

**6th Yearly Report of the Center for the Study of Violence- CEPID-FAPESP
January to December 2006**

1- Summary description of the proposed Project

In the period 2006-2008, we aim to answer the following questions :

- what kind of democracy prospers in an environment of continued violation of human rights, how can change take place so that a 'good' democracy can develop?¹
- the "good" democracy is synonymous with full respect for human rights. What are the pre-conditions for democratic rule of law: the wide dissemination of democratic values in society (in particular within the elite), legislation and economic means to implement the rule of law (Morlino, 2004) or the presence of the civic traditions as expressed in the structure of institutions (Putnam, 1993)?
- If not the "good" democracy is there in Brazil the reduction in authoritarian traditions. Are we progressing towards a more satisfying form of democracy?

This demands that we examine values, beliefs and attitudes in society as well as the functioning of institutions, in particular the judicial system, focusing on their role in the implementation of the rule of law and, in the long run, in the actual process of state formation. We aim to analyze the obstacles to the implementation of democratic rule of law, *identifying what has changed, as well as what has not, both in society and in the justice system, in the realm of ideas, values and norms towards human rights, law, justice and the institutions that should enforce them, to unravel the connections between permanence and change in an authoritarian culture.*

To answer these questions we proposed to carry out integrated analysis of data collected by the NEV on Democracy, rule of law and human rights. Within this line of research we also proposed to compare rule of law in new democracies, facing a dual challenge implementing democracy, in a context of rising crime rates, with the case of Brazil; and as a second line of research we proposed to continue to monitor human rights violations in Brazil, and in São Paulo in particular, (gross human rights violations)

1- Through the integrated analysis of democracy, rule of law and human rights we will identify:

- what changes and what does not change in society and in the state:
- what rule of law emerges - what accountability and responsiveness,
- how the later affect the public's perceptions and support for a human rights regime,
- in how far have human rights become behavioral norms, morally and legally binding, against a background of growing urban violence .

This analysis is based on data collected between 1989 and present on perceptions and support for human rights, rule of law and democracy in the early 1990's, with those in the mid 1990's and in the 2000's as the experience with formal democracy matured. The data set consists of qualitative data obtained from samples of residents in São Paulo, as well as from members of the criminal justice system (judges, police officers, public prosecutors), as case studies, interviews and focus groups and quantitative data from surveys repeated every two years.

The role of the institutions in implementing rule of law is analyzed through from archival documentation (police inquiries and court documents) in cases of gross human rights violations involving agents of the state, and in cases of violent crimes.

The performance of courts in Brazil, and that of the criminal justice system, in implementing rule of law can be measured by how the criminal justice system respond to prevent longstanding violations from continuing to occur. This performance is more clearly visible when dealing with high profile cases of human rights violations (present in the media), to international reports such as those by

¹ defined as presenting "a stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms" (Morlino, 2004; p.12).

United Nations Special Human Rights Rapporteurs (on torture, on famine, on the prison system, on summary execution), and to reports by the various Parliamentary Inquiries Commissions in recent years on topics such as Executions, Organized Crime, Arms Trafficking and Child Prostitution and so forth.

1.2 - Comparative research on rule of law, democracy and human rights within the country (between states) and between countries focusing on areas with high levels of crime and violence.

2- Monitoring Human Rights in Brazil and in São Paulo, in particular. Continue to monitor human rights violations, access to human rights and the policies to protect and to promote human rights.

2. Qualitative analysis of the programmed activities in the period.

The research program at the NEV progressively shifted its focus from the documentation of human rights violations and the responses that civil society and the state give to such violations, to include the actual access of the population to rights. The time scale within which researchers searched for answers also changed. We moved our timeline from the transition to democracy in the middle of the 1980's to cover a longer period. This was not only to follow Morlino's (1986) suggestion that to understand the transition to democracy, it was necessary to include in the analysis the period before the authoritarian regime came into power, so as to identify what previous experience people had with democracy, to establish the experience people have had, in the past with democracy but also because as our historical project revealed that most of the issues, we were focusing at present, had roots in the past: in particular the failure of the state to ensure the security of the people. This move was further encouraged by recent studies in Brazilian history and by developments both in Political Science and in studies connecting crime and democracy from the criminological perspective (Kardstedt and LaFree, 2006).

The themes covered by our seminars were broadened as well as the timeline combining present day literature on the transitions, democracy, human rights and public security with literature about the state, criminal justice and public security in Brazil in colonial times and in the 19th century. This mixture of present day literature, with the early history of Brazil is providing very lively discussions in the group.

A turn of events in the broader context evidenced very clearly the connections between democracy, rule of law, human rights and crime. First we had a series of political scandals that tinted the image of the ruling party. This was followed by the growth of skepticism about democracy as a full proof mechanism to secure the respect for the law. Next came another challenge: the attacks in São Paulo in mid May, by the sympathizers or members of the PCC an organized crime group, formed about 10 years ago in the prisons of São Paulo², but now reputed to have branched out to other states. This group or their supporters attacked public buildings, policemen, prison guards or administrative personnel, commercial buildings (mostly banks) and public transport (buses). The public was not informed what caused the attacks and what their demands were. What is known is that between the 12th and the 20th of May there were prison riots in 73 penitentiaries in the state of São Paulo, thousands of prisoners were involved, many prisons were destroyed and 439 persons were killed by fire arms. Among public buildings attacked were a number of police stations and even the headquarters of the Public Prosecutor's offices.

This event was a challenge to the public security success story of the state that had reduced homicide by 40% in five years and tripled the population in prisons, without any police reform or investment in social safety, or any significant improvement in employment rate or in the rate of economic growth. The government of São Paulo, publicized its success in reducing homicide rates as evidence of the managerial skills of the former governor of the state, at the time starting his campaign for the presidency of the country, had to deal with what appeared to be massive lack of

² As a form of protection against the violence from prison management as well as to control violence between prisoners.

control. The government had to negotiate with the leaders of this group in order for the attacks to stop, while for some time citizens had to watch the police trying to protect themselves rather than ensuring public safety. When the attacks stopped it was not because the state had regained the control over social order but because the aggressors stopped the attacks. This experience made clear that crime could threaten democracy and rule of law and the response that the state gave produce more disquiet about its capacity to protect citizens and to ensure the respect of due process.³ The episode also revealed the multiple problems that affect civil society, in general and NGO's in particular, as they attempted to follow police investigations into the killings.

This event was the third and certainly the most serious in an escalation of conflicts between the state government and inmates in the state prison system. This escalation had started in 2001 when the first episode of simultaneous prison riots occurred, to be followed by another episode in 2003. The growth of the prison population combined with the worsening of the prison conditions, where overcrowding combine with physical (torture) and psychological abuse, violations that were denounced over and over again by national groups as well as by United Nations Rapporteurs. The analysis has to consider as well, the corruption within the criminal justice system and that involves ever higher echelons as exemplified the recent case involving the former chief of police of the state of Rio de Janeiro (involved with organized crime) and the governing authorities in the state of Rondonia (the vice governor, the president of the state legislative, the judge presiding the state tribunal as well as the one in charge of the general accountancy all indicted by the federal police on fraud and corruption).

It is expected that in democratic regimes the authorities will be subjected to greater political pressure from citizens both in terms of access to rights as well as in their access to protections. Our case seems to present some paradoxes, as we appear to be consolidating an unsatisfactory form of democracy in which neither the access to rights, nor the access to protections is ensured. In such fertile ground for grievances it is expected that they will be voiced. It is expected that the pressure on the authorities, in charge of the administration of justice, will grow when there is more crime and fear, and distrust in the laws, in particular that there will be calls for more severe punishment⁴. This was an episode of violence⁵ that was both criminal and political. It was motivated by an agenda unknown to the public. It could represent a turning point in how people perceive the criminal justice system, due process, and trust in the system and in democracy. Moreover as this chaos took place amidst the most orderly and peaceful process of general elections (governor, state legislature, senate, house of representatives, presidency) albeit the political scandals that involved the governing party during the electoral campaign.

This public security crisis can be interpreted as a symptom of the resistances to the democratization and innovation in the implementation of changes in public security policies and in the management of the prison system in São Paulo. Resistance to democracy is not new it started with the first democratically elected governor in 1982. Through the years the resistance to change has waxed and waned but never disappeared. Occasionally it returns with great strength. It was visible to the outside eyes by the intensity of the conflict between the State Secretary for Prison Management and that of Public Security. The crisis emerged when there was little mobilization from civil society and when public Prosecutors and the Judiciary were somewhat inactive in terms of public security issues having delegated to the Executive all the initiatives in this field. This contributed to further strengthen the resistances to innovation and to introduce changes in public security and in prison management.

³ More attacks (though less intense) occurred in June, July and August and only after a major television network allowed a statement from this group to be read to the public by a member of this organization in order to free one of their journalist who had been kidnapped.

⁴ It expected that during the process of democratization that impunity will grow because "as the criminal justice systems changes towards the due process model, the attrition rate increases, the conviction rate declines, and the system loses some of its "efficiency" in terms of punishment. However, the system gains in "effectiveness" and "fairness", as punishment is increasingly administered in accordance with the laws and taking into consideration the rights of the victims, the offenders and the citizens. The result is a decrease in rates of incarceration, but an increase in public confidence in criminal justice and democratic institutions." (HUNG-EN SUNG, 2006)

⁵ as it involved hundreds of people (maybe more) outside the prison system and thousands inside the system

This crisis intensified fears and insecurity in society not only in terms of public security but in the capacity that the state had to administer justice while raising the tolerance for arbitrary use of force by the police and prison wardens. Data collected by the NEV over a period of years collected data on the prison system; on the riots; on the policies that were enacted after the riots as well as on attempts to re-train prison managers and wardens and on how people perceive offenses, punishment and what trust they have in authorities and what freedom of action they delegate to them are essential to monitor and to evaluate the persistence of support for violence by state agents, and thus unwillingly the support for the agents resistance to change and for the institutionalization of the rule of law, democracy and human rights in Brazil.

2.1. Qualitative analysis of research Activities

The highlight in this period was the preparation and editing of a number of papers for publication and of two reference books:

- **The Third National Report on Human Rights**
- **Homicide of children and youth in Brazil: 1980-2002**

The first book will be launched in March 2007 and the second was launched in November 2006.

I- Democracy, rule of law and human rights

Progress was made on the integrated analysis of data on Democracy, rule of law and human rights, with more statistical treatment of the data from the 2001 and 2003 surveys, the application of the third wave of the survey which will allow us to explore some of the impact of the attacks the state suffered between May and August this year. We also finalized the combined analysis, on mortality by homicide of children and youth (described below). We are finalizing a paper on homicide of children between 10 and 14 years of age (early adolescents) a growing problem in Brazil. A number of literature reviews were carried on specific themes: fear, attitudes to human rights- in particular the use of lethal force by the police, the use of torture, freedom attributed to law enforcement agents as result of fear, attitudes to governments infringing on individual liberties to protect security/prevent violence. These informed the analysis of the impact of exposure to violence on fear and on the support for human rights violations combining data from the earlier waves of survey in São Paulo (2001 and 2003). This is now being complemented by data from the third survey (2006).

Qualitative data on the performance of the criminal justice system when dealing with cases of police violence, lynching and executions were retrieved, and stored so that it can be compared to the data on homicide cases (from the project on impunity). Also data from interviews in communities that where the setting for gross human rights violations was recovered so that responses related to attitudes, values and beliefs about human rights can be analyzed against the data from the surveys collected in similar communities.

I.1 "Homicides of youth in Brazil from 1980 to 2002" was launched this past November though it had been ready since last September⁶. The printing of this report was funded by the Special Secretariat for Human Rights at the Office of the Presidency and by UNDP (United Nations Development Program). The report was based on two sets of data available at the Center: mortality data from the Ministry of Health and the data from the gross human rights violations data bases on lynching, executions and killings by the police of youth between the ages of 0 and 19 years. The analysis covers the country, all 27 states and state capitals. The data are analyzed according to gender, age groups (0-4; 5-9; 10-14 and 15-19), also homicide is compared to other external causes of death. It is a reference for local public officials to design violence prevention programs for

⁶ Electoral restrictions prevented us from launching documents with federal logos during the electoral campaign period.

youth. Copies of this report are being sent to: the Ministries of health, education, human rights, to state secretaries of education, health, youth and social welfare and to their equivalent at state capitals (municipal secretaries). Copies are also being sent to the main libraries of public universities and research centers. The full document can be downloaded from our site at the internet.

I.3 - The criminal justice system, democracy and human rights

An analysis integrating the data from the judiciary concerning impunity in cases of violent crimes with the public's reactions to the experience with violence and crime as measured in the surveys (the three waves) . This study aims to explain the impact of impunity on people's trust in the institutions and in the agents in charge of applying the laws. At this stage the study concentrated on a literature review on theoretical models from the social sciences to explain the political trust of citizens on democratic institutions, in particular in the institutions that detain the monopoly of use of physical force to contain violence and crime. The key words used for the search were: legitimacy, trust, democracy, criminal justice system, punishment and crime. The data base used was Ebesco's. The analysis focused on three major themes: social legitimacy, political trust on democratic institutions and trust in the criminal justice system.

I.4 Public security and public participation

An Applied research- Pilot Implementation of a Local Security Contract in Jundiaí

Jundiaí is a middle sized city in the state of São Paulo (approx.230.000 residents). The municipality of Jundiaí located at 45 kms from São Paulo invited the Center to help them design a public Security Program for their city. This was a unique opportunity for us to experiment implementing the methodology we had developed at Jardim Angela, now with the support of the local government. The diagnosis was carried out by a team of young researcher during four and half months and was very successful both in the sense of the experience of the group as well as the satisfaction of both the municipal government and civil society.

The team carried out a thorough diagnosis of the public security in the city (with 250 000 residents) using secondary data, surveys, and group discussions. At each stage results were presented to the local authorities and to representatives of civil society for discussion. The Public Security Plan was designed after a series of consultation with the same audience (local authorities and residents) and after each consultation it was reviewed. This experience derives from the federal government's policy that encourages local governments to design their own public security programs. After being informed of the experience that the University of Montreal's led us to explore the possibility of developing tools in the internet for smaller communities to be able to design their own programs. We are now in negotiations with another WHO Collaborating Center (in the area of Injury and Violence Prevention) from Montreal the: Institut National de Santé Publique du Québec, where the Centre Québécois de Ressources en Promotion de la Sécurité et en Prévention de la Criminalité, is located, to design an internet site for communities to "do your their own public security plan/program".

I.5 Documenting interpersonal violence prevention programs and evaluating a youth violence prevention

As part of our collaborative work with WHO and with the United Nations Development Program (UNDP) we are involved in their AVPP Armed Violence Prevention Program. Due to the high incidence of homicide in Brazil the country is a priority for AVPP actions. Two key activities have been an inventory of the violence prevention projects in course and the evaluation of such projects. This inventory was also applied in a pilot version in South Africa, Russia, Macedonia, Moçambique, India, and in Jamaica. An online data collection system was designed and implemented and data was collected on 177 programs across the country.

To encourage the culture of evidence based evaluation of violence prevention projects, NEV was invited to carry out the evaluation of a project in São Paulo while The Fundação Oswaldo Cruz of the National School of Public Health in Rio de Janeiro evaluated another violence prevention project. All evaluations were followed both by WHO and UNDP. A youth violence prevention project in Jardim Ângela, SP was evaluated. Data from the NEV was used to characterize the population in the area and violence. Data from the surveys (2001 and 2003) were used to characterize the pattern of victimization in the region as well as the attitudes and values of the population to violence. The evaluation combined qualitative and quantitative methods using a quasi-experimental model with control group (matched group). Data was collected on the nature of the violence prevention program, and from youth taking part in the project, and with the workers in charge of the project. Observation of the activities (workshops and lectures), were also carried out. UNDP will publish the results of the two evaluations (São Paulo and Rio) next year.

II Monitoring Human Rights Violations in Brazil

II.1 Third National Report on Human Rights in Brazil: 2002-2005

During 2006 we have refined the methodology for monitoring human rights and this progress can be attested in the Third National Report on Human Rights (2002-2005). The report shows a regression in the development of policies for the protection and for the promotion of human rights in Brazil in this period. There is not a single state within the federation for which there is no record of gross human rights violations⁷. This picture could be worse as the information is quite precarious.

This report⁸ reveals the near absence or frailty of human rights' policies in every level of government: local, state and federal. This contributes to the persistence or even to the worsening of human rights abuses and to the impunity of those responsible for the violations. The report allows for systematic comparisons within the country and this exercise reiterates the need for integrated comparative analysis as means to promote human rights. Our report differs from other reports on human rights, in particular from the indicators being developed by the Brazilian Bureau of Census, in that our report:

- a) Covers a broader set of rights: civil, political, economic, social and cultural with special focus to gross human rights violations that affect the right to life, freedom and personal security.
- b) Provides national data as well as data for every state in the country.
- c) Relies on multiple sources: official (at federal and state levels) from the executive, legislative and judiciary branches, NGO's, Research Centers, and the press.

The databases on lynching, police violence and executions was reviewed.

- a) Only newspapers from São Paulo are being used as source of information, *Estado de São Paulo* e *Folha de S. Paulo*, as agreed with reviewer;.
- b) A new system installed allows more refined treatment of the data: we can now obtain more information on the profile of victims and aggressors, as well as about the settings;
- c) The data bases are now available to the public in an experimental way.

II.2- Integrated analysis of human rights, violence and violations.

⁷ MESQUITA NETO, Paulo de e ALVES, Renato. *Terceiro Relatório Nacional sobre Direitos Humanos no Brasil (2002-2005)*. São Paulo: Universidade de São Paulo, Núcleo de Estudos da Violência, 2006.

⁸ The report covers the 27 states and the federal government. A profile is given on for each state: a) demographics, human development index, human rights policies, compliance with the international system; b) access to justice- a profile of the judiciary, good practices to improve access; c) the right to life- executions, lynching, torture, police violence, rural violence, good practices to prevent; d) slave labor- diagnosis, good practices to prevent; e) penal system- jails, prisons- treatment of prisoners diagnosis and good practices to respect prisoners rights; f) freedom of expression and of assembly- the press, censorship, lawsuits, killings of journalists, killings and threats to trade union leaders (rural and urban), to leaders of Native Brazilians; political freedom- killings of politicians; g) children and adolescents- the rights to citizenship (birth registration) sexual exploitation, child labor, legal treatment of juvenile offenders, good practices to prevent; h) Women- labor market, good practices; i) Afro-Brazilians- diagnosis, good practices; j) Native Brazilians - diagnosis, good practices; k) The elderly- diagnosis, good practices; l) physically challenged- diagnosis, good practices; m) Migrants- diagnosis, good practices; n) Gays, Lesbians and transsexuals- diagnosis, good practices; and o) economic, social and cultural rights.

II.2.1 Violence in Brazil: causes and social costs. (Report).

A review of the Brazilian literature on violence, to estimate the social costs of this violence to various social economic groups, as well as, its distribution across the country.

II.2.2 The prison system

The analysis of the data on the prison system in São Paulo revealed that the use of violence has been historically a routine. Also routine are the low control over abuse perpetrated by wardens. The absence of a legal framework to prevent institutional violence further contributes to stability of through time of violence. In the years covered by the study there many other disturbing discoveries: the permanence of an authoritarian culture, the low support for human rights, the absence of any significant change in managerial practices and in the structure of the criminal justice system, even at times of transition to democratic regimes (1946, 1985).

The analysis of prison riots during the XXth century based on official documents, newspapers and legislation as well as in biographies and other documents that register the memories of witnesses and participants reveal in detail the reproduction of human rights violations, and the obstacles for the formulation of public security policies conducive to democratic values and with respect for citizens' rights.

Other research interventions of NEV

Paulo Sergio Pinheiro was nominated by the United Nations Secretary General Independent Expert in charge of the Study on Violence against Children in the World in 2003. the report was launched as a book in November, 2006. NEV followed the study from its inception, participating at all the steps from the definition of the questionnaires that were submitted to the member states to naming experts to contribute to the book, discussing the problems of measuring violence against children to helping to define how to present the findings, by type of violence, by nature of the aggressors or by settings in which the violence occurs. NEV also assisted leading the chapter on violence against children in the community.

(All publications for 2006 are listed in Appendix1)

2.2 - Qualitative analysis Knowledge Transfer- Dissemination of activities

a) WebSite NEV-Cidadão

This website contains useful information about key rights: education and health were the first topics, later on expanded to security, employment, social security, culture and leisure, consumer rights, documents. The site is hosted at FAPESP's incubadora project. To inform the population about the site we started to prepare local youth to tape brief messages about rights to be disseminate in local community radio stations. <http://www.guiadosdireitos.org.br>

In order to follow up the impact sites housed in the FAPESP Incubadora de Projetos Virtuais FAPESP there is a software now available AWStats. This allows us to monitor the growth of our visits to our site. In 2006 the number of visitors tripled having reached 135.810 visitors in November. Also roughly 40%of visitors have added this site to their favorite's list. To access AWStats <http://nev.incubadora.fapesp.br/stats>.

b) Agreement with the CIS (Consortio de Informações Sociais) from ANPOCS (National Association of Post-graduated Studies in Social Sciences) to grant access to three of the NEV's data sets to researchers through their site <http://www.nadd.prp.usp.br/cis/index.aspx>. The data sets are: the national survey on 10 capitals of states on violence (1999), the databases on gross human rights violations and the database on the legislation on public security.

c) Digitalizing all news clipping of the data bases on police violence, lynching and executions. All clippings referring to cases (over 60.000 news clippings) were scanned, and are in the process of being retrieved as text. In a another month all clippings referring to high profile case (dossies) will be scanned as well as the newspaper editorials referring to the key words used.

c) The book series on Human Rights to complement the series on Police and Society: five titles have been selected for translation and are in the process of translation and revision. They will be published and distributed by EDUSP. The series is being financed by the National Secretariat for Human Rights. The state of the publications is-

1) *Books in press:* Carol Devine, Human Rights: the essential reader;
Elizabeth Jelin & Eric Hershenberg (eds), Constructing Democracy: Human Rights, citizenship and society in Latin America; Micheline R. Ishay, (Editor), The Human Rights Reader. Major Political Essays, Speeches and Documents.

2) *Book undergoing final review of the translation:* George and Claude Andreopoulos and Pierre Richard, Human Rights Education for the Twenty First Century;

3) *Book being translated:* Thomas B. Jardine and Richard P. Claude (ed.) Human Rights and Statistics: getting the record straight

d) Seminar to discuss public security, human rights and organized crime in São Paulo as result of the attacks carried out by the PCC (criminal organization rooted in the prison system) in the state of São Paulo during 2006.

e) Worskhop with experts in Human Rights and Public security at the University.

f) Fórum da Cidadania e Segurança Pública with the São Paulo Institute against Violence. Strategic, analytical and informational support, for the organization and mobilization of the Fórum da Cidadania Contra a Violência, an non-governmental forum to debate and promote democratic and effective policies to improving public security in the State of São Paulo. The Fórum is supported by approximately 50 civil society organizations, including the major business associations in the State of São Paulo, and coordinated by the Instituto São Paulo Contra Violência (ISPCV) and Bolsa de Valores do Estado de São Paulo (Bovespa) the local stock exchange institution.

g) Planning three international seminars on “Organized Crime and Democracy”, “Organized Crime Drugs Trafficking and world economy”, and the third “Drug Use and policies of social control” for the three state universities in the State of São Paulo. As result of the attacks carried out in the state against representatives of the criminal justice system, banks and public transport system and others by members of an organized crime group (PCC) the Rectors of the three state universities decided that the universities should promote seminars to provide scientific evidence to both civil society and government agents about what works in containing such attacks. NEV was called by the Pro Rector of Culture of the University of São Paulo to help further develop this project. As result after a series of meetings and a large workshop with experts from other states and fields of knowledge a series of three International Seminars were suggested to be scheduled in 2007. (Draft of the programs appended).

Other knowledge transfer activities of the NEV

Presentation: How the USA can help Brazil fight organized crime? For the United States General Consul in São Paulo

Roundtable with the new United States Ambassador to Brazil: Violence in Brazil- what can be done? October 2006

Roundtable with members of the Royal College of Defence of the United Kingdom, on tour across Latin America, to identify threats to peace. September, 2006

Other dissemination activities-researchers :

Forum da Cidadania e Segurança Pública

Strategic support providing analysis, background information and data for the organization and mobilization of the Fórum da Cidadania Contra a Violência, an non-governmental forum to promote the debate and the promotion of democratic and effective policies to improve public security in the State of São Paulo. The Fórum is supported by approximately 50 civil society organizations, including the major business associations in the State of São Paulo, and coordinated by the Instituto São Paulo Contra Violência (ISPCV) and Bolsa de Valores do Estado de São Paulo (Bovespa) the stock exchange institution in São Paulo.

Development of a handbook on "Effective responses to violence against women" to be used in the training of police officers for the United Nations Office on Drugs and Crime, (UNODC) Criminal Justice Reform Unit, Rule of Law Section, Vienna -Austria.

(All activities of dissemination are fully described in appendix 2.)

2.3 - Qualitative analysis of the Educational Activities

Two major educational activities took place this year:

I The completion of the 1st Course on Organizational Management in Public Security and Criminal Justice, September 27, 2005 – 21 February, 2006.

Number of students: 33 students: judges (3), public prosecutors (10), heads of police precinct (10), and officers of the Military Police (10)

The second Course on Organizational Management in Public Security and Criminal Justice, May, 2006- October 2006

Activities: Lectures, workshops, group exercises,

Interactive site:<http://www.nev.vanzolini-ead.org.br>.

Duration: 180 hours.

Number of students: 31 students: judges (1), public prosecutors (7), heads of police precinct (8), and officers of the Military Police (15).

The two courses trained 64 members of the criminal justice system: 25 Military Police officers, 17 public prosecutors, 18 Civil Police Chiefs and 4 judges. The uneven distribution of personnel is the result of the lack of interest of certain careers, the judiciary in particular, to the training being offered. The course was well evaluated by the students in the two sessions of the course.

A number of students established long term contacts between themselves, a result we had anticipated. They have continued contacts and promoted some joint intervention in their circuit such as at the Criminal Court in the South Region of São Paulo. Others have also continued to dialogue with the NEV and with the professors from the Department of Production Engineering at USP with whom they had lectures on Organization and Methods. Another result was a handbook that public prosecutors produced to inform victims of violence about victim support services in their region.

II Course on Hannah Arendt with Prof. Bethânia Assy- UERJ State University of Rio de Janeiro. Responsibility and Judgment in Hannah Arendt.

For the researchers at NEV, and also students from the Law School, the Institute of Psychology and the Department of Social Sciences of the School of Philosophy, Languages and Human Sciences (FFLCH-USP).

3. Key obstacles/scientific challenges

We have three major interrelated challenges :

- a) To refine the indicators and the methodology to measure human rights, and develop indicators to be used in comparisons with other countries,
- b) To increase our knowledge about mechanisms to protect and to promote access to human rights (civil, political, economic, social and cultural) in new democracies. We need to identify more clearly what are the factors that contribute to weaken and strengthen human rights in new democracies and what is the impact that policies to ensure universal access to human rights have on rule of law and on democracy.
- c) To increase our knowledge about the process of political re-socialization that is assumed to occur when transitions to democracy start: what changes and what remains as legacies from the authoritarian period and what is the impact that change and persistence, in this realm have for rule of law, democracy and human rights.

4. Potential problems/bottlenecks

Access to information, to sources and to key information in government may be a problem. The mixed quality of secondary data is another problem. On the managerial aspect there is the need to institutionalize the Center to provide researchers with a career structure.

5. Objectives to be achieved in 2007

5.1 Research

I)- Democracy, rule of law and human rights

Our objectives in this line of inquiry are to identify:

- what changes and what does not change in society and in the state:
- what rule of law emerges - what accountability and responsiveness,
- how the later affect the public's perceptions and support for a human rights regime, in how far have human rights become behavioral norms, morally and legally binding, against a background of growing urban violence.

Themes to be explored in data analysis in 2007:

Exposure to violence and attitudes to human rights: in a context of fear of violence what explains the support for human rights/ the analysis will consider besides socioeconomic and demographic variables, also religion and perception of social capital. Data from the three waves of the survey will be used to this purpose.

Daily forms of conflict resolution: combining qualitative (interviews and focus groups) and quantitative data (from the surveys) to identify the shared concepts of how conflicts can be solved, what institutions, groups or individuals are perceived as having legitimacy to mediate.

I).3 - The criminal justice system, democracy and human rights

The main objective is to refine the study of public security policies and the performance of the criminal justice system (police, public prosecution, judiciary and the prison system). Data analysis will continue along three main axis: structure and functioning; social control processes and mechanisms; agents and internal logic of institutional actions. The theoretical and methodological innovation in this analysis resides in the focus: instead of centering the analysis on the performance of the agencies and their results, such as impunity the focus will lay on the processes of domination that reproduce forms of violence and that prevent access to rights and to forms of protections for citizens creating obstacles and as result jeopardizing their trust in institutions as legitimate

mechanisms to solve conflicts. Also the analysis brings a new perspective; that of the role of gender relations in the enforcement of penal laws.

Themes to be explored in data analysis in 2007

Criminal impunity: for whom? Analysis of the profile of impunity per type of offense, characteristics of the victims, location, year, police precinct where the offense was registered. Regression analysis will be conducted to identify which variables best explain the patterns of impunity detected.

What motivates the police to investigate? Analysis of the data on impunity to identify the decision making process of police officers to define which cases will be investigated: type of offense, profile of the victim, follow up of the case by victims or their relatives, expectations about the behavior of the courts, perception of the probability that the case if tried would lead to conviction, among others. This analysis will combine quantitative and qualitative data.

Impunity and citizens' trust in institutions – analysis of the data from the survey on trust in institutions for the residents in the áreas of the research on impunity.

Analysis of the effectiveness of 20 years of Women's Police Precincts in reducing violence against women. Analysis of the efficacy of the law to prevent Family and Domestic Violence and an analysis of women's role in crime, and the public perception of this role after the introduction of the first Women's Penitentiary in 1940's.

The analysis of how gender and the concept of patriarchy appear in legal discourse as revealed in the documents (archival) collected by NEV-CEPID/USP, to identify what they reveal about obstacles to or forms of support to promote access of women to rights.

Political Transition and public security: an analysis of what impact political transitions have promoted on public security in Brazil in 1946 and after 1985, in particular on the prison system.

Major prison riots in São Paulo and perceptions of punishment: to explore the potential impact of major prison riots in 2001, 2003 and 2006 on attitudes to prison and to punishment for criminal activities.

Police violence and the criminal justice system: an analysis of the performance of the criminal justice system in cases of high profile cases of police violence.), com base em fontes documentais (inquéritos e processos penais, notícias de imprensa) e entrevistas realizadas junto a operadores técnicos do direito (policiais, civis e militares; delegados, promotores públicos, juízes).

Analysis of the events that led to the public security crisis in 2006.

Official sources on public security policies: what quality of the data?

Comparative Research- Citizen Security and Human Rights in the Americas.

Development of indicators and methodology to compare public security and human rights in the Americas. This an project of the Inter-American Commission on Human Rights and the Soros Foundation in which Paulo de Mesquita Neto will represent NEV.

II) Monitoring Human Rights Violations

II). 1 The Fourth National Report on Human Rights 2006-2008.

Preparation of data for the 4th National Report on Human Rights covering the period 2006-2008. While preparing the Third Report it was decided that we should prepare a system to collect the information needed in a more expedite way and also to be able to update regularly the information

that becomes available. The data collection system is well advanced and in 2007 it will be fine tuned so that we will be able to issue internal reports yearly as well as the biennial report to be disseminated to the public.

Refining the methodology to measure violation and access to rights. Summing up the results of the International Seminar on Monitoring Human Rights.

II).2. Violence, Risk and Vulnerability: homicides and human rights violations in São Paulo

To refine the identification of risk factors to lethal violence of the youth and young adults (15 to 24 years-old) living in São Paulo Municipality. Relying on multiple methods we will focus initially on the quantitative analysis of data collected by NEV on homicides, social-economic development, gross human rights violations, exposure to violence, attitudes and norms related to violence and social capital (Surveys 1999, 2001, 2003 and 2006). The objective of the quantitative analysis is to identify the social and spatial distribution of risk factors of lethal violence victimization in youth and young adults using spatial statistics. This is to be supplemented by qualitative data on the risk and victimization profile of victims and perpetrators of homicide

II). 3 Improving access to rights -a home visitation project

This project can be considered an innovation in the Monitoring Humans Rights research line. We will carry out an exploratory intervention with pregnant teenagers to improve their access to rights informing them of social programs that can be of benefit to them and their children; of the baby's and her own needs (in terms of the development of the unborn child and her own) and will follow the mother and the newborn baby for a period to provide support in terms of information on rights and on the development of the child and the child's needs. The aim is to improve access to rights, promote early child development and prevent child maltreatment and abuse and violence. This exploratory project is being developed in a collaborative effort with: postgraduated students from the Law School (USP), a physician from the Department of Pediatrics at the School of Medicine (USP), a social psychologist from Mackenzie University, epidemiologists from UNIFESP. It has the support of PAHO and WHO.

5.2 Knowledge Transfer- Dissemination of activities in 2007

Prof. Sergio Adorno was nominated for the Unesco Human Rights Chair at the Institute of Advanced Studies at the University of São Paulo (IEA-USP). His working plan with the IEA includes sharing a number of activities originally scheduled to be carried out by the NEV to promote more synergy and to optimize resources. The two international seminars on monitoring human rights and on torture will be shared by both institutions.

The major new activities of dissemination, besides presentations at seminars, workshops and roundtables and media contact, scheduled for 2007 are:

- a) the expansion of the website to disseminate information on rights to citizens - NEV cidadão to the Metropolitan Region of São Paulo;
- b) to make available in the internet the full content of the newspaper clippings that inform the gross human rights violations data base. The data base with the full content of the news clippings will allow researchers, practitioners, journalists, civil servants and the public in general access to all the clippings that have been collected by the NEV for the past 27 years. This material will be retrieved using "Google" type queries. This will allow other types of analysis of the violations reported such as textual, illustrations used, space occupied, salience and so forth.
- c) developing an electronic publication periodical.

- d) to develop a pilot of a site through which communities will find the tools to design their own “public security projects/programs”. To do so we are negotiating with the Institut National de Santé Publique du Québec, where the Centre Québécois de Ressources en Promotion de la Sécurité et en Prévention de la Criminalité.
- e) International Seminars with the three state universities⁹ in the state of São Paulo on “Organized Crime and Democracy”, “Organized Crime Drugs Trafficking and world economy”, and the third “Drug Use and policies of social control”
- f) Seminar on the Monitoring of Human Rights (program appendix 5) for which we have already requested funding from different agencies including the US Consulate (for translation)
- g) Seminar on Torture (program appendix 6).
- h) Internet access to the database on parliamentary debates on public security and on the edicts by Governors of the province and later the state of São Paulo on public security issue.

5.3 Education

Educational Activities scheduled to take place in 2007

Course on Organizational Management in Public Security and Criminal Justice via Internet.

The course is to be adapted and experimentally implemented in an e.learning format.
Audience: 80 Members of the criminal justice system in the state of São Paulo.

Collaboration in the global mentoring program for injury prevention of the TEACH-VIP (teach injury and violence prevention) of the World Health Organization.

⁹ Universidade de São Paulo (USP), Universidade Estadual de Campinas (UNICAMP) and Universidade Estadual Júlio de Mesquita Neto (UNESP)