shortly after arrest, sometimes as a result of ill treatment or shooting; and, deaths arising from a raid conducted by more than 100 police officers on a shanty town in Salvador who were looking for members of a criminal gang.

The response of the government to a case transmitted in 1996 stated that investigations were being conducted by the Federal Police to ensure that proceedings were as impartial as possible and that, in order to avoid interference with the investigations, the Deputy Secretary of State for Public Security had been removed from office because of suspected involvement with the group known as Meninos de Ouro. In connection with the urgent appeal transmitted on behalf of the Guarani Kaiowá indigenous community, the government said that demar-