

## THE ROLE OF NÚCLEO DE ESTUDOS DA VIOLÊNCIA IN THE STRUGGLE FOR UNIVERSAL ACCESS TO HUMAN RIGHTS IN BRAZIL

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**T**he Center for the Study of Violence, or *Núcleo de Estudos da Violência* (NEV), was conceived in 1987 as an interdisciplinary academic center dedicated to studying the persistence of human rights violations and resistance to the rule of law during Brazil's transition from military rule to democracy. Fifteen years later, the main theoretical challenge in NEV's work remains the persistence of human rights violations—in particular, such gross violations as those that inhibit the right to life and to physical integrity—and their impact on establishing a democratic society in Brazil.

At first, NEV's work concentrated mainly on the right to life, particularly the right to physical integrity and protection against abuses by the state. After 1993, and as a result of the Vienna Declaration and Program Of Action (the final document issued by the World Conference on Human Rights) NEV's work expanded to include the full spectrum of rights, encompassing economic and social rights as well

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as collective rights relating to the environment, culture, and language.<sup>1</sup> Thus, the rights to work, to adequate housing, to health, and to a healthy environment have also become a prominent part of NEV's agenda.

### **Reporting on the State of Human Rights in Brazil**

NEV worked closely with human rights organizations on priorities in the field of human rights for Brazil. These collaborations culminated in a draft of the first National Human Rights Program issued by the Brazilian government in 1996.<sup>2</sup> NEV also assisted the government by consulting with civil society organizations across the country in producing a review of the Program in 2002. In addition, NEV has collected and analyzed data on human rights for use by the federal government in producing its report on the state of human rights in Brazil, including authoring initial drafts of reports that Brazil presented to the monitoring bodies of the International Covenant on Civil and Political Rights; the International Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment; and the International Convention on the Elimination of all Forms of Racial Discrimination.<sup>3</sup>

NEV has also partnered with the human rights organization Teotonio Vilela Commission for Human Rights to report nationally and internationally on human rights issues in Brazil.<sup>4</sup> The collaboration between the two groups means that research is informed by intervention and vice versa. This work involves NEV transferring information to the Teotonio Vilela Commission so that the Commission can use this information to denounce cases in international and national fora. In turn, the Commission gives NEV researchers access to information on specific cases of gross human rights, either the result of a single case or of dossiers, on, for instance, the use of torture in youth penal institutions. NEV's previous collaborations with the Commission have resulted in the monitoring of the Brazilian National Human Rights Program. Currently, this partnership includes informing public officials about the state of human rights, training individuals to become human rights monitors, documenting human rights violations, and working to

empower minority groups to seek enforcement of their rights.<sup>5,6</sup> This collaboration has resulted in the first two national reports on human rights in Brazil. These reports are produced with the assistance of human rights NGOs throughout the country as well as with the cooperation of some of the local government secretariats.<sup>7</sup>

All sources are asked to report on the state's compliance with the right to life and to physical security, including protection against executions, "disappearances," torture and degrading or inhuman treatment, arbitrary detention or imprisonment, and slavery or forced labor; the right to justice, including access to a fair and public trial (with an independent, unbiased court); the right to freedom of expression, including freedom of opinion, thought, press, and religion; and the right to equal treatment, including freedom from discrimination for children, women, the elderly, ethnic minorities, immigrants, migrants, gay men and lesbians, transsexuals, and the physically challenged. These reports also provide information about promoting rights, including groups that seek to educate others about their rights and public policies that promote and enforce human rights.

### **Inequality and Human Rights Violations**

The issue of differential access to economic and social rights has become increasingly relevant in Brazil. There is growing evidence that denial of these rights may also contribute to repeated gross violations of civil and political rights. Two years ago, NEV began to develop a Human Rights Observatories Network to explore this hypothesis. The project works with young people, since youth and children are some of the primary victims of human rights violations. The project began in São Paulo with youth who were living in extremely impoverished areas. These young people were asked to choose a right and then to report on their access to that right. They were trained to report on problems that they identified as priorities in their neighborhoods, in particular, regarding the prevalence of violence and the inaccessibility of education, cultural activities, and work. The information provided has culminated in a newspaper and a report. The report was produced by four youth

groups, each of which focused on one right: the right to education, the right to security, the right to work, and the right to leisure and culture. This project was later replicated in São Paulo City, and during this past year, it has begun in six other states in Brazil.

This project has given these young people an opportunity to learn about human rights and to learn how to report on and monitor their communities' access to rights. In addition, these youth, who were previously identified as the source of problems within their communities, are being perceived increasingly as assets, as they learn to voice their communities' grievances. This, besides improving their own self-perceptions and feelings of helplessness and depression, has empowered entire communities to demand that improvements be made.

### **Fostering Institution-Building to Prevent Violence**

Jointly, NEV and Globo Television Network have fostered the formation of the São Paulo Institute Against Violence (Instituto São Paulo contra a Violência). This non-governmental organization (NGO) encourages the economic elite to become involved in violence prevention by inspiring them to pressure the government into action. It brings together business leaders, academics, activists, and the media to generate new approaches to prevent violence, to support existing initiatives within civil society, and to put pressure on public authorities and politicians to focus on the control of violence. The work of the Institute is disproving the widely held belief that those who are wealthy need not be concerned with such issues as public security because they have the resources to hire private security services.

### **Researching Human Rights and Violence**

In the early days of NEV, research focused on the after-effects of an authoritarian regime—for example, abusive use of lethal force by police; racial bias in the judicial system, particularly in sentencing practices; and the presence of socially rooted authoritarianism. The acceptance of authoritarian beliefs and values by various sectors of the population led to the complicity of certain sectors of the popula-

tion with gross human rights violations. This complicity was expressed by tacit support for and, at times, active participation in lynchings, “vigilante” groups, or death squads.

NEV conducted a number of research projects to explore the role that the state, civil society, and the criminal-justice system played in allowing human rights violations to continue within an otherwise democratic society. From the outset of these projects, it was clear that these violations needed to be monitored continuously. Gross human rights violations do not occur in a void but tend to fester in situations where people's rights are already being violated. Violence perpetrated by state agents, combined with inadequate or insufficient public policies and resources to thwart violators and protect individuals' rights, creates a climate in which interpersonal violence is able to flourish.

Over the past 20 years, Brazil and, in particular, São Paulo have had significant decreases in their infant-mortality rates, dropping to a third of what they were in the early 1980s. At the same time, however, homicides of 16- to 24-year-old males have skyrocketed, reaching rates of more than 270 per 100,000 people in certain districts of the city in 2000.<sup>8</sup> Preventing deaths of teenagers and young adults is much more difficult than preventing infant mortality because it requires establishing public policies that reduce inequalities and that are sustainable over time. The health sector in concert with the education and criminal-justice systems can play key roles in this effort to stop violence at its source. NEV's research has shown that the manner in which they respond to these challenges can reduce both human rights violations in general and violence in particular.

### **Methodologies Used**

Throughout the years, NEV's research projects have used a variety of methods to unravel the connections between continued gross human rights violations and democratic consolidation. For instance, NEV has used both primary and secondary data collection to reconstruct major cases of human rights violations—cases that received much attention from the media—and to explore the impact such cases have had in the communities where they occurred.

NEV has recovered and analyzed police and court records, interviewed civil servants (police officers and public prosecutors) and members of the judiciary who processed the cases, and spoken with members of NGOs who followed the cases and with residents of the communities in which the incidents occurred. Secondary data on the communities and photographs were collected to draw socioeconomic and demographic profiles of an area, both at the time the incident took place as well as at the time the research was being done, and to identify an area's physical characteristics.

NEV also gathered as much press coverage on the cases as possible. The analysis of these various materials allowed close examination of some of the effects that highly publicized cases of violence can have on the communities in which they occur, about the functioning of the criminal-justice system, and about the relationship between violations of economic and social rights and gross acts of violence.

NEV has made extensive use of statistical techniques to examine and compare the differences between the prison sentences of Blacks and Whites who were found guilty of similar offenses in order to examine the presence of racial bias in the judiciary. NEV then used those findings in its evaluation of the human rights training programs that the International Committee of the Red Cross has designed for the Brazilian police force.

### **Current Research Programs**

As mentioned previously, NEV's research program has focused on monitoring human rights violations, evaluating the degree of impunity of the criminal-justice system, tracing the history of public security policies, and examining the quality of human rights representation within communities that have endured high rates of violent crime, as well as high concentrations of social and economic deprivation, so that an integrated theory of human rights can be developed.

### **Monitoring Human Rights Violations**

Information collected by NEV on gross human rights violations—lynchings, death-squad activities, and police violence—going back to 1 January 1980, is stored in three

databases.<sup>9</sup> This is the closest thing to a surveillance system on gross human rights violations that exists in Brazil, since government and civil authorities do not keep systematic records of police abuse and violence, lynchings, or death-squad actions.

Cases involving the police, even those in which a person is killed, tend to be classified as "resisting arrest." Lynchings and death-squad cases are usually reported as either homicides or attempted homicides, or if the victim survives, as incidents of serious bodily harm. The press and NGOs are the only organizations that monitor these occurrences. Initially, NEV focused on identifying the number of incidents and the number of victims who were involved, the circumstances surrounding the cases, and the reactions of the criminal-justice system and of the public. In time, interest has also increased in the location and the settings where the incidents occurred. As NEV gathered more information about each case, some recurring themes have become evident. For instance, certain cities and neighborhoods seemed to have inordinate numbers of lynchings, death-squad actions, or increased occurrences of armed resistance to arrest.

This long-term monitoring has led NEV to conduct in-depth examinations in some of the settings to explore the social, economic, political, and "public security" (such as the overall criminality rate) traits of the settings in which such incidents repeatedly occur. What is currently being explored is the relationship between these sorts of violations that are being committed and the settings in which they occur. This is being done by including examinations of physical, social, or organizational aspects, such as quality of housing, access to health services, and other social and economic infrastructure. Access to culture, sports, and leisure are considered as well, as are whether the lack of economic rights (access to work, level of income inequality, inequalities in educational achievement) can be linked to the gross human rights violations under review. The databases use geographical information systems to pinpoint where cases of gross human rights violations take place as well as where access to rights is limited. The emerging picture is one in

which unequal access to these rights seems, in essence, to be a precursor to gross human rights violations.

### **Monitoring and Evaluating the Criminal Justice System**

This area of research has sought to identify and to assess levels of criminal impunity by examining four types of violent crime: homicide, robbery, aggravated assault, and drug trafficking; and two types of nonviolent crime: theft and white-collar crime, such as corporate corruption. Information from police records, inquests, and judicial processes that have taken place in the municipality of São Paulo between 1987 and 1997 is being studied. The project is following each case as it travels through the system, identifying what happens at each stage of the process and the key factors that have contributed to the outcome of each phase. Penal impunity is also being measured in terms of the type of offense, its context, profiles of victims and perpetrators, and the roles that gender, race, age, and socioeconomic status (of both the aggressor and the victim) play in a case's outcome. Other factors that may affect a case's outcome are also examined, since the data available seem to indicate that impunity is not equally distributed across society.<sup>10</sup>

### **Public Security Policies in São Paulo Since 1822**

This research is exploring the theory that historically the political elite formulated an authoritarian system of public order based on a private monopoly of physical violence, limited access to justice, and the absence of legal equality. Public security policies were built and implemented in response to concerns about social control rather than concerns about the security of the public. As a result, these policies are incompatible with modern rule of law and with a democratic government. This area of research focuses primarily on analyzing historical documents, including legal codes, legislation, official reports and statistics, the press, biographies, and bibliographies.

### **Identifying Justice, Rights, and Punishment in Relation to the Human Rights of the Urban Population in São Paulo**

This action research project is addressing the impact

that socially shared representations of justice, rights, and punishment have on interpersonal and group conflict and is using specific situations and people's expectations of the criminal-justice system to define what constitutes a gross human rights violation. The research focuses on the consequences of perceptions of restricted access to the following:

- Economic and social rights (income, education, and work).
- The right to adequate housing (in terms of quality, safety, and housing density).
- The right to a healthy environment (including access to treated water, a safe sewage system, electricity, refuse collection).
- The right to health (access to emergency services, hospitals, and procedures that reduce infant mortality and maternal deaths, and to treatment for chemical dependence).
- The right to culture and leisure.
- The right to physical integrity (security).
- The right to justice and punishment, in particular, the value attributed to human life.

The research also examines how the deprivation of rights can combine with fear of crime to foster the normalization of violence and the acceptance of gross human rights violations. All the previously listed rights are recognized within the official Brazilian Human Rights Program. NEV, in seeking to identify the extent to which these rights are being fulfilled, is also helping the Program to monitor human rights at a local, if not micro, level.

### **Intervention Project to Prevent Violence**

After identifying the unequal distribution of violence-related fatalities and of access to rights across the city of São Paulo, NEV has carried out an in-depth examination of two extremely troubled areas of the city. One area is in the southern part of the city, where homicides are rampant and where access to rights is limited; the other area is in the eastern part of the city, which has similar difficulties of

access to rights but much lower homicide rates. In both these areas, focus groups were conducted with civil servants in charge of education, health, security, social services, transportation, and mail delivery. Schools were also surveyed and major secondary data were retrieved to accurately characterize the areas and the residents. This information was then used to design three intervention projects whose goals were to reduce violence and to strengthen social capital so that residents could negotiate with local authorities more successfully to improve their access to rights. One project seeks to reduce the risk of violence among youths by training them in conflict-mediation techniques. Another project is developing peace fora in the community to give adults a setting for resolving interpersonal conflicts peacefully, and a third project is creating a place for residents and local public officials to debate and jointly decide on what physical improvements are needed in the community.

The intervention projects were also aimed at children between 10 to 14 years old from within violence-ridden communities who attend local schools. The project is sensitizing and training these preteens to identify risk situations in terms of interpersonal conflicts that could lead to violence. Adults are also being trained to mediate conflicts that do not require police intervention but, if left unresolved, could turn violent. Concerned citizens and local activists who have, in the past, tried to improve the dialogue between local residents and the police are encouraged to communicate with police in a neutral setting, either at the university campus or other facility outside the at-risk areas, and in the presence of a NEV mediator.

Methods are being developed to help adolescents (15 to 19 years old) deal with risky interpersonal conflicts without "losing face." These methods will be tested in the coming year. This project represents a shift in NEV's focus from examining violence and human rights violations to developing violence-prevention projects. This new area of study has come about in an effort to address directly the detrimental effects that repeated exposure to violence has on local social capital as well as to determine how collective action can be used effectively to improve individuals' access to rights in

general. As a result of this involvement with violence prevention in Brazil and with the support of the World Health Organization, part of NEV's team is also taking its experiences to Mozambique to train interdisciplinary teams of professionals to design and implement violence-prevention programs for families and youth.

### **An Integrated Theory of Human Rights**

Human rights theory has been undergoing radical changes as it increasingly encompasses new themes such as social and collective rights and the preservation and protection of rights in a multicultural context. Contemporary society is also experiencing the emergence of multiple and varied social conflicts that cut across various issues including the traditional lines of dominance and submission. This challenge is made more poignant in a society such as Brazil's, which is being afflicted by deep social conflicts and economic inequality while having to cope as a nation with the issues of joining a global economy. In other words, current efforts toward implementing human rights are being made against a new and ever-changing backdrop of intense economic competition.

NEV's current research program is scheduled to end in 2005. Until then, each research project will also design an educational project for practitioners, including human rights activists and local public officials in charge of providing services to residents, as well as for teachers and students in elementary and secondary schools, and will develop a knowledge-transfer project to provide information for human rights activists, the media, and members of the criminal-justice system. NEV's ultimate goal is to contribute to the consolidation of democracy in Brazil by calling attention to the obstacles that prevent its residents from accessing their rights.

### **References**

1. Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights, Vienna, 14-25 June 1993, UN Doc. A/CONF.157/23.
2. See note 1.
3. Governo do Brasil, Ministério da Relações Exteriores (1994); Relatório

Inicial Relativo ao Pacto Internacional dos Direitos Civis e Políticos (176 pp), Governo do Brasil, Ministério da Justiça (2000); Primeiro Relatório Relativo à Implementação da Convenção contra a Tortura e outros Tratamentos ou Penas Cruéis, Desumanos ou Degradantes no Brasil (143); Governo do Brasil, Ministério das Relações Exteriores e Ministério da Justiça (1996); Décimo Relatório Periódico Relativo à Convenção Internacional sobre a Eliminação de Todas as Formas de Discriminação Racial (122 pp) and Governo do Brasil, Ministério das Relações Exteriores e Ministério da Justiça (2003); Décimo Quarto Relatório Periódico Relativo à Convenção Internacional sobre a Eliminação de Todas as Formas de Discriminação Racial.

4. The partnership between NEV and the Teotonio Vilela Commission means that structurally NEV provides office space, computers, Internet access, fax and telephone equipment, as well as office supplies, and it pays for the salaries of two active members of the Commission: one graduate student and one part-time lawyer. Other members of the Commission volunteer their time.

5. Governo do Brasil, Ministério da Justiça, Secretaria de Estado de Direitos Humanos, (2002) Segundo Relatório Nacional sobre os Direitos Humanos no Brasil, and Governo do Brasil, Ministério da Justiça, Secretaria de Estado de Direitos Humanos (1999) Primeiro Relatório Nacional sobre os Direitos Humanos no Brasil.

6. The Teotonio Vilela Commission of Human Rights formed in 1983, and since 1987 has worked in close partnership with NEV. The Commission originally had a mandate to protect the rights of persons in closed institutions—prisons and asylums for adults and youth. This mandate was eventually broadened to cover the abusive use of force and torture by police agents. In this role, the Commission has denounced more than 1,500 cases of gross human rights violations by police against citizens, in general, and minorities, in particular. It follows the more severe cases through courts and has denounced the Brazilian government in international courts in relation to three cases: killing 9 landless peasants in Para (1995), killing 111 prisoners in a state prison (1992) and 18 prisoners (by suffocation) in a cell in a police precinct (1989).

7. Secretariats of relevant areas (education, health, justice, public security, youth, housing, culture, etc.) in all of the 27 states of the Brazilian Federation are contacted and asked to report on the amount of access to rights in their region and within their field of work.

8. In the early 1980s, the homicide rate in São Paulo was 83.6 per 100,000 for males between the ages of 15 and 19 years old and 147.6 for those between 20 and 24 years of age. M. H. Mello Jorge, “Os adolescentes e jovens como vítimas da violência fatal em São Paulo” in: P. S. Pinheiro (ed.) *São Paulo Sem Medo: Um Diagnóstico da Violência Urbana* (São Paulo: Garamond R. J., 1998), pp. 97-120.

9. The information comes from newspaper clippings, official statistics (when available), and reports. Five newspapers are used: Data are collected throughout Brazil but are far more detailed for the states of São Paulo and Rio de Janeiro.

10. Previous research has revealed a deep bias in penal sanctions that mostly affect poor, black defendants who also suffer more during police investigations, and face greater obstacles to good quality public defense.