

dead; the Chairman of the Human Rights Committee of the Chamber of Deputies, also a lawyer, possibly in connection with his public condemnation of the abduction/detention of the above-mentioned President of the APDHB; killings by members of the police and military when peasants and miners, demanding their rights in a confrontation with exploitative mining companies, occupied the Amayapampa and Chiquita Capacirca mines in Potosí; and killings during an operation aimed at eradicating coca production by members of the Mobile Rural Patrol Unit (UMOPAR), the environmental police, and the Coca Conversion Department (DIRECO).

The government response stated, *inter alia*, that: the President of the APDHB was free and the reasons for his temporary detention were being investigated by the Committee on the Constitution and Judicial Police of the National Congress; the President of the Inter American Commission on Human Rights had been asked to investigate and determine responsibility for the incidents leading to the killings of miners and peasants; and, pursuant to Supreme Decree No. 24793 of 4 August 1997, a compensation fund had been established for the relatives of persons killed or injured in incidents caused by the actions of state officials.

The Special Rapporteur welcomed the establishment of the compensation fund and urged the authorities to ensure that law enforcement officials receive comprehensive training in human rights questions and, above all, concerning limitations on the use of force and firearms in the performance of their duties.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 16, 40–41)

The report refers to the case of the President of the non-governmental Permanent Human Rights Assembly of Bolivia (see information under “Extrajudicial, summary or arbitrary execution”).

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 27–28; E/CN.4/1998/38/Add.1, para. 30)

The Special Rapporteur recalled the recommendation of the Human Rights Committee that the government should institute investigations into human rights violations “to bring to justice the perpetrators and to provide proper compensation to the victims, particularly with respect to continuing occurrences of torture and ill-treatment by the police and security forces” (A/52/40, para. 218). An urgent appeal was sent to the government in the case of the President of the Permanent Human Rights Assembly (see information under “Extrajudicial, summary or arbitrary execution”).



BRAZIL

Date of admission to UN: 24 October 1945.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Brazil has submitted a core document (HRI/CORE/1/Add.53) for use by the treaty bodies. The report prepared by the government contains economic, demographic and statistical data as well as a political history and information on the general political structure and legal framework for the protection of human rights. The Constitution of 1988 reflects the efforts of lawmakers to consolidate and expand fundamental rights and guarantees included in its preamble which were confirmed in the Fundamental Principles – citizenship, dignity of the human being, prevalence of human rights, no discrimination on the basis of origin, race, sex, colour or age, and granting of political asylum. The Constitution details, in five chapters: individual and collective rights and duties; social rights; nationality; political rights; and political parties. There are six principal remedies for the defence of threatened rights: *habeas corpus*, *habeas data*, writ of *mandamus*, collective writ of *mandamus*, writ of injunction, popular action, and public civil action. International instruments may be invoked and applied directly by the court and competent authorities.

The Council for the Defence of the Rights of the Human Person (CDDPH) is one organ which receives complaints and accusations of human rights violations from affected parties or third parties and proposes and recommends the adoption of corrective measures. The Council is not an executive body and has no coercive power over administrative or judicial authorities. In cooperation with the Public Ministry and government and non-governmental bodies, the CDDPH monitors how the competent authorities deal with cases of human rights violations.

Economic, Social and Cultural Rights

Acceded: 24 January 1992.

Brazil's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 24 January 1992.

Brazil's second periodic report was due 23 April 1998.

Racial Discrimination

Signed: 7 March 1966; ratified: 27 March 1968.

Brazil's 14th and 15th periodic reports were due 4 January 1996 and 1998 respectively.

Discrimination against Women

Signed: 31 March 1981; ratified: 1 February 1984.

Brazil's initial and second through fourth periodic reports were due 2 March 1985, 1989, 1993 and 1997 respectively.

Reservations and Declarations: Paragraph 1 of article 29.