



January 2008

country summary

Brazil

Police violence continues to be one of Brazil's most intractable human rights problems. Faced with high levels of violent crime, especially in 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.

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 whom they classified as suspects. Earlier in 2006, in Sao 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 dead. A preliminary investigation by an independent committee found evidence that many of the Sao Paulo killings 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"—one-third more than in the same period in 2006. 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, 2007, 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 Coreia, including a four-year-old boy.

Police violence also remained common in Sao Paulo state, 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. There have been credible reports of police and prison guards torturing people in their custody as forms of punishment or intimidation, and for extortion.

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 death during a riot in a prison in Minas Gerais. In September detainees in a prison in Manaus also rioted, 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 on four occasions since 2002 has ordered Brazil to adopt measures to guarantee the safety of inmates in Urso Branco, 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 Sao Paulo state public defender's office at Sant'Ana female penitentiary in Sao 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 have been liberated. From January to August 2007, Brazil's Ministry of Labor and Employment liberated over 3,400 workers, including a record 1,064 people freed in a single operation on a farm in Para in July.

Yet, according to the Pastoral Land Commission, a Roman Catholic Church 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.

Rural Violence and Land Conflict

Indigenous people and landless peasants face threats, violent attacks, and killings as a result of land disputes in rural areas. According to the Pastoral Land Commission, 39 people were killed and 917 were arrested in rural conflicts throughout the country in 2006. Two indigenous people were killed in Mato Grosso do Sul state in 2007, allegedly by militiamen working for landowners, according to the Missionary Indigenous Council (CIMI), a Roman Catholic Church group that defends the rights of indigenous peoples. In September a member of the Movement of Landless Rural Workers (MST) was shot and killed in Goias state by two unidentified men.

Among other human rights defenders facing threats and intimidation, Dom Manoel João Francisco, a bishop working for indigenous rights in Chapeco (Santa Catarina state), received death threats in June 2007, according to CIMI. CIMI also reported that several of its missionaries were driven to leave Mato Grosso state after receiving threats from landowners.

Impunity

Human rights violations in Brazil are rarely prosecuted. In an effort to remedy this, 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-level 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' imprisonment, however, they had the right to new trials. At this writing one of them has already been retried, convicted, and sentenced to 27 years' imprisonment.

Brazil has never prosecuted those responsible for atrocities committed in the period of military rule (1964-1985). An amnesty law passed in 1979 pardoned 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 rule years. In September 2007 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.

Key International Actors

In 2006 the Inter-American Commission on Human Rights found Brazil responsible for violating the rights to equality before the law, judicial protection, and fair trial in the racial discrimination case of Simone André Diniz. It also deemed six cases against Brazil admissible. In one of them, the country is accused of violating the rights to life, humane treatment, fair trial, and judicial protection of inmates at the Urso Branco prison. In June 2007 the Commission agreed to review the Castelinho case, in which police officers reportedly ambushed a bus of prisoners in Sao Paulo in 2002, killing 12.