



FIRE ALARM AS A LEGISLATIVE STRATEGY: THE CASE OF THE COMMITTEE ON HUMAN RIGHTS AND MINORITIES OF THE BRAZILIAN CHAMBER OF DEPUTIES

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Abstract: The article analyses the activities of the Committee on human rights and minorities of the Brazilian Chamber of Deputies of Brazil (CDHM), from 1995 (when it was established) to 2016, between the 50th and 55th legislatures. It combines conceptual tools of laws with modern models of political analysis to clarify the committee's strategies towards enhancing the agenda of human rights in the country. The study exams the CDHM from the perspective of the fire alarm model, that is, it argues that this model is the best way to understand why this particular committee became one of the most important institutions within the Brazilian Legislature. Although analytically based, this work has a descriptive nature and intent, with its leitmotiv relying on the CDHM's behavior during the period under analysis. The development of the article occurs through two main sections: we initially discuss the fire alarm as a legislative strategy, bringing in the conceptualization of McCubbins and Schwartz (1984), adapting the concept to the Brazilian political context; we then apply the conceptual framework to analyze real cases of legislative reaction, through CDHM activities, to human rights violation in the country.

Keywords: Committees in the Chamber of Deputies; Human Rights; Fire Alarm Model.

1 Introduction

Human rights issues, especially regarding groups classified as vulnerable, have assumed great political and social relevance in contemporary Brazil; subjects that were once taboos today are part of everyday life. Themes such as dignity and equality, present different ways of understanding by society and this often results in conflicts, and the State must prevent and resolve them. In this context, choosing the CDHM as an object of investigation seems to contribute to both legal and political *stricto sensu* discussions, as well as potentially adding knowledge to the study of the committee system and its strategies for action in the Brazilian Legislature³.

The themes that affect the CDHM, by tradition, are present in the agendas of the leftist parties, such as the rights of women, blacks, Indians, the most fragile workers, as well as the inhuman conditions experienced in prisons, among other controversial issues. Thus, it is not surprising that, created in 1995, it had, until 2016, 22 (twenty-two) presidents, always having alternation in its direction between parties considered to belong to that political field⁴. The

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³ For a review of the Legislative literature in Brazil see Figueiredo and Santos (2016).

⁴ The PT was the party that most often held the presidency, 15 (fifteen) times, followed by the PDT (four), 4 times, and then PCdoB, 1 (once).

exception occurs in 2013⁵, when a far-right party disputed and assumed the presidency of the Committee with the Federal Deputy, by São Paulo, Pastor Marco Feliciano of the PSC, with the vice-presidency also being with the Federal Deputy, by Acre, Antonia Lucia. A great controversy is taking place in the political world, as it wondered why a deputy / pastor, who had previously stated that "on the African continent lies the curse of paganism, occultism, miseries, diseases from there: ebola, AIDS, hunger ... etc." and written that "the rotting of homosexual feelings leads to hatred, crime and rejection" (NÉRI, 2013), at that time, he was running for president of a Committee whose purpose and tradition had always been to uphold the rights of minorities. Because of this intense dispute, it seems reasonable to raise the following questions: why would the CDHM arouse the interest of parties that until then considered it irrelevant? If the current diagnosis of the weakness of the committee system in Brazil is correct, why so much dispute over the presidency of this particular committee⁶? In what sense, then, would CDHM's actions have political relevance to the point of ambition of aggressively conservative stands?

Keeping these issues in mind, in the following article we investigate the role of the CDHM in crucial moments of the political debate in the country, specifically its actions against the demands of social movements for the realization of human rights, supported by conceptual elements from the legal and political fields. We use for conceptual purposes the conceptual apparatus of the oversight literature, and the crucial notion of fire alarm, to understand how the CDHM has acted constantly to visualize and vocalize human rights threats and violations.

It is useful to remember that the term fire alarm was conceptually brought into the field of political science by McCubbins and Schwartz (1984); it is a system of rules, procedures and practices within the Legislative Branch that (in the present work, when it comes to human rights, as we will argue) allows citizens and interest groups to unveil issues regarding threats and violations of their interests (in the case of this article, this set of rights), as well as to postulate the implementation of public policies that meet the demands in this regard. We then argue that the correct characterization of the behavior of the committee comes from the contextualized application of the concept of fire alarm, which also allows the origin of its efficiency and the reason for having been the subject of intense dispute in the recent past. To show the plausibility of the argument we use the methodology of exemplary case studies.

We divided the article into two sections; initially we discuss about the legislative strategy of the fire alarm bringing the conceptualization of McCubbins and Schwartz (1984) and the study of Brazilian authors on the subject; the following points out some aspects of the material sources of human rights identified as fire alarms in the committee sphere.

⁵ A brief passage from the PTB had also occurred earlier, but in a low-polarization political context with respect to the Committee's basic agenda.

⁶ See the much cited works by Figueiredo and Limongi (1995); and Pereira and Mueller (2000).

2 Fire alarm as a legislative strategy

McCubbins and Schwartz (1984) coined the term fire alarm, in the context of political science, as they studied the competence of the US Congress to oversee / supervision the actions of the Executive Branch and the Legislature itself.

The study by McCubbins and Schwartz (1984) disputes the claim that Congress neglects the ability to oversee / supervision the Executive. This denial starts from the conception that there is more than one option to make this competence effective. The authors then state two categories: police patrol supervision and fire alarm supervision; the first referring to centralized mechanisms for directly examining executive activities, the second electing decentralized procedures and practices that enable citizens and organized interest groups to review administrative decisions. The relevant point of the work of McCubbins and Schwartz (1984) is to consider fire alarm logic as a rational choice of representatives over police patrol-type supervision.

The model created by these authors is based on three (3) assumptions: technological, motivational and institutional, from which some consequences derive..

The technological assumption refers to whether Congress can choose between the two forms of oversight available or combine the two options by making exchanges and interactions between them. The authors exemplify two moments in which this combination of resources can occur: during legislative production and the oversight function. In the first case, Congress may include police patrol or fire alarm mechanisms as requirements for public hearings that will underlie the legislative process. In the oversight function, Congress, when evaluating an agency's performance, may hold public hearings to patrol for violations of legislative goals or wait for alarms to signal potential violations. (MCCUBBINS and SHWARTZ, 1984).

The motivational assumption refers to the fact that a congressman seeks to maximize the credits, he receives for the benefits distributed to his supporters, citizens, and / or interest groups, within his constituency or not, whose support can help him win reelection. (MCCUBBINS and SHWARTZ, 1984).

The institutional assumption concerns the role of state agencies as agents of Congress, especially the committees and subcommittees on which they depend for commitments and endowments. (MCCUBBINS and SHWARTZ, 1984).

As a consequence of these assumptions, McCubbins and Schwartz (1984) argue that fire alarm supervision would be more efficient as a strategy for obtaining credit, primarily because police patrol supervision spends more time examining executive actions, as well as finding and remedy deviations and / or violations in legislative goals, while fire alarm supervision allows congressmen to use time in other activities.

In addition, with regard to financial expenses both supervisions may have the same cost, however in the case of the fire alarm it is shared with the alarm sounding actors, for example the

interest groups. Thus, the representative, by opting for the logic of the fire alarm, has spent less and gets credit for his reaction to the alarm. (MCCUBBINS and SHWARTZ, 1984).

In Brazil, two studies stand out when dealing with fire alarm supervision: Octavio Amorim Neto and Paulo Tafner (2002) wrote about coalition governments and fire alarm mechanisms in the legislative control of provisional measures and Helga do Nascimento de Almeida (2016) researched about representatives, represented and private social networks. Amorim Neto and Tafner point out that:

...one of the monitoring mechanisms most used by democratic clients is the use of fire alarms. In this case, it is not necessary for Congress to have great technical knowledge to know whether a MP meets its interest. It is enough for Congress to listen to the parties that will be affected by a MP to know if it is better than the status quo” (AMORIM NETO and TAFNER, 2002, p. 20).

It is noticed that the logic of the fire alarm lends itself to informational gain by representatives who often do not have technical knowledge about the subjects discussed.

Amorim Neto and Tafner (2002) exemplify the use of fire alarm supervision when the 1997 issue of the so-called Package 51, a set of fiscal measures such as tax increases and spending cuts, launched by President Fernando Henrique Cardoso and his Finance Minister Pedro Malan, with the objective of reducing the country's fiscal deficit. At the time, various sectors of society expressed their opposition to the Executive's proposal.

[...]After verifying that the opposition of the middle class was intense, that is, after the fire alarm was activated, the Congress armed itself with a consistent strategy to deal with the tax package. [...] after a few rounds of negotiation, representatives of the Executive and Legislative finally reached an agreement establishing an increase in the income tax rate more acceptable to the middle class (AMORIM NETO and TAFNER, 2002, p. 21).

The aforementioned authors clarify that during the period examined (basically the years of PSDB party governments led by Fernando Henrique Cardoso) a large number of Provisional Measures (PMs) are reissued as a result of a rational choice of the parliamentary majority regarding the most effective way to obtain information about their effects. (AMORIM NETO and TAFNER, 2002). That is, because of the fire alarm triggered by the recipients of PM.

Helga do Nascimento de Almeida's study (2016) concerns social networks, Facebook and Twitter, as fire alarm supervision tools.

The represented [citizens, interest groups, among others] can play the role of agents in the digital contexts and sound fire alarms, thus offering an informational gain for the principals (the representatives) and for the political game of general way (ALMEIDA, 2016, p. 1).

For Almeida (2016), the representatives only direct their attention to the issues that are raised by the fire alarm, that is, the representatives direct their attention and work to the issues that have repercussions with the voters.

The author's analysis model is based on the premise that both representatives and those represented would gain from the use of internet social networks as a fire alarm mechanism.

Representatives would use the mechanism and fire alarm in their private social networks with informational pretensions, that is, to reduce the informational deficit experienced by them within Congress. [The represented] would assume here the role of agents, the possibility of sounding the fire alarm and then making agendas that interest them emerge, bringing new information (ALMEIDA, 2016, p. 5).

In this light, the perception of the logic of the fire alarm is broadened. If the initial conception was the oversee / supervision of the Executive Branch, which was well exemplified by Amorim Neto and Tafner (2002) when studying the provisional measures, now the fire alarm is now understood as an instrument for spreading information, this provides informational gain to the representative and adaptation of the legislative agenda to social interests.

Understanding that the Committee on Human Rights and Minorities of the Brazilian Chamber of Deputies of Brazil (CDHM) plays an important role with respect to the visibility and vocalization of human rights threats and violations in Brazil, this is what we argue in this article. From the perspective of fire alarm. However, this understanding requires that conceptions about the logic of fire alarm be understood from an agglutinating perspective.

The CDHM, in its supervisory capacity, uses the fire alarm to determine if there is a misuse of purpose in the implemented public policies and, at the same time, checks when a certain policy, if necessary, is no longer created and / or executed. In addition, the Committee uses this approach as an essential mechanism for acquiring information on human rights threats and violations in Brazil.

In view of this integrative, supervisory and informational gain design, it is important to clarify another aspect of fire alarm logic when it comes to CDHM.

The analogy between the fire alarm, considered literally, and the expression used in the basic bibliography of the political science of legislative studies in Brazil, in the case of the CDHM, needs some complementation. The examples given above show interesting and correct aspects, but with some immobility.

It turns out that after the alarm sounds, there is an answer and that at that moment it fulfilled its function, just as the real fire alarm fulfills its task with the arrival of the firefighters. For example, Plan 51 was reissued after the dissatisfaction of the middle class was realized, as it was found that representatives adjust their agendas after demonstrations on social networks. It turns out that the fire alarm in the CDHM scenario can only be understood dynamically as part of a self-feeding flow.

The framework of the CDHM contains mechanisms capable of providing a voice for threats or violations of human rights (fire alarm), such as a system for receiving complaints, public hearings, campaigns and conferences.

At the sound of the fire alarm, by the voice of society and through the instruments made available by the CDHM, this Committee operates in several directions and may, on its own or by one of its members, take legal action in the broad sense and / or itself voice human rights issues, that is, fire alarm itself by triggering competent authorities to resolve this fact, informing other representatives about these situations, taking cases to international organizations, or even alerting society itself about certain occurrences.

It is clear that while the CDHM is receiving the fire alarm triggered by individuals, interest groups or society in general, thus having informational gain, it also acts by sounding the alarm, vocalizing occurrences of threat or violation of human rights, providing the other representatives with information relevant to human rights, revealing these issues to society in general and also triggering authorities to resolve conflicts in this scenario.

From this perspective, it is understood that while the CDHM's duties may sometimes appear to be neglected, in fact the Committee plays an important role in providing fire alarm mechanisms for the demonstration of those who have had their rights threatened or violated, as well as it sound the alarm to competent recipients to the appropriate response.

Next, we deal with the material sources of human rights. These sources are nothing more than the fire alarm set in the inside of society, reflecting the questions regarding the threats and violations of these rights that, in the exercise of their political rationality, the members of the CDHM ended up facing. Then, in the same section, we go on to report on typical cases of the fire alarm policy within the committee.

3. Sounding the fire alarm: material sources of human rights within the Committee on Human Rights and Minorities of the Chamber of Deputies

It is understood that the CDHM connects the social aspirations to the competent authorities for the accomplishment of public policies, adequate legislative production and decision making related to the subjects of human rights and minorities. Thus, it is the body of the Brazilian legislative structure that warns about human rights problems, adopting strategies that prioritize debate and public participation.

It is up to the legislator to interpret and meet social demands by understanding them as primary sources that give content to the norms they create. The issues experienced by society, especially regarding threats and violations of human rights, sound like fire alarms, providing an informational gain to the representative. The legislator, through the legislative process, integrates matter and form, providing society with formal rules of conduct based on their wishes.

François Geny classified legal sources into two species: substantial and formal. Substantial sources, also called material sources, correspond, among others, to the social, historical, ideal, and cultural elements of a people. The formal sources correspond to the solemn technical elaboration of what is provided by the former. (FERRAZ JÚNIOR, 2007).

This dual division of the sources of law is still used today and reflects the integrative character between what emanates from society and the formality that transforms social demands into legal rules. This article alludes to the material sources in the CDHM's sphere of action, identifying them as fire alarms that determine its action.

Material or subjective source has immediate meaning, refers to social events and phenomena that in one way or another require formal treatment by the legislator, refers to the content of the norm. It should be noted that human rights “reflect an axiological construct, based on a symbolic space of struggle and social action” (PIOVESAN, 2011, p. 220).

It is understood that the matrix of human rights are the historically reflected social relations, the effervescence of society in the relationship between time and space, for example, the movements towards the end of new forms of slave labor, the recognition of the rights of children and adolescents, for the end of violence against women, against racism, for the rights of the disabled, among other fire alarms, which directly reflect the legislative production in Brazil.

The empirical analysis we will report below refers to typical cases of the fire alarm policy in the context of the CDHM. The research reveals itself in two guidelines: reports of threats and / or violations of human rights and public participation; This, for bringing up the debate on issues that need more information for their understanding, those, for demonstrating the Brazilian situation with regard to human rights, both instruments of vocalization of threats and violations of these rights.

3.1 Complaints

The reading of the CDHM activity reports for the legislative sessions from 1995 to 2016 shows the number of complaints filed with the Committee but some of their reports, notably after the 2008 legislative session, no longer list the complaints and record their number, using phrases such as “countless complaints” or “hundreds of complaints” to refer to them.

From 1995 to 2008, 4888 (four thousand eight hundred and eighty-eight) complaints were filed. The category listed in the CDHM reports that had the most complaints was “prisoners and prisons” with 17.24%, followed by the categories “Police arbitrariness” with 7.4%, murders with 6.5% and threats with 5.6% of the total of complaints in this period. Again, after the 2008 legislative session until the 2016 legislative session, the Committee's reports did not list the categories or the number of complaints. Some cases of complaints have become emblematic for their severity, such as murders, torture, slaughter, lack of basic prison conditions, extermination groups, agrarian conflicts and police violence. Following are some cases that exemplify the fire

alarm character in the CDHM pipelines.

The Corumbiara massacre is an example of CDHM's action from a fire alarm perspective. On August 9, 1995, the Committee received a report of conflicts between police and squatters at Fazenda Santa Elina in Corumbiara, Rondônia state. After deliberation, urgency was requested to form a Special Chamber Committee to check the situation closely. The Special Committee found that 180 (one hundred and eighty) police officers, in executing the repossession warrant, used weapons, lighting bombs and tear gas, resulting in the deaths of 10 (ten) people, 8 (eight) missing and dozens of injured. The CDHM sought from the Human Rights Council (CDDPH) to determine the responsibility and fight against the impunity of those responsible. (COMISSÃO DE DIREITOS HUMANOS, 1996).

From the Corumbiara massacre, the CDHM focused its attention on other agrarian conflicts such as the Eldorado de Carajás massacre, which accompanied the facts relating to the investigation, in this and other land conflicts, moreover, the Committee has sought to promote measures to prevent human rights violations and impunity. Its work in this area was in conjunction with the National Forum against Violence in the Field. (COMISSÃO DE DIREITOS HUMANOS, 1997).

The CDHM, in 2001, received complaint that a series of murders of boys between 9 (nine) and 15 (fifteen) years old, that happened, since 1991, in Paço do Lumiar, municipality near the capital of Maranhão state. Before being murdered these boys had their genitals, eyes, tongue and fingers extirpated; there was also evidence in their bodies of sexual violence. Only 2 (two) cases had been solved so far. The Committee asked the state government of Maranhão to investigate why impunity was committed in these crimes. (COMISSÃO DE DIREITOS HUMANOS, 2002).

In 2002, the Committee followed up the case of torture in Patrocínio, Minas Gerais, in which the families of victims denounced the brutality and illegality of actions by detectives and the delegate of the city. It was found that after the removal, the accused were returned to service by ordinance of the Regional Delegate and police Corregidor. The CDHM officiated with the State Secretary of Public Security, the Assistant Secretariat of Human Rights, the Federal Witness Protection Program, the Attorney General's Office and the Ombudsman's Office of the Minas Gerais Police, requesting information and action. (COMISSÃO DE DIREITOS HUMANOS, 2003).

One of the cases that exemplifies the action of the CDHM, in 2008, refers to the complaint of a case of torture of a girl of 12 (twelve) years, in which the accused is a businesswoman and owner of the house where the girl lived. After due diligence from a group of members of the CDHM, who found the child was mistreated and imprisoned, the child was referred and treated by a doctor and psychologist. An inquiry was opened at the Child and Adolescent Protection Police Station (DPCA). (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2009).

In 2011, the CDHM highlighted the reports of threats against human rights activists and

journalistic companies in Goiás state. There were situations of serious threats, pressures and embarrassment. The perpetrators of these crimes are police officers who are also accused of being part of a group responsible for missing young people. The CDHM asked the governor of Goiás to adopt structural measures against impunity in extermination crimes, in addition to the action of education and culture in human rights in the training of public security officials. (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2012).

From the perspective of vocalization on human rights violations and threats, an important point to keep in mind is the inclusion of a human rights threats or violations communication tool on the CDHM website, from July 2011. According to the report of the CDHM, about the 2012 legislative session from 13 July 2011 to 31 December 2012, the Committee received 838 communiqués on violations of the rights of children and adolescents, homophobia, racism and religious intolerance. (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2013).

Once again, in its fire alarm function, in 2014, the CDHM requested that government agencies take action on land conflicts involving indigenous peoples, such as those who received threats for supporting demarcations in Santa Catarina state. In another case, the CDHM intervened so that Indigenous Chief, Babau of Olivença, in Bahia state, arrested in Brasília, was not transferred to Bahia where he could suffer violence in prison. (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2015).

In these and other cases, after the complaints received, the CDHM has taken different measures, such as following up investigations, forwarding requests to investigating bodies, visiting threatened communities, holding public hearings, following up on negotiations relevant to each case. It can be said that the CDHM acted, in the reported cases, as receiver of many fire alarms, as well as trigger of many of them.

3.2 Public Participation

It can be said that another instrument used as a fire alarm trigger within the scope of the CDHM is public participation, an idea that the resolution of demands should emphasize cooperation between state and society through the cooperation of different segments in the formulation, execution and enforcement of public policies.

According to much of the literature on political analysis⁷, participation has an educational and pedagogical character, representing the possibility of constituting a privileged space in which one can express wishes and needs, build arguments, formulate proposals, listen to other points of view, react, debate and reach consensus. A space in which the dialogical construction of the public interest becomes everyone's goal. In this light, it is stated that the participatory mechanisms

⁷ For a good analysis of the good consequences of participatory and deliberative processes on the legislative process, see Pogrebinski and Santos (2011) and Rocha (2016). In the legal literature, a great example is found in Moroni (2009, p. 122).

desirable for contemporary demands, especially in human rights, in addition to legitimizing citizens, organized or not, as participating subjects, should: provide space for discussions on issues affecting the general population, the vulnerable and minorities; provide information on topics to be discussed and decided upon; as well as influencing the choices of those with decision-making power, that is, the participatory *locus* stimulates the sounding of fire alarms.

The CDHM traditionally promotes public participation in events that provide debate on human rights, allowing for the visualization and vocalization of threats and violations of these rights. These events can be analyzed from two points of view: events authorized pursuant to article 24, XIII, of the RICD, which foresees that it is for the committees, by reason of the matter, “to study any subject within the respective thematic field or area of activity, and may promote in its scope, conferences, exhibitions, lectures or seminars”, this list is understood as an example and here these events will be called general events; and, on the other hand, events based on Article 58, Paragraph 2, II of the Federal Constitution and Article 24, III, of the RICD, both providing that the committees are competent to hold public hearings with the participation of civil society.

In the first case, the CDHM held seminars, lectures, campaigns, caravans, forums, lectures, book launches, conferences (here in the sense of meeting on a particular theme), journeys, simulated juries, meetings and book launches and other media.⁸ In the second case, it has held public hearings in all its legislative sessions. Next, to exemplify the understanding of public participation as a fire alarm instrument, some of these events will be reported.

During the surveyed period, the CDHM conducted 28 (twenty-eight) campaigns, among which the following stand out: Galdino Committee: fight for the indigenous cause; Human Rights Information Campaign; Christmas in peace, without death, without hunger; Manifesto 2000 - culture of peace and nonviolence; National campaign against torture; and activism against violence against women. It should be noted that campaigns have always aimed to bring to the public themes markedly with many threats and violations of human rights.

Since its creation until 2016, the Committee has held 16 (sixteen) conferences, notably the First National Conference on Human Rights, in 1996, with the participation of 150 (one hundred and fifty) entities. Its objective was to analyze the preliminary draft of the National Program for Human Rights (PNDH). The Conference resulted in proposals for the draft under consideration, as well as CDHM's commitment to articulate and oversee its implementation. (COMISSÃO DE DIREITOS HUMANOS, 1997). This Conference can be considered an important milestone in the path of human rights in Brazil, as it was the first broad debate promoted on the subject by a public institution. Other conferences on various topics took place at the

⁸ Noteworthy is the “Faces Seminar on Violence against Women: A Reality That Affects Us All” aimed to discuss the situation of women in Brazil. In which Deputy Luiza Erundina stated “as long as there is no complete diagnosis [on violence against women], public policies will remain punctual ... This prevents a position of confrontation against the perpetrators.” In addition, Deputy Jean Willys pointed out “Obstetric violence has been recognized as one of the modern forms of aggression against women.”

CDHM, violence, the prison system, women's rights were some of the subjects discussed at the conferences.

Between the 1995 and 2016 legislative sessions, the CDHM held 111 (one hundred and eleven) seminars to create a circle of debates with a broad thematic spectrum. Public safety, occupational disease, disability rights, food, affirmative policies, human rights education, violence against women, intrafamily violence, rights of homosexuals, children and adolescents, drug addiction and appropriate treatment, racism, the elderly and mental health were some of the topics discussed in this public participation format.

With reference to public hearings, it should be noted that they are foreseen in Brazilian law as a non-binding opinion-based participation mechanism, but it is consolidated as an important instrument in the area of human rights based on the need for joint action by the State and the society to create a culture of human rights.

The public hearing is an instrument that leads to a political or legal decision with legitimacy and transparency. It takes care of an instance in the administrative or legislative decision-making process, through which the competent authority makes room for all those who may suffer the reflexes of this decision to have an opportunity to speak before the outcome of the process. It is through it that the decision maker has access, simultaneously and under equal conditions, to the most varied opinions on the subject discussed, in direct contact with the interested parties. Such opinions are not binding on the decision, since they are consultative, and the authority, although not obliged to follow them, must analyze them according to their criteria, accepting or rejecting them. (SOARES, 2002, p. 260).

In the legal field, Moreira Neto (1991), points out those holding public hearings, even if they do not have binding power, generates a series of political-legal effects, namely:

- Evidence of the intention [...] to produce the best decision;
- Galvanizes the consensus to reinforce the decision to be taken;
- Expresses care with transparency [...];
- Permanently renews the dialogue between elected agents and their voters;
- Presence of a strong pedagogical content, as a social technique of access to power and the exercise of power (MOREIRA NETO, 1991, p. 211).

Regarding the Brazilian Legislative Branch, the Internal Regulation of the Chamber of Deputies provides, in Title VIII that deals with “the participation of civil society”, in Chapter III, the holding of public hearings, its systematic and its objectives.

Using this prerogative, the CDHM held, during the surveyed period, over 400 (four hundred) public hearings, as recorded in its activity reports and illustrated in Table 1.

Table 1 - Number of public hearings by legislative session and legislature

Legislatures	Legislative sessions				Total by legislature
	1 ^a	2 ^a	3 ^a	4 ^a	
50 ^a	14	17	16	18	65
51 ^a	33	9	25	6	73
52 ^a	23	14	19	9	65
53 ^a	24	17	32	10	83
54 ^a	21	16	23	25	85
55 ^a	32		-	-	32
TOTAL					403

Source: Own preparation based on the annual reports of the Human Rights Committee of the Chamber of Deputies.

To show the dynamics of the public hearings within the CDHM, the following will deal with the hearings that dealt with indigenous issues. This methodological approach is justified not only by the large number of hearings held within the Committee, which makes it impossible to discuss them all, but also because it is a minority and vulnerable group.

In an exhibition on the systematic of hearings and the CDHM's position on indigenous human rights, two topics will be briefly addressed here: health and land demarcation. Thus, two (2) public hearings will be reported: one that dealt with indigenous health and another about the demarcation of indigenous lands.

Indigenous health in Amapá state was the subject of a public hearing held on August 5, 2014, sponsored by the CDHM and the Human Rights Committee of the Federal Senate, and aimed at clarifying complaints received about inadequate indigenous health care in Amapá. Shortages of qualified public servants, health professionals, medicines and hospitalization beds were reported. (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2015).

Regarding the demarcation of indigenous lands, we highlight the public hearing held in May 2014, jointly by the CDHM and the Human Rights Committee of the Federal Senate, with the support of the Parliamentary Front in Defense of Indigenous Peoples, which debated the situation of demarcation of indigenous lands and agrarian conflicts. (COMISSÃO DE DIREITOS HUMANOS E MINORIAS, 2015). At the time, statements were heard from indigenous and farmers. After consideration of the subject, the representatives undertook to mediate negotiations in the most serious cases.

Between 1995 and 2015, the CDHM held 23 (twenty-three) public hearings concerning indigenous people, that is, 5.7% of the public hearings held by the CDHM during this period dealt with these issues. At first glance, it seems little in front of so many topics to be discussed on this subject, however, it must be remembered that the issues to be discussed in this Committee are numerous and concern so many other vulnerable groups.

4 Final Considerations

Today brings situations in which human rights are constantly threatened and / or violated. The three Branches, such as prison and indigenous situations, should address such issues; however, it is observed that there is, in general, an institutional paralysis when dealing with these themes.

Knowing this and identifying parliamentary committees as structuring elements of Brazilian legislative activity, the research aimed to identify the role of the Committee on Human Rights and Minorities of the Chamber of Deputies (CDHM), in the scenario of social struggles for dignity.

The strategy adopted in the article followed two complementary paths, initially through bibliographic research, especially on the legislative strategy of the fire alarm, highlighting the conceptualization of McCubbins and Schwartz (1984) and its contextualization to the Brazilian Legislature. Then, through documentary research, reports and minutes of the CDHM were analyzed from the methodological perspective of the case study to identify the legislative strategies applied by the CDHM.

The idea developed here was that the CDHM, within the parliamentary structure, is a very coherent body and since its inception acts from the perspective of striving for the realization of human rights in Brazil, playing an important role regarding the visibility and vocalization of threats and violations of human rights in Brazil, which is one of its main functions, which proceeds from the perspective of fire alarm.

The logic of the fire alarm was discussed in the modern political analysis, highlighting that this is a rational option of the representative in which mechanisms are available for those involved in situations of threat or violations of human rights to manifest themselves, informing the interested parties about these issues, also enabling the Chamber of Deputies to gain information. Next, the material and formal sources of human rights and their relationship with the Committee were identified. Material sources include complaints received and public participation, especially in public hearings.

The CDHM has demonstrated its understanding of human rights as the continuing struggle for the full realization of the human condition and for the end of social injustices, arbitrariness and discrimination still present today. In this view, as we have seen throughout this work, the Committee has played a very important role in making visible and known human rights threats and violations throughout the country and is essential in interpreting fire alarms so that information is disseminated, both within the House of Representatives, and for society at large. It was not for that reason that political forces opposed to the advance of this agenda were mobilized and organized to reach its presidency. We understand that this is an important contribution both to political science devoted to the study of institutions in general and to the Legislature in

particular, and to the science of law, particularly regarding studies on the means by which the state seeks the practical realization of human and minority rights.

5 References

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