



Human Rights Watch

UPR Submission

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Police violence continues to be one of the country's most intractable human rights problems. Faced with high levels of violent crime, especially in the country's urban centers, some police engage in abusive practices rather than pursuing sound policing policies.

Prison conditions are abysmal. In rural regions, violence and land conflicts are ongoing, and human rights defenders suffer threats and attacks. And, while the Brazilian government has made efforts to redress human rights abuses, it has rarely held accountable those responsible for the violations.

Police Violence

Brazil continues to face major problems in the area of public security. The country's metropolitan areas, and especially their low-income neighborhoods (*favelas*), are plagued by widespread violence, perpetrated by criminal gangs, abusive police, and, in the case of Rio de Janeiro, militias reportedly linked to the police. Every year, roughly 50,000 people are murdered in Brazil.

In Rio, criminal gangs launched a series of coordinated attacks against police officers, buses, and public buildings in December 2006, killing 11 people, including two officers. Reacting to the attacks, police killed seven people that they classified as suspects. Earlier in the year, in São Paulo state, a criminal gang's coordinated attacks on police and public buildings led to clashes between police and gang members that left more than 100 civilians and some

40 security agents in the state of São Paulo. A preliminary investigation by an independent committee found evidence that many of the killings documented during this period were extrajudicial executions.

According to official figures, police killed 694 people in the first six months of 2007 in Rio de Janeiro in situations described as “resistance followed by death,” 33.5 percent more than in same period last year. The number includes 44 people killed during a two-month police operation aimed at dismantling drug trafficking gangs in Complexo do Alemão, Rio de Janeiro’s poorest neighborhood. Violence reached a peak on June 27, when 19 people were killed during alleged confrontations with the police. According to residents and local nongovernmental organizations, many of the killings were summary executions. In October, at least 12 people were killed during a police incursion in Favela da Coréia, including a 4-year-old boy.

Police violence was also common in the state of São Paulo, where officers killed 201 people in the first half of 2007, according to official data. Fifteen officers were killed during the same period.

Torture remains a serious problem in Brazil. The federal government’s National Campaign against Torture reported receiving 1,336 complaints of torture between October 2001 and July 2003. There have been credible reports of police and prison guards torturing people in their custody as a form of punishment, intimidation, and extortion. Police have also allegedly used torture as a means of obtaining information or coercing confessions from criminal suspects.

Abusive police officers are rarely sanctioned, and abuses are sometimes justified by authorities as an inevitable by-product of efforts to combat Brazil’s very high crime rates.

Prison Conditions

The inhumane conditions, violence and overcrowding that have historically characterized Brazilian prisons remain one of the country’s main human rights

problems. According to the National Penitentiary Department, Brazilian prisons and jails held 419,551 inmates in June 2007, exceeding the system's capacity by approximately 200,000 inmates.

Violence continues to plague prisons around the country. In the first four months of 2007, 651 persons were killed while in detention, according to a parliamentary commission investigating problems in the country's prisons. The commission was formed in August after 25 inmates burned to their death during a riot in a prison in Minas Gerais. In September, detainees in a prison in Manaus also staged a riot, killing two men. Riots also ended in deaths in overcrowded prisons in Recife and Abreu e Lima, in the state of Pernambuco.

At Urso Branco prison, in Rondônia, one prisoner died and at least seven were injured during an uprising in July. Since November 2000, at least 97 inmates have reportedly been killed at the facility. The Inter-American Court of Human Rights has ordered Brazil to adopt measures to guarantee the safety of inmates in Urso Branco on four occasions since 2002, but Brazil has failed to do so.

Overcrowding, rats, diseased pigeons, poor water quality and a lack of medication were among the problems reported by the São Paulo state public defender's office at Sant'Ana female penitentiary, in São Paulo. The office has repeatedly urged the closing of the facility, where five inmates died between December 2006 and June 2007.

Although children and adolescents are granted special protection under Brazilian and international law, they are subjected to serious abuses by the juvenile detention system. Young inmates are subject to violence by other youths or prison guards.

Forced Labor

The use of forced labor continues to be a problem in rural Brazil, despite government efforts to expose violations. Since 1995, when the federal government created mobile units to monitor labor conditions in rural areas, approximately 26,000 workers deemed to be working in conditions analogous to

slavery were liberated. From January to August 2007, Brazil's Ministry of Labor and Employment liberated over 3,400 workers, including a record of 1,064 people freed in a single operation on a farm in Pará in July.

Yet, according to the Pastoral Land Commission, a Catholic Church's group that defends the rights of rural workers, the number of reports that it receives of laborers working under slave-like conditions remains constant at 250 to 300 a year, involving between 6,000 and 8,000 workers, but the government investigates only half of these cases. As of August 2007, no one had been punished for maintaining workers in slave-like conditions, according to the head of the public prosecutor's division responsible for combating slave labor.

Impunity

Human rights violations in Brazil are rarely prosecuted. In an effort to remedy this problem, the Brazilian government passed a constitutional amendment in 2004 that makes human rights crimes federal offenses. It allows certain human rights violations to be transferred from the state to the federal justice system for investigation and trial. The transfer, however, can only happen if requested by the Federal Prosecutor General and accepted by the Superior Tribunal of Justice. To date, there have been no such transfers.

In a positive step, the trial for the 2005 murder of Dorothy Stang, a missionary who fought for agrarian reform, resulted in the conviction and sentencing of three men in May 2007. Because two of them received sentences greater than 20 years of imprisonment, however, they had the right to new trials. One of them was already retried and convicted to 27 years.

Brazil has never prosecuted those responsible for atrocities committed in the period of military rule (1964-1985). An amnesty law passed in 1979 pardoned both government agents and members of armed political groups who had committed abuses.

The Brazilian federal government released in August 2007 a report on the results of an 11-year investigation by the national Commission on Political Deaths and

Disappearances to determine the fate of government opponents who were killed or “disappeared” by state security forces between 1961 and 1988. The commission was unable to clarify important aspects of these crimes, including the whereabouts of the majority of the “disappeared,” because the Brazilian armed forces have never opened key archives from the military years. In September, the Superior Tribunal of Justice ordered the armed forces to open secret files and reveal what happened to the remains of Brazilians who died or disappeared when the government sent troops to fight the Araguaia guerrilla uprising in 1971.