

Brazil

Significant human rights violations continue in Brazil. Police are often abusive and corrupt, prison conditions are abysmal, and rural violence and land conflicts are ongoing. Human rights defenders suffer threats and attacks. This year was marked by violent clashes between police and criminal groups, and by a series of rebellions in Brazilian prisons.

While the Brazilian government has made efforts to redress human rights abuses, it has rarely held accountable those responsible for the violations.

Police Violence

Police violence—including excessive use of force, extrajudicial executions, torture and other forms of ill-treatment—persists as one of Brazil’s most intractable human rights problems.

According to official figures, police killed 328 people in the state of Sao Paulo during the first six months of 2006, an 84 percent increase from the same period in 2005. Many of these killings occurred in May, after members of the First Command of the Capital (Primeiro Comando da Capital, PCC), a criminal gang, launched a series of coordinated attacks against police officers, prison guards, city buses, banks, and public buildings. Police responded to these attacks aggressively and, in some instances, with excessive force. The resulting clashes between police and gang members caused the death of more than 100 civilians and some 40 security agents in the state of Sao Paulo, according to official estimates. A preliminary investigation by an independent committee found strong evidence that many of the killings documented during this period were extrajudicial executions.

Police violence was also common in the state of Rio de Janeiro, where police killed 520 people in the first half of 2006, according to official data describing the

situations as “resistance followed by death.” Sixteen police officers were killed during the same period of time.

Torture

Torture remains a serious problem in Brazil. 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 used torture as a means of obtaining information or coercing confessions from criminal suspects.

In June 2006, Brazil’s Special Human Rights Secretariat created a National Committee for the Prevention and Control of Torture. The committee, comprised of public authorities and civil society representatives, is charged with proposing and monitoring mechanisms aimed at curbing the use of torture in the country, as well as conducting inspection visits to detention centers. Several states have committed themselves to implementing an Integrated Action Plan for the Prevention and Control of Torture that was developed by a commission of experts convened by the federal government.

Brazil also recognized the competence of the United Nations Committee against Torture to receive and evaluate complaints of torture filed by individuals within Brazil, pursuant to Article 22 of the UN Convention against Torture.

Prison Conditions

The inhumane conditions, violence, corruption, and overcrowding that have historically characterized Brazilian prisons remain one of the country’s main human rights problems. According to the Ministry of Justice, Brazilian prisons held 371,482 inmates in June 2006, exceeding the system’s capacity by more than 150,000 inmates.

Prison authorities in Sao Paulo responded to a riot that destroyed detention facilities in the Araraquara Prison in June 2006 by cramming some 1,500 detainees into a single open-air yard with an estimated capacity for 160 people and reportedly forcing them to remain there for three weeks, without adequate clothing or blankets, and exposed to the elements. Although some of the inmates reportedly suffered from

diseases such as tuberculosis, HIV, and diabetes, they were denied access to medical assistance.

Similarly, in the Mirandópolis Prison, also located in São Paulo, 1,200 inmates were reportedly kept in an area designed to hold no more than 450 for two months after a rebellion destroyed the detention facilities.

Violence continues to be commonplace in prisons throughout the country. In Espírito Santo, two inmates were killed, one of them decapitated, during a riot at the Viana Penitentiary, a maximum security facility located in the municipality of Vila Velha. In Rondonia, more than 200 people were held hostage for 24 hours at Urso Branco Prison during uprisings in June and July 2006. 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. Many uprisings throughout the country could be avoided if Brazil were to improve prison conditions.

Although children and adolescents are granted special protection under Brazilian and international law, they are also subjected to serious abuses by the juvenile detention system in Brazil. Young inmates are subject to violence by other youths or prison guards. In May 2006, an inmate was knifed to death in Unit 12 of the Fundação Estadual do Bem-Estar do Menor (FEBEM), the juvenile detention center in São Paulo. Human rights groups reported at least 28 deaths of adolescents during the past three years, all of which occurred while they were in custody at state-run juvenile detention centers in São Paulo. Inhuman conditions and violence are also pervasive in juvenile detention centers in Rio de Janeiro, where the judiciary and other institutions have failed to provide effective oversight.

Rural Violence and Land Conflict

Indigenous people, landless peasants, and human rights defenders face threats, violent attacks, and killings as a result of land disputes in rural areas. According to the Pastoral Land Commission, 38 people were killed, 166 were wounded, and 261 were arrested in rural conflicts throughout the country in 2005. In August 2006, two leaders of the Movement of Landless Rural Workers (MST) were killed in the municipality of Moreno, in Pernambuco.

Forced Labor

Brazil has made progress in curbing the use of forced labor. Since 1995, some 21,000 workers have been freed by mobile inspection teams comprised of labor inspectors, prosecutors, and the federal police.

Yet forced labor still thrives in some rural areas. Estimates indicate that between 25,000 and 40,000 people are subject to forced labor in Brazil. The International Labor Organization reported in 2006 that impunity is one of the main obstacles to ending the practice in Brazil. A bill proposing the expropriation of land where forced labor is used has lagged in the Brazilian Congress since 2001.

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. The amendment allows certain human rights violations to be transferred from the state to the federal justice system for investigation and trial. Yet, to date, there have been no such transfers, and thus in practice, this amendment has had little real impact.

In 2006, the Sao Paulo State Supreme Court overturned the conviction of Colonel Ubiratan Guimarães, who was responsible for the 1992 operation to put down a rebellion in the Carandiru Prison which resulted in the death of 111 prisoners. Colonel Guimarães was sentenced in 2001 to 632 years in prison for his role in the operation. However, the Sao Paulo Supreme Court annulled the decision on the grounds that Guimarães had been acting strictly in line with his duties. No other officer has been tried in relation to this case so far.

In a positive step, a jury in Rio de Janeiro convicted military police officer Carlos Jorge Carvalho in August 2006 to 543 years in prison for his involvement in the Baixada Fluminense massacre, in which 29 people were summarily killed on March 31, 2005. Four other police officers charged in relation to the massacre are still awaiting trial. In October 2006 a police officer initially accused of involvement in the massacre was murdered after contributing to the investigations.

In another important decision, 14 prison officials and guards were convicted in October 2006 of torturing 35 inmates at the juvenile detention facility in Raposo Tavares, Sao Paulo, in 2000. Two high-ranking officials were sentenced to 87 years in prison, the highest punishment ever meted out in the country for torture.

Human Rights Defenders

Human rights defenders continue to face threats and intimidation in Brazil. After Conceicao Paganele, a prominent juvenile rights advocate, denounced the use of torture in a juvenile detention center in Sao Paulo in January 2005, the state's juvenile detention agency filed a complaint against her with the police, alleging that she had incited rebellions in the center and facilitated the escape of several inmates. As a result, the police opened a criminal investigation against her.

Key International Actors

The Inter-American Court of Human Rights ruled against Brazil for the first time on August 17, 2006. The court held that Brazil was responsible for the death of Damião Ximenes Lopes, a young psychiatric patient who was subjected to ill-treatment and died while in the custody of a mental health clinic in the state of Ceara, on October 4, 1999. The court ordered Brazil to pay reparations to Lopes' family, as well as to guarantee that the case is properly investigated and that those responsible for his death are held accountable.

In May 2006 Brazil was elected one of the 47 members of the recently created Human Rights Council of the United Nations, and it will hold its seat for two years.