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## Rule of Law, Security and Police Performance in Brazil

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*To my family, who made me the person I am today,  
always supporting me in everything I wanted to achieve.*

*(Alla mia famiglia che mi ha reso la persona che sono  
oggi, supportandomi sempre in ogni cosa volessi  
raggiungere.)*



*To my dear Brazil, where I have spent the most exciting  
moments of my life.*

*(Ao meu querido Brasil, onde eu passei os momentos  
mais maravilhosos da minha vida.)*

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## Introduction

During this last academic year, I had the unique opportunity to spend 6 months in São Paulo for a Bilateral Exchange and my stay in Brazil remains without any doubt one of the greatest thing I did in life, something which I feel jealous and proud about.

São Paulo is an huge city with a very special vibe, full of people coming from all over the world, alternating dense group of buildings to very poor and degraded suburbs. It is a sort of a Brazilian version of New York, with an incredible economic and financial potential but with many gaps to be filled. The first issue I had to deal with, even before arriving in Brazil, was security and how to start behaving to lead a safe life while staying in this different reality from the one I've always lived in. Literally every person I knew was suggesting me to pay always attention while walking on the streets in Brazil, because the risk of being robbed or assaulted was still a major issue for tourists coming in the country.

As soon as I had arrived in São Paulo I was always afraid of taking out from my pocket my *lphone*, not using it for more than some seconds just to check messages on the display. After some days I realized that all that fear was simply a prejudice which was partly created and fueled from our European beliefs about Brazil and that big and developed city like São Paulo are safe just like any other city in this world.

To be honest I actually saw quite the opposite: rich and wealthy bourgeoisie in is nowadays the biggest slice inhabitants in São Paulo and, mindful of what was Brazil 20-30 years ago, they have increased their obsession with security, both home and while doing some daily actions like driving their cars. Every single building in the main neighborhoods of São Paulo is equipped with electrical wires and a concierge so everyone needs to present him/herself (including residents) to the doorman in order to get inside the condominium. Said that, I think every foreigner needs to reconsider safeness and security in

the most developed cities of Brazil, because they do not differ so much in this field from our European ones.

A whole different story is when we start discussing about the slums in the greater areas of big cities like São Paulo or Rio de Janeiro where the situation is still very difficult and hard to deal with. and we will pay attention also to that side of Brazilian society.

What really intrigued me during my whole stay, though, was the relation between Brazilians and police forces.

This is certainly an hot topic due to the love/hate (mostly hate I have to admit) between civilians and police officers. Usually whenever we see police driving around our towns we feel safer and more secure, like someone is watching over our actions preventing crimes.

Contrariwise, while in Brazil, I often felt a sensation of hostility (not always but quite frequently) when approaching to some policemen in the streets. I was once involved in a case where I needed to call police from my house in order to silence a very loud group of people partying until dawn in front of my building. What happened was that a whole police unit of 6 people presented themselves at my door with severe faces asking me my passport and other documents proving that I was not an outlaw living in their country, and addressing me very personal questions.

The only fact that I was not Brazilian made them worry more about the genuineness of my statements than about the group of Brazilian people disturbing the whole neighborhood.

Starting from this very light example I wanted to understand:

*Why anything like that occurs quite often?*

But most of all:

*Why do I see also Brazilians being afraid and suspicious about police in their own home cities whereas they should feel safer thanks to their work?*

I felt the need of investigating more about this issue on multiple levels, starting from the people I used to meet during my daily routine (taxi-drivers, shopkeepers, local friends) up to prominent academic figures such as university teachers and experts of international security. Before getting to this point, though, I would like to give a theoretical framework to my thesis, starting from the concept of Rule of Law and their dimensions and sub-dimensions and then passing to the analysis of democracy in Brazil starting from the end of the military dictatorship up to our days, with some special attention to the topic of individual security within Brazilian country.

# I. Rule of Law in Brazil

## Quality Democracy and Rule of Law definitions

*A good democracy is first and foremost a broadly legitimated regime that completely satisfies citizens (quality in terms of result); is one in which the citizens, associations, and communities of which it is composed enjoy liberty and equality, even in different forms and degrees (quality in terms of content); and the citizens themselves have the power to check and evaluate whether the government pursues the objectives of liberty and equality according to the rule of law (quality in terms of procedure).<sup>1</sup>*

This basic, yet complete definition, explains what a quality democracy is. Democracies can be evaluated accordingly to 8 dimensions (or qualities). These dimensions are mainly related to the rules and they are listed in the following scheme:

**5 Procedural dimensions:** *rule of law, accountability (electoral and inter-institutional), participation and competition*

**2 Substantive dimensions:** *freedom and equality*

**1 outcome:** *responsiveness* (capacity of government to satisfy the governed)

As we mentioned before, the first procedural dimension is rule of law. But what rule of law means exactly?

As prof. Morlino states: *rule of law is not only the enforcement of legal norms. It also connotes the principle of the supremacy of law, that is, the Ciceronian “legum servi sumus”, and entails at least the capacity, even if limited, to make authorities respect the laws, and to have laws that are non retroactive, publicly known, universal, stable and unambiguous.<sup>2</sup>*

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<sup>1</sup> *Changes for Democracy :Actors, Structures, Processes* - L.Morlino – Oxford Press (2011) pag. 195

<sup>2</sup> *Changes for Democracy :Actors, Structures, Processes* - L.Morlino - Oxford Press (2011) – pagg. 197-198



## Theoretical framework of the Rule of Law: Dimensions and sub-dimensions

The basic sub-dimensions of rule of law include:

1. *Individual security and civil order;*
2. *Independent judiciary and a modern justice system focused on a mechanism establishing independent, professional and efficient judiciary allowing equal access to justice;*
3. *Institutional and administrative capacity to formulate, implement and enforce the law;*
4. *Effective fight against corruption, illegality and abuse of power by the State agencies;*
5. *Security forces that are respectful of citizens' rights and are under civilian control.*

Another interesting and complete contribution on defining the rule of law comes from the World Justice Project (WJP), an independent organization working to implement the rule of law around the world:

*Strengthening the rule of law is a major goal of governments, donors businesses and civil society organizations around the world.*

*To be effective, however, rule of law development requires clarity about the fundamental features of the rule of law as well as an adequate basis for its evaluation and measurement.*<sup>3</sup>

*The Rule of law refers to a system in which the following 4 principles are upheld:*

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<sup>3</sup> [http://worldjusticeproject.org/sites/default/files/WJP\\_Index\\_Report\\_2012.pdf](http://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf)

*I. The government and its officials and agents as well as individual and private entities are accountable under the law;*

*II. The laws are clear, publicized, stable and just, are applied evenly, and protect fundamental rights, including the security of persons and property;*

*III. The process by which the laws are enacted, administered and enforced is accessible, fair and efficient;*

*IV. Justice is delivered timely by competent, ethical and independent representatives and neutrals who are of sufficient number, have adequate resources and reflect the makeup of the communities they serve.*

Starting from this basis, the WJP contributed to the creation of a Rule of Law Index, made on a quantitative assessment tool. This instrument offers reliable, independent and disaggregated information to a wide audience to:

- a) Assess a nation's adherence to the rule of law in practice;
- b) Identify a nation's strengths and weaknesses compared to the international framework;
- c) track changes over time.

The *WJP Rule of Law index* looks at 48 rule of law indicators organized around 9 conceptual dimensions:

- 1. Limited government;
- 2. powers absence of corruption;
- 3. order and security;
- 4. fundamental rights;
- 5. open government;
- 6. regulatory enforcement;
- 7. civil justice;

8. criminal justice;

9. informal justice.

In the 2012/2013 Index Brazil received the following results <sup>4</sup>:

*Brazil follows Chile and Uruguay as the third-best performer in the region and has the highest marks overall among the BRIC economies. The country has a good system of checks on executive power (ranked thirty-fifth), although a perceived culture of impunity among government officials is a source of concern. Fundamental rights are generally respected, with Brazil ranking 5th among upper middle income countries and 4th among its regional peers. Regulatory agencies are perceived as relatively independent, but inefficient. The civil justice system is relatively accessible (43rd globally and 3rd in the region), although court procedures are prone to delays and decisions are sometimes difficult to enforce. Brazil's lowest score is in the area of order and security, ranking 69th among all indexed countries, due to high crime rates. Police abuses and harsh conditions in correctional facilities are also a problem.*<sup>5</sup>

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<sup>4</sup> [http://worldjusticeproject.org/sites/default/files/WJP\\_Index\\_Report\\_2012.pdf](http://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf)

<sup>5</sup> [http://worldjusticeproject.org/sites/default/files/WJP\\_Index\\_Report\\_2012.pdf](http://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf)

# BRAZIL

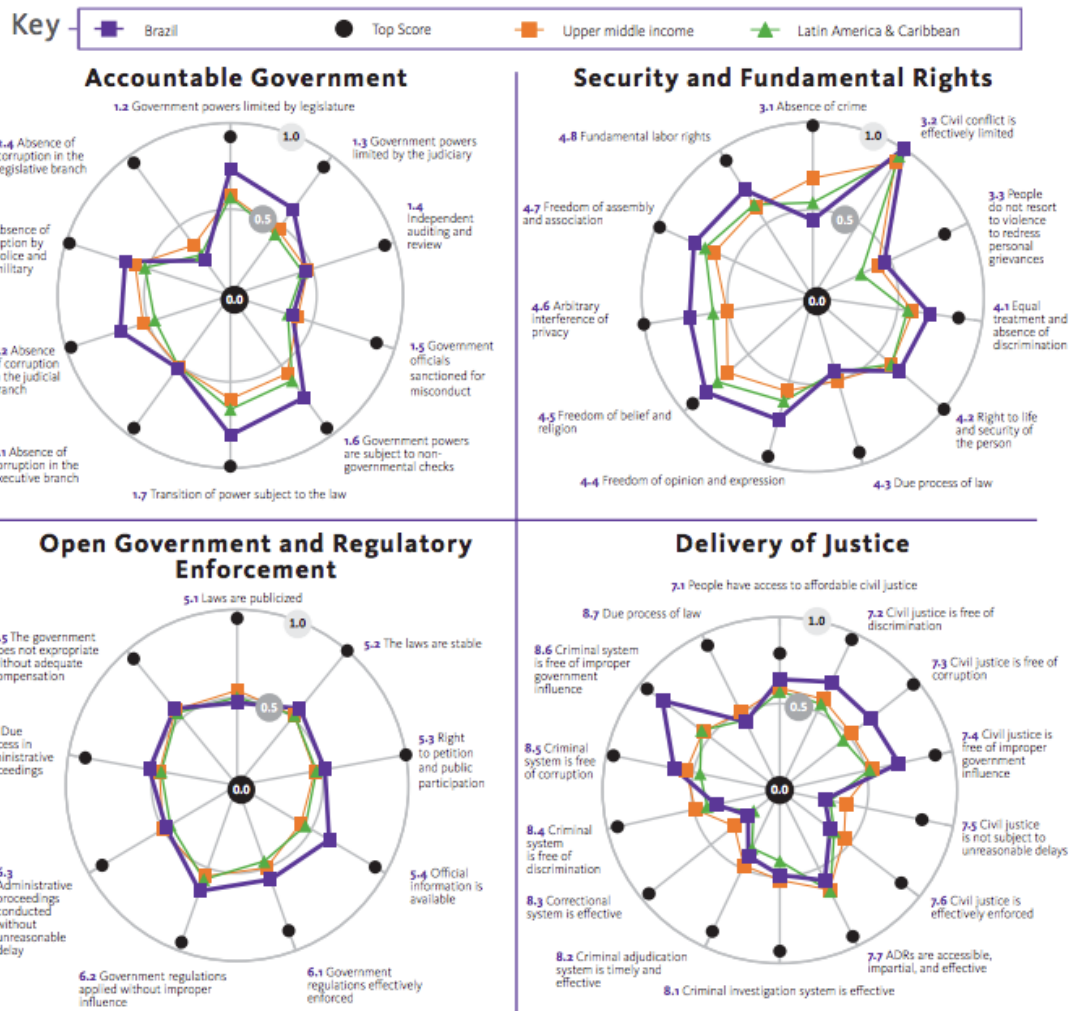
São Paulo, Rio de Janeiro, Belo Horizonte

## 1. WJP Rule of Law Index

	WJP RULE OF LAW INDEX FACTORS	SCORE	GLOBAL RANKING	REGIONAL RANKING	INCOME GROUP RANKING
<b>Income</b> Upper middle <b>Region</b> Latin America & Caribbean <b>Population</b> 199m (2012) 87% Urban 19% in three largest cities	Factor 1: Limited Government Powers	0.62	35/97	4/16	6/30
	Factor 2: Absence of Corruption	0.52	38/97	3/16	8/30
	Factor 3: Order and Security	0.64	69/97	6/16	18/30
	Factor 4: Fundamental Rights	0.69	33/97	4/16	5/30
	Factor 5: Open Government	0.54	31/97	4/16	7/30
	Factor 6: Regulatory Enforcement	0.56	37/97	3/16	7/30
	Factor 7: Civil Justice	0.55	43/97	3/16	11/30
	Factor 8: Criminal Justice	0.49	52/97	3/16	15/30

## 2. Scores for all WJP Rule of Law Index sub-factors

In each graph, a sub-factor is represented by a radius from the center of the circle to the periphery. The center of each circle corresponds to the lowest possible score for each sub-factor (0.00); the outer edge of the circle marks the highest possible score (1.00).



So, according to the data and the graph above, Brazil holds a good overall profile if compared to other Latin America's and BRIC countries ranking also around the half of the world chart in the majority of the 9 main conceptual

dimensions.

If we go deeper in this analysis, though, we notice that Brazil poorly performs in 2 of these dimensions:

- **Order and security:** 69th out of 97 countries
- **Criminal Justice:** 52nd out of 97 countries

These data show us exactly why Brazil is still far from being considered a well-performing model of democracy in the world.

*So, in which sense rule of law should be implemented so that Brazil could eventually achieve a better world position and becoming a new modern example of functioning democracy?*

The answers to these questions could be many and somehow variable. What is certain is that Brazil needs a plan of social reforms investing more about serious needs and plagues of the population (including the slums) and less about demagogic measures put in place by politicians throughout the last decades and also today (see PT's idea of a *Bolsa Familia*, a subsidy for poor people, which just increases the poverty trap while asking to the weaker part of the society for a vote in exchange). In order to do so, political corruption and old drifts of authoritarianism should be concretely combated and then abolished, otherwise the system will not be able to work in a clear and efficient way.

The Brazilian judicial system, for example, has been in a state of crisis since a long time. Brazilians often believe that their magistrates punish outlaws inadequately. Too mild punishments against dangerous criminals or specific powerful and rich classes such as politicians breaking the law, or even judges themselves, are applied. These double standards clearly show to the whole country that law is not equal for all, increasing the overall mistrust towards the

judiciary action. An opinion poll made in 1999 revealed a worrying 74% of Brazilians having no faith in their country's judicial system.<sup>6</sup>

*The result demonstrated declining confidence in the courts, increased cynicism about democracy and the rule of law, and increased tolerance for vigilante justice, nearly complete lack of faith in the judiciary, and prominent sentiments that democracy was not a real improvement over authoritarian rule... Brazil [has] seemed to be on the verge of serious democratic decay, with the failure of the judiciary a critical factor contributing to the declining faith in the rule of law.*<sup>7</sup>

From December 2004 onwards, Congress promoted the Constitutional Amendment n° 45 to produce significant changes in the judiciary, changing many articles of the Brazilian Constitution and implementing the judicial system with many reforms all included in the *Reforma do Judiciário* (Reform of the Judiciary). The rule of law intended as the existence of clear and stable general norms equally applied to everyone was in contrast with the frequent extemporary decisions of personal will of the judges.

As the political philosopher Pasquale Pasquino rightly stated:

*The person who judges, exercises, in a sense, the most worrying power of all. In daily life it is not the legislator who renders judgement or passes sentence, but the judge. The judge protects the citizen from the caprices and arbitrary*

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<sup>6</sup> *How Brazilian Judges Undermine the Rule of Law: A Critical Appraisal* - Augusto Zimmermann - <http://www.profpito.com/ITBLRBrazilianJudiciaryZimmermann.pdf>

<sup>7</sup> *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law* - William Prillaman – Center for Latin American Studies at the University of Miami (2000)

*will of the legislator, just as the existence of the law protects the accused from the caprices and arbitrary will of the judge.*<sup>8</sup>

In a system truly endorsing the rule of law, citizens must be able to exercise the basic right to submit their complaints before the impartial adjudication of an independent, law-abiding judicial system.

In this sense, Brazilian judges need to reconsider the role of the judiciary as an independent body, according to law. Judges abusing of their position to satisfy certain personal interest cannot be in charge of such important role. This can be achieved only assuming a greater commitment to the application of positive laws. Due to the historical past disregarding the rule of law, some specific practice have the power to destroy even the most constructive aspects of constitutional order, including judicial accountability and impartiality.

Education is another big concern for Brazil.

Despite the fact that Illiteracy shrink from a 20.1% of 1991 to a 9.6% of 2010, many cities belonging to the north-east area of the country are still at a worrying 28%. In 2010 about 1.304 towns of that area used to have 1 illiterate person every 4 being considered. Black illiterate people is 14.4% against a 5.9% of white people<sup>9</sup>. What I find extremely penalizing for the whole educational system is to keep up with racial quotas at university. A recent law approved in 2012 reserves 50% of spots in Brazil's federal universities for students coming from public schools, low-income families and who are of African or indigenous descent. This means that, on a ranking list, a white student which classifies right above the threshold, can be replaced with a black or indigenous student due to the quota functioning, even if the latter is

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<sup>8</sup> Pasquale Pasquino, 'One and Three: Separation of Powers and the Independence of the Judiciary in the Italian Constitution', in *Constitutional Culture and Democratic Rule* (J. Ferejohn, J.N. Rakove and J. Riley eds., 2001) 211.

<sup>9</sup> *La calidad de la democracia en Brasil; un regimen institucionalizado con mas derechos politicos que derechos civiles e sociales.*” Carlos Ugo Santander Joo, Carlos Federico Dominguez Avila, Joao Carlos Amoroso Botelho, Pedro Santos Mundim.

way below him in that list. I find this mechanism to be a great opportunity for those who do not afford quality education. Said that, I see many weaknesses in this law. First of all, this is something ideated not for the sake of true meritocracy but more to compensate the deep inequality that slavery legacy left in the country after just one century from the abolition of it. In my opinion, though, this is only increasing even more racial and social problems within the country because quotas are actually having a priority on meritocracy. They should be considered and divided in social, rather than racial, classes, so the quotas would then be based on the wealth of their families, whether this could be white, black, indigenous or yellow.

Second, instead of investing in quotas at university, Brazil should invest in a better primary school education, because both private and public schools are very weak in terms of quality and contents. So, for instance, while a rich white kid could afford a private school providing an overall sufficient education (if compared to the public ones), a black or indigenous kid has no other choice than public school. All this will eventually backfire when the grown up boy or girl will apply and take a test for a very competitive public university, showing that white people are the majority of those who get in not for their skin color or intelligence, but because they attended private primary schools providing a decent foundation in terms of knowledge.

Plus, Brazil needs to achieve very skilled professionals in engineering and medical schools, the most challenging areas that the country has to quickly develop in the next few years.

Once basic preparation in schools is guaranteed to everyone, the quota method would not be necessary anymore simply because qualified scholars and deserving people will eventually come out all over the country, no matter the race they belong to.

A good primary preparation will also help the country to increase the overall awareness in political and social participation, improving voters behavior and sensibleness when choosing a fitting candidate during the elections period. Matter of fact, like most Latin American countries, also Brazil has a



widespread lack of interest in political participation. Some results from *Lapop* poll in 2009 clearly states that 79% of the electors do not have any interest or at least very little one in national politics and the majority of them do not even discuss about political matters with close friends or relatives. This can only be improved with both education and information through the increase of media consumption in the daily life of every citizen.

*Why a recent booming economy such as Brazil still cannot solve all these problems once and for all?*

To better understand that, we should analyze Brazil socio-cultural logics in order to understand its political metamorphosis inherent to the process of transition to democracy and instauration of it while focusing also on the past and current status of rule of law in the country.

When we discuss about the whole process of democratization, we should take into consideration that this does not only relates to the first step of *transition to democracy* but it also includes the subsequent instauration and then *consolidation* of it.

The process towards democratization is based on the political-economic and socio-cultural logic that, generally, democratic governments are less subject to revolutions and civil violence of any form and so less likely to declare war with other similar structured countries. As a form of government, democracy has been defined in terms of sources of authority for government, purposes served by government and procedures for constituting government. The central process of democracy is the selection of leaders through competitive elections.

This procedural definition implies that a system is undemocratic to the extent that no opposition is permitted in elections or that the opposition is curbed or harassed in what it can do or that opposition newspapers are censored or closed down or that votes are manipulated or miscounted.<sup>10</sup>

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<sup>10</sup> *The Third Wave: Democratization in the late 20th Century* - Samuel P. Huntington pagg. 6-7 – University of Oklahoma Press (1991)

The process of democratization may be understood as the transition to a more democratic political regime.<sup>11</sup> If this transition remains stable, then we can reach a status of consolidation, as experienced in United Kingdom; However, democratization may as well face reversals to authoritarian and undemocratic systems like it happened in Brazil.

## **Rule of Law, Transition and Instauration of Democracy in Brazil**

While almost every country of the Third World embarked on a transition to democracy following the third wave of democratization of the 1980's, the formation, and then the establishment of democracy in Brazil is a peculiar, if not unique, case-study.

Brazil is certainly an huge country (almost to be considered a continent) with a vast amount of natural resources, which is without any doubt a key element that could allow Brazil to be a leading power, not only within the Latin American framework but also internationally, being the third world's democracy in terms of quantity of direct electors.

Despite that, the process towards democracy have been spasmodic and interspersed with violent political revolutions and a following military repression during from 1964 to 1985.

Even today, we can say that consolidation of democratic rule is still far from settled in the country.

During 19th century Latin America was isolated from the rest of the world due to the heritage of post-colonialism. All the States belonging to the continent did not have many contacts with each other, with many regimes mainly made of landowners catholic elite and a military caste. Brazil gained the status of a true empire in 1822 until 1889 with a legitimate monarchy bringing sufficient political stability. After that, the foundation of oligarchic republic was laid,

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<sup>11</sup> [http://en.wikipedia.org/wiki/Democratization#Causes\\_of\\_democratization](http://en.wikipedia.org/wiki/Democratization#Causes_of_democratization)

dominated by the socio-economic interests of the industrialists of São Paulo, coffee growers and cattle ranchers especially from Minas Gerais region. During the 20th century, Latin America witnessed attempts to assimilate democratic and industrial revolutions, which were the milestones of Western Europe and United States successes.<sup>12</sup>

Brazil, in particular, started its process on the path of electoral democracy in 1930, with Getulio Vargas as president of the State. Briefly, President Vargas established a populist dictatorship based on centralized power which lasted for 15 years. Brazil needed to wait the entry in the WWII on the Allied side to see the end of Vargas authority thanks to the military *coup d'état* supported by the Brazilian oligarchy. In fact it was paradoxical to fight against Nazi-Fascism abroad while the country was still under an authoritarian constitution.<sup>13</sup> Democracy returned back again with a new Constitution in 1946 with some democratic institutions and individual rights being recognized by the country (for example the plurality of political parties, guaranteed by the Art. 141 par.3 of the Constitution). Despite of that, this form of democracy was at its very embryonic state, pursuing just some new regional interests while still keeping in activity the powerful federal institutions inherited by the Vargas era. Matter of fact, the illiterate, together with people who could not express themselves in a national language and the ones deprived of political rights, were not entitled to vote (Art. 132).

So this political subversion did not break the basic ideas of the previous regime, without involving popular masses in the democratic participation. It was, indeed, this interplay between the oligarchic elites, military groups and politicians that acted in conjunction in order to overthrow strong political leaders inclined to install new sort of dictatorships in the country.

All these groups were also supported by U.S. army and navy.

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<sup>12</sup> “*Democratization of Brazil: Past Trends and Prospects*” – Sreya Maitra, pag. 4

<sup>13</sup> *The Rule of Law in Brazil* – Ana Paula Barbosa-Fohrmann

<http://wikis.fu-berlin.de/display/SBprojectrol/Brazil>

Matter of fact, this longtime partnership with U.S. was proven also by Brazilian troops support to the Americans during WWII operation tasks in Europe with 12 thousand soldiers fighting on the *Gothic Line*.

It was from 1964 to 1985, though, that Brazil plunged into a period of long military dictatorship controlled by the governors of the States of Rio de Janeiro (Carlos Lacerda), Minas Gerais (Magalhães Pinto) and São Paulo (Adhemar de Barros) , choosing the following 4 Generals as leading figures: Humberto de Alencar Castelo Branco, Artur da Costa e Silva (1967-1969), Emílio Garrastazu Médici (1968-74), Ernesto Geisel (1974-79) and João Figueiredo (1979-84).

Among the features that took governments following the military *coup*, also called counter-revolution, stands the elimination of many constitutional rights, the physical suppression of people and institutions related to the alleged communist *coup* attempt, and a strong press (and also artistic) censorship after the publication of the *Institutional Act N°5*.

United States actively contributed to this uprising, being afraid of Goulart's progressist reforms. President Lyndon Johnson urged taking *every step that we can to support the overthrow of João Goulart helping the Brazilian military authorities against the left-wing Jango's government*.



*Violence against an anti-regime protester in the street during the Dictatorship years*

From the 1930 to 1985, only four Presidents were elected in Brazil by direct electors and only two of the concluded their mandate peacefully. After this very delicate historical phase of Brazil, in the 1980's the country felt the need of creating a climate of political compromise based on a democratic commitment. The re-democratization of Brazil coincided with the *Third Wave* of democracy that was unleashed in the rest of the Third World countries.<sup>14</sup>

As Samuel Huntington argued in his bestseller "*The Third Wave*", five significant changes in the international order paved the wave for this new wave of democratization:

1. *The deepening legitimacy problems of authoritarian governments* unable to cope with military defeat and economic failure.
2. *The burgeoning economies of many countries*, rising living standards, education and urbanization while raising civic expectation and the ability to express them.
3. *Changes in religious institutions*, now more prone to attack authoritarianism.

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<sup>14</sup> "*Democratization of Brazil: Past Trends and Prospects*" – Sreya Maitra, pag. 6

4. *The push to promote human rights and democracy by newborn NGO's.*
5. *The snowballing effects of democratization in other countries.*

The very slow transition to democracy in Brazil started with a political opening already during the government of General Ernesto Geisel in 1974 and could not had been completed until 1985 when the military hardliners were ousted and the oil price shock ended, finally giving more certainties to Brazilian economy. The first thing to do was to invest in the main productive sectors while removing at the same time blocks in the energy and transport sectors. Along with that, many public demonstrations from the masses proved that military regime did not have any other chance to survive in the country.

The long transition found completion when a new constitution was proclaimed by October 1988, restoring civil and public rights including freedom of speech, abolishment of every sort of censorship, economic freedom, universal health system and, most important, direct and free elections. Thus, by the end of the 1980's *Brazil had resumed its journey to democratize.*

Article 1 of the new Constitution states the following:

*"The Federative Republic of Brazil is a democratic State founded on the rule of law"*

So, while the previous Constitutions were based on a social State founded on a distorted concept of rule of law, this time the 1988 Constitution finally reaffirmed the principle of popular sovereignty, typical of a true democratic system.

The Constitution of 1988 established also a State based on law and separation of powers (Article 2). It also stipulates the non-exclusion of review by the judiciary of injury or threat to a right (Article 5, XXXV (principle of judicial review)), the due process of law (Article 5, LIV), that no one will be

forced to do or refrain from doing something except by virtue of law (Article 5, II).

Therefore, the Brazilian Constitution of 1988 is an example of a welfare State constitution, founded on the Weimar Constitution of 1919 – which has influenced the Brazilian constitutionalism from the elaboration of the Constitution of 1934 on in relation to the provision of social rights – and the Basic Law of 1949.

Brazil is thus a social State based on the rule of law and legitimized by the people, who exercise democratic power.<sup>15</sup>

Even though many democratic governments had succeeded since then (including Cardoso government and Lula's left-wing government), Brazil has still a long way to go from being considered a fully working democracy, needing to improve many fragile aspects of its society first.

Brazil, in fact, *suffers broadly from the following challenges* to its democratization process:

**I. *Party switching and defection*** at the level of political party structure, with a very high political infidelity (36% of Lower House members over the past 16 years).<sup>16</sup>

**II. *High levels of corruption*** among the leading politicians including racketeering and money laundering (especially during Lula's PT administration).

**III. *Militarization of the public space***, with the use of military forces giving a military acceptance to the ordinary public safety of the citizens.

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<sup>15</sup> *The Rule of Law in Brazil* – Ana Paula Barbosa-Fohrmann

<http://wikis.fu-berlin.de/display/SBprojectrol/Brazil>

<sup>16</sup> The economist – “Politics in Brazil: Laws for the Law-makers” pag. 55 (November 2007)

**IV. *Racial discrimination and HR's violations*** also due to the very recent history of slavery in the nation, with many commonplaces of police killings, torture and inhumane prison conditions.

**V. *Deficiencies in the electoral system*** with single State constituency not representing the quantity of voters in a proportional way (due to bigger States constituency such as São Paulo).

**VI. *High rates of inter-personal violence*** such as kidnapping and homicide but also drug trafficking, murders and hired gunmen (*justiceiros*) characterizing Brazilian society.

**VII. *High levels of illiteracy***, close to the 5% also in the most developed States, contributing to increase inclination towards conflicts and unjustified violence.



## II. A Brazilian Perspective on Security

### *What is Human Security?*

*The term Human Security<sup>17</sup> first came to prominence with the publication of the 1994 UNDP Human Development Report. Before that an early definition would introduce the concept in the global policy debate with Lincoln Chen's report of the Common Security Forum in 1992. Like most attempts to conceptualize this somewhat elusive idea, the UNDP definition focused on a broad range of threats (economic, food, health, environmental, personal, community and political) to individuals.*

*The concept of human security is innovative due to its emphasis on guaranteeing individual security, focusing on individual protection and empowerment, pursuing individual development and ensuring individual rights. The protection of human security is considered the principal task of international order, even where this is in opposition to the will of individual States, which are cited as one of the main sources of individual insecurity. The people-centered approach is the main contribution of this concept. As State security has long meant protecting territorial boundaries and institutions, threats to individual security include threats that have not been classified as such to State security. The concept offers the possibility of exploring international and domestic aspects of security issues. However, in spite of its focus on individuals, human security cannot be considered in isolation, but must take into account the institutional frameworks, in particular nation States that uphold or infringe human rights. The notion of human security is, therefore, inextricable from creating and or strengthening democratic institutions.<sup>18</sup>*

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<sup>17</sup> 3 On the history of the concept of Human Security, see Charles-Philippe David, Jean-Francois Rioux, "Le concept de Sécurité Humaine", in Jean-Francois Rioux (ed.), *La Sécurité Humaine*, L'Harmattan, Paris, 2001.

<sup>18</sup> Brazilian Perspectives on Human Security - Ilona Szabó de Carvalho Raphael M.C. Corrêa

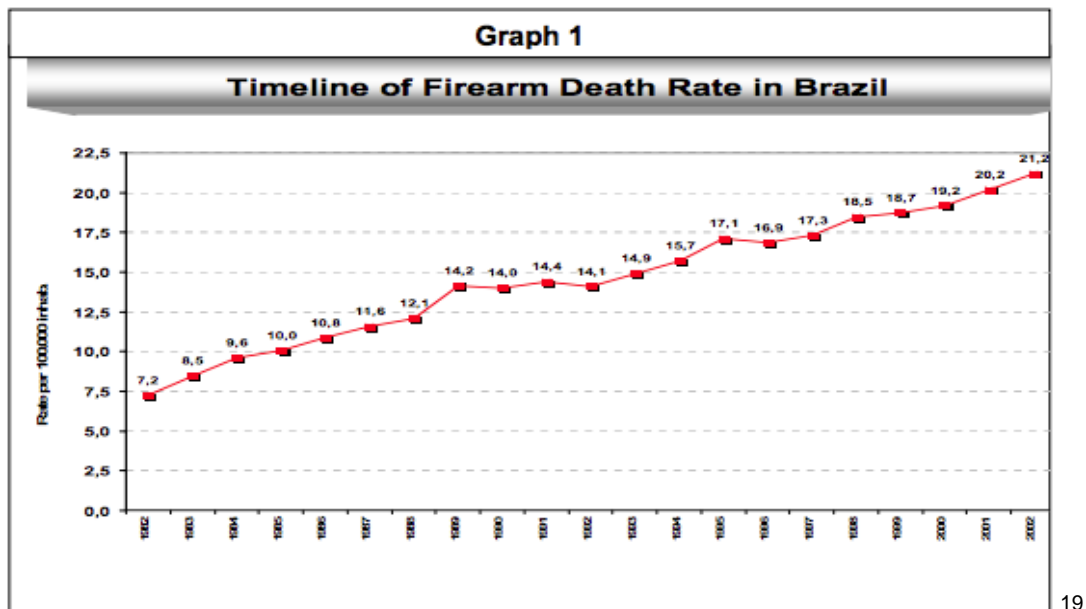
While Brazil can be listed as one of the most influential democracies in regional and global affairs and, very recently, has emerged as an important voice in international debates on human rights problems, the country still suffers many internal problems about human rights violations and individual security guarantees from the State.

### Human (In)security - Armed Violence

During 2002 around 38.000 people were killed by firearms, highest recorded rate of any country in the world including countries at war. Urban violence is still one of the worst phenomenon characterizing Brazil nowadays, just like in the past.

Official health data shows that the risk of gun-related deaths in Brazil is 2.6 times higher than in the rest of the world, and the great majority of these deaths (90%) are homicides.

Further, gun violence rates have tripled in the past twenty years, from 7.2 per 100,000 residents in 1982 to 21.2 per 100,000 residents in 2002 (*Graph 1*).



Also, In Brazil the risk of being killed by firearms for young men between 20 and 29 years of age is 5 times higher than for the rest of the population, and 2 times higher than for the rest of the male population.

The risk of death for these young men is 38 times higher than that of the female population and 20 times higher when compared to the female population in the same age group. (*Graph 2*).

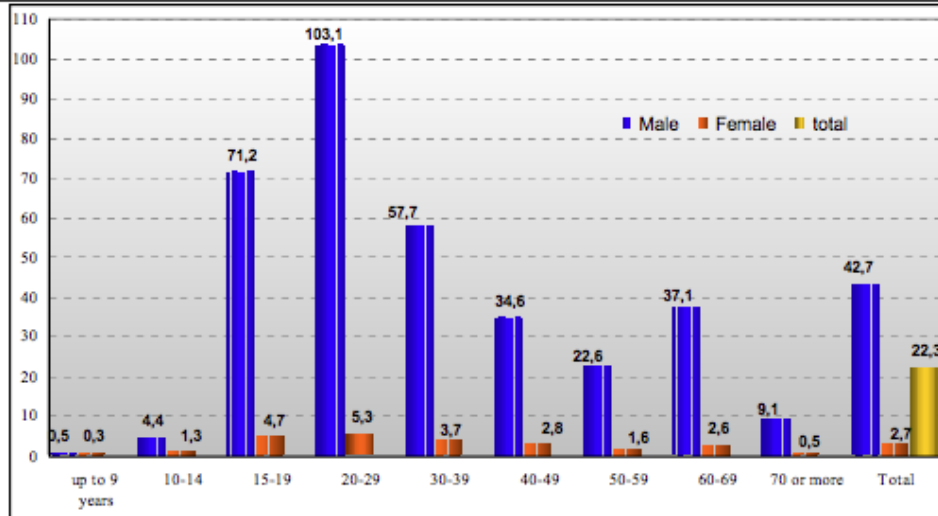
This is very worrying if we just think that every year, virus, bacteria or motor vehicles kill less adolescent males than guns in Brazil (*Graph 3*).

In 9 State capitals of Brazil, guns were over half of the externally caused deaths in this age group (15-19 years). Many of these crimes were committed due to fear, insecurity, anger and, most of all, poorness and financial difficulties.

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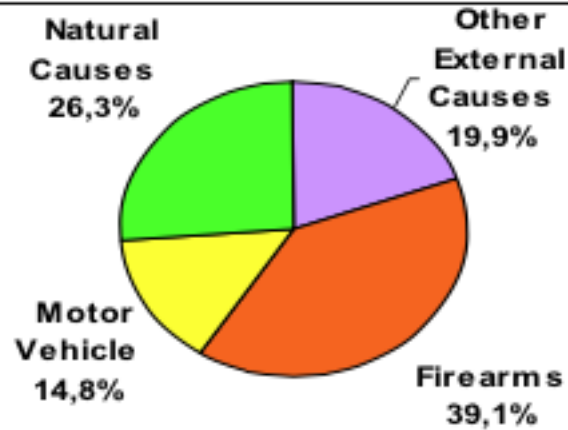
<sup>19</sup> Brazilian Perspectives on Human Security - Ilona Szabó de Carvalho Raphael M.C. Corrêa

**Graph 2**  
**Firearm Death Rate per Sex and Age Group, Brazil 2002**



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**Graph 3**  
**Injury proportional mortality,  
15 – 19 year old males, Brazil 2002**



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<sup>20</sup> <sup>21</sup> Brazilian Perspectives on Human Security - Ilona Szabó de Carvalho; Raphael M.C. Corrêa pag.12

## Disproportionate reactions of violence from Police

Most recently, we can mention many cases of disproportionate violence actuated by the police against the pacific demonstrators both during the World Cup 2014 preparation and also today, while Rio de Janeiro is now setting everything up for the upcoming 2016 Olympics.

The plague of all this lack of public safety is surely ascribable to the widespread violence to criminal rival gangs and police misconduct.

Only in 2012, 1890 people died during police operations, mainly in the São Paulo and Rio de Janeiro urban areas.<sup>22</sup>

The most debated argument in the country still remains the same:

*how many of them were actually killed by police legitimate use of force, and how many may not?*

Whenever we discuss about interactions between police and protesters we need to think about which opinion the involved audience will have after that the square off between the two fronts has ended.

*Why would the police boost vandalism and violence against the crowd when the whole world is watching?*

We need to take into account that police agents often backfire because, along with the public opinion, there is also a stronger and more influential voice coming from the government and its political coalitions.

When it comes to choose between an excess of force or chaos in the streets, Brazilian police will always go for the first, especially because they could have complete responsibility for an eventual lack of public security, meaning also losing their jobs for this. Then, as it often happens, it will be up to politicians to patch up and dodge every possible accuse from the media and the population charging complete guilt to the *violent crowd*.

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<sup>22</sup> Brazilian Forum on Public Security 2012 official data



*BPChoque Police shooting on the protesters in Rio de Janeiro*

## **Prison Conditions, Tortures and Medical Cares of Detainees**

Another important topic is prison conditions, since many Brazilian jails are dramatically overcrowded and violence episodes cannot be controlled and appeased in the right way. The country's incarceration rate increased around 30% in the last 5 years, according to Justice's Integrated System of Penitentiary Information (*InfoPen*), with 500.000 people in excess. Also poor sanitary conditions can only worsen the situation, with the spreading of many diseases without any adequate medical care response. The UN Subcommittee on the Prevention of Torture also reported many law enforcement agents who committed abuses against detainees, often not being brought to court for responding of their crimes.

## Domestic Violence and Abuses against Women

Other frequent abuses may concern violence against women. The most significant case is certainly Maria Da Penha's domestic abuse which contributed to the creation of the *Lei Da Penha*, a law protecting and supporting women from men's violence within domestic framework. After the accident that brought Mrs. Maria da Penha in a paraplegic condition in 1983, when his husband tried to kill her twice, the IACHR (Inter-American Commission on Human Rights), in April 2001, held Brazil responsible for its failure to take all appropriate remedies to prevent and punish domestic violence against the woman, decided by the Commission under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para).

The complaint was that Brazil never took severe measures in the last 15 years in order to condemn and prosecute her aggressor, violating main articles such as art.8 and art.25 of the American Constitution, guaranteeing to the woman a fair trial and a judicial protection.

All the IACHR recommendations were quite right and just as such, foreseeing a fair remedy for this scandalous negligence from Brazilian State, Brazil's *Federal Law 11340*, also called *Lei Maria da Penha* was put in place with the intent of reducing domestic violence. It was sanctioned on August 7, 2006 by the President, Luiz Inácio Lula da Silva (2006-2010).

Among the changes initiated by the law was an increase in punishment for those who practice domestic violence towards women. The law was put into practice on September 22, 2006; the first offender was arrested in Rio de Janeiro the next day, after trying to strangle his ex-wife.<sup>23</sup>

The *Maria da Penha law* may have facilitated access to justice, but we do not know the statistics on the number of convictions (which should be very small compared to the totality of cases).

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<sup>23</sup> [http://en.wikipedia.org/wiki/Lei\\_Maria\\_da\\_Penha](http://en.wikipedia.org/wiki/Lei_Maria_da_Penha)

And even living conditions and safety of women are not so improved as the IACHR initially hoped. With no evidence of such positive outcomes, there is probably no reason to celebrate the results of the law as a miraculous occurrence, because the final destination is still far away.



*Maria da Penha at 27 years of age in her passport picture before visiting Argentina*

## **Violence against LGBT people**

Sexual Orientation is another debated topic, being Brazil very open to LGBT demonstrations (including the world's biggest gay pride parade ever happened in São Paulo in 2006 with 3.000.000 people taking part to the event) and at the same time a very homophobic and macho country, with more than 3000 complaints of violence against LGBT persons just in 2012. Activists estimate that more than 2,680 gay people were murdered in Brazil between 1980 and 2006.<sup>24</sup>

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<sup>24</sup> *Gay rights leader attacked in Brazil - Pink News (12/02/2008)*



While specific dramatic cases seems to be often condemned, the overall mentality is not. Matter of fact, Brazil lacks of any sort of anti-homophobia legislation, even if many drafts were already planned to become law in the recent past of the country, without any effectiveness to be fully recognized from politicians.

A complementary law project, PLC 122, aiming to include LGBTs in the old *racism law* which also protects women, the elderly, migrants, religious minorities and people with special needs, has been met with hostility in the Brazilian congress since its inception, in 2006: and even after numerous cuts and changes benefiting conservatives, it was not approved.

To conservative leaders, especially according to the evangelical preacher Silas Malafaia, the proposed legislation threatens freedom of speech and religious freedoms. These conservative groups, in particular the 'Evangelical Front' of the congress, by far the main conservative group in the Brazilian legislature, holds 70 of the 513 seats in the congress, and they see legalizing gay marriage as a threat to their freedoms.

In an interview to news portal *Universo Online*, Mr Malafaia said the following: *Gay marriage is a threat to humanity.*<sup>25</sup>

Even President Dilma Rousseff herself, which was mainly in favor of a criminalization of homophobia in her political campaign and propaganda, avoided to talk about *sexual orientation* and preferred preferring *sexual choice* as the only topic debatable, as she shown during one of the many TV confrontations before 2014 presidential elections. She any possible pathway to anti-homophobia teaching in schools refusing also attempts to move in this direction from members belonging to her own party.

So, in practical terms, neither the most supporting political candidate decided to undertake risky moves towards LGBT population in Brazil. However, death is only the most final part of the homophobic violence people face in Brazil; LGBTs face discrimination, aggression, unemployment and

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<sup>25</sup> <https://www.opendemocracy.net/pedro-henrique-leal/homophobia-fire-and-terror-in-brazil>

homelessness simply because of their orientation or gender identity. 38.29% of the violence happens at home, according to a *Human Rights Secretariat* report on homophobic violence. Another 30.89% happens in the streets, sometimes in broad daylight: on February 15, a lesbian couple, Vanessa Holanda, 24 years old, and Leidiane Carvalho, 31, were brutally attacked during a carnival party in Rio. In plain sight, the two were beaten up, their clothes torn, Vanessa's body dragged across the asphalt - and no one tried to help, according to their own account of the affair on Facebook.<sup>26</sup> With a growing interest in defending and supporting LGBT's causes in Brazil, especially due to the big impact that every single case of rights violations has on the popular media, things will probably change step by step, spreading a more open-minded and respectful idea about LGBT people. But the country has still to deal with a very radicated *macho* idea of society, which often discriminates and does not tolerate an idea of a non-straight and masculine male figure.

*What could be done, then, in order to improve development of activities built around human security in Brazil?*

There is the need to set up an agenda aimed at the consolidation and strengthening of democracy. More punctual meetings debating on new solutions should be organized and measures taken in both local context and institutional and social realities should converge, giving one and only influential voice as response to all the violations occurring in the country. Also, human security paradigm should be reinforced with practical operations, taking into account the historical past and present of singular regions in the country and selecting clear and specific institutional and policy instruments to implement this field and stop the violations.

Promoting a dialogue between government and civil society around security issues could be also another solution, creating international training activities

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<sup>26</sup> <https://www.opendemocracy.net/pedro-henrique-leal/homophobia-fire-and-terror-in-brazil>

including seminars, workshops and online communities to improve communication between the parts and to share the word.

### The success of *Viva Rio*



*Viva Rio defines itself on the basis of its struggle against violence, for peace, and against social exclusion. This non-governmental organization was founded in 1993 as a reaction to escalating levels of urban violence in Rio de Janeiro, including nationwide dismay following the Candelaria and Vigário Geral massacres. Drawing together representatives from different sectors of civil society, Viva Rio is committed to promoting a culture of peace and social development through direct programming and research, and by contributing to the design of effective public policies.<sup>27</sup>*

After more than 20 years from its foundation, it is indeed this idea of Human Security that guides the whole project of this NGO interlinking together development, peace, security and human rights.

The main goal for Viva Rio is to research, design and test specific solutions that could contrast a great variety of social problems.

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<sup>27</sup> <http://www.theglobaljournal.net/article/view/540/>

**Four core** aspects were identified while working on a complex quantitative and qualitative analysis<sup>28</sup>:

- 1. Risk Group:** with young males (15-24 years old) resulting as the main risk group bringing armed violence in urban contexts;
- 2. Vector:** The most used weapons are surely small and light (SALW), especially in poor neighborhoods;
- 3. Critical Areas:** with favelas and urban peripheries listed as number one critical zones due to the lack of public services and police control;
- 4. Security Sector Reform:** reforming the security sector has a crucial role for efficiency and human rights and security integration within the society.



*Berimbau teacher while showing to a young boy how to play this typical instrument necessary to supply music and rhythm to the Capoeira dancers*

The **practical approach** to these 4 aspects is to:

**I. Research, train and teach** about human security issues at both local and regional levels. The main focus is on institutional development of police

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<sup>28</sup> *Brazilian Perspectives on Human Security* - Ilona Szabó de Carvalho; Raphael M.C. Corrêa pag.15-17

forces, small arms control, youth in armed violence, and gender in armed violence;

**II. Act locally**, with the implementation of human security projects and platforms in poor and violent areas, along with the support of local actors. Also rehabilitation of teenagers and kids with the help of healthy and competitive activities such as sport, dance and music can educate the younger generations to not leave school too early while feeding their cultural interests, as well as keeping them away from committing crimes or joining local gangs;

**III. Communicate**, involving mobilization and advocacy through campaigns and new media use extremely facilitating the access to knowledge to the population. New technology-driven social networks like the *Rio Desarma-se* (*Rio Disarm Yourself*) campaign to remove civilian firearms from circulation, and institutional reform work with the metropolitan police actually had a very positive effect on contrasting these type of issues.

Summing up, armed violence appears in political theory as revolutions, guerrillas and civil wars. According to World Bank a civil war occurs *when an identifiable rebel organization challenges the government militarily and the resulting violence results in more than 1,000 combat-related deaths, with at least 5 percent on each side*. It is true that armed groups often oppose themselves as an alternative to the State and its law for the inhabitants of those areas, but this cannot be considered as a case of civil war. Once we acknowledge that, what still seem hard to understand though, is that military solutions appear as a very obsolete solution because these armed groups are not to be identified as enemies of national security. In this dialectic, the outlaw committing criminal violence could be both victim and symptom of a structural violence situation.

This is exactly why the biggest challenge is to keep social order through the built of social binds more than destroying them.

## Surveillance Cameras in Brazil: a peculiar national phenomenon giving a price to public and private security

What drove my attention while living in São Paulo was the quantity of CCTV cameras present pretty much all over the city, especially around and inside private buildings. After a while I began thinking that wealthy Brazilians were actually intending the lack of security as an obsessive element of their daily life, a worrying issue which could potentially involve every mid or upper-class individual in their own properties.

While deepening this phenomenon with some specific related material I discovered that, over the last few decades, projects for the installation of CCTV cameras in spaces of public circulation have multiplied. When trying to collect some more information about this topic I noticed that there was no specific study in the country neither public debates or social forums about surveillance. Even if this phenomenon can be applicable to many big cities of Brazil, I tried to focus just on the city of São Paulo as a quintessential example. From a theoretical point of view, I do not personally think that the installation of cameras may depend mostly from directives coming from Brazilian Law. Embracing a broader approach and refusing a *top-down* approach like Foucault does in his definition of power (which tends to exclude that power and security have only repressive character resulting only from the State)<sup>29</sup>, we can thus affirm that, even though legal proposals and texts could help us understanding security, there are many more private agents involved in the matter, such as entrepreneurs and sellers of private and technological security in Brazil. These actors may converge with policy makers and media in order to create and feed a profitable market taking advantage of an

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<sup>29</sup> *Discipline and Punish: the Birth of the Prison* – Michel Foucault – *Vintage Books* (1975)

increasing psychological need of feeling safe and protected from potential robbers or criminals.

The trend of installing surveillance cameras in public spaces in Brazil began around 25 years ago, counting a corpus of 62 legal text and proposals coming from the Federal Senate, the Chambers of Deputies as well as the Legislative Assembly and the Municipal Chamber of, respectively, the State and the City of São Paulo. Many of these texts did not include any clear definition or exact purposes of this installation, with just 2 of them including ideas of regulating and limiting the scope of the cameras. What seems very clear, though, is that all these texts have the aim of justifying the necessity of cameras within the city. If we have to divide these 25 years in **3 separated periods** we may list them in the following order<sup>30</sup>:

1. 1982-1995: Cameras as a *suggestion*
2. 1995-2003: Cameras as an *obligation*
3. 2003-today: Cameras for *survival and for international commerce*

In the first period cameras were only discussed as an useful tool for banks security, but apart from that, the coincidence with the military dictatorship period did not reflect at all a phase of true interest in public security.

In the second period, the legal proposals concerning CCTV grew in number, intensity but also specificity. Spaces of public interest such as hospitals, schools, oil stations, stadiums and malls suddenly became places of major concern in terms of security. With a new democratic regime, the country was opening to importations, undertaking a process of neoliberalism and

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<sup>30</sup> *Surveillance Cameras in Brazil: exclusion, mobility regulation, and the new meanings of security* – Marta Mourao Kanashiro  
[www.surveillance-and-society.org](http://www.surveillance-and-society.org)

globalization. From the mid-1990's on, such a technological boom brought media to focus their attention more and more on electronic security systems and many entrepreneurs started to illegally import CCTV in the country since the demand of these tools was experiencing a peak.

Private security became firmly established in many developed cities of Brazil and the market was significantly growing with new digital discoveries every year (with great innovations including police station connected alarms). All these technological discoveries were theoretically allowing the wealthy class to enjoy a safer life, giving a (expensive) price also to their personal safety.

So, after these two periods, we can understand that surveillance cameras were already common (and also illegally imported) even before the legal scenario became relevant for the society. This actually proves that private companies and media created and alimented the market from scratch even before the State was moving towards the same direction. It is exactly for this reason that this phenomenon cannot be analyzed within a *top-down* approach framework.

*Why, though, the demand of these cameras was such a priority within the urban wealthy classes?*

Especially during the second period, the perception of a possible growth of violence connected to the increase of fear as well as the inefficiency of the State to provide a sufficient public security created an huge debate about fear and prevention. As in a domino effect, this also consequently stimulated the corporations in a process of security dislocation as a role of the State. The inefficiency of the State was, in these terms, the fortune of many private companies enjoying this highly profitable moment as alternative protagonists and direct suppliers of security to the well-offs.

Many training and instruction courses were also created in order to generate a whole new segment of private security related jobs.



The *security guard experts* started to be considered important figures, moving the concept of public security on a more personal protection acceptance.

In the third and most recent period (2003-present), a reconfiguration happened about the necessity of cameras. The notion of security systems for *survival* purposes is in fact the new trend introduced. This phase is marked by monitoring and strengthening a certain conception of security, highlighting the international market as a fundamental influencer in this field.

The war against terrorism is, without any doubt, the biggest threat among public and private sectors but, at the same time, is also a crucial polarizer for security fairs, enabling them to multiply their profits and their popularity. It is exactly from this period on that Brazil starts to think about security a a commodity to be privately provided. This scenario corresponds to the period of embodiment of a neoliberal economic and political model.



Common sticker present in every elevator being filmed in the city of São Paulo.

*Since the terrorist attacks on the World Trade Center and the Pentagon, surveillance cameras have been presented not only as a local solution to security, but as components of systems that are required for international commerce and for the circulation of people. Security equipment has eventually begun to be transmitted in conjunction with the idea of survival.*<sup>31</sup>

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<sup>31</sup> *Surveillance Cameras in Brazil: exclusion, mobility regulation, and the new meanings of security* – Marta Mourao Kanashiro - [www.surveillance-and-society.org](http://www.surveillance-and-society.org)

A peculiar *case-study* is offered by Ms. Marta Mourao Kanashiro in her analysis of the installation of cameras around *Parque da Luz*, an historical park located in the center of São Paulo. *Parque da Luz* was designed to be a botanical garden but then it eventually evolved in a public garden at the beginning of the 19th century and it was classified as a public heritage in 1981. After the Brazilian economic boom, São Paulo started to be considered the business capital of Brazil, a true crossroads of major investments, with many big companies and multinationals opening their agencies in the city. Nowadays, São Paulo is the city detaining the largest economy GDP in the whole Latin America and southern hemisphere.<sup>32</sup>

Unfortunately, since the beginning of this impressive growth, all the public and private investments have concentrated in other areas of the city, leaving the center in a state of degradation, being the habitat of many homeless people, prostitutes, street vendors and drug users. For its importance as a cultural heritage, the Luz region has undergone through a program of several interventions, including restorations of building and sidewalks, implemented measures to evacuate the buildings, the decimation of the street vendors and the police operations in the *Cracolândia*<sup>33</sup> region, in order to keep drug dealers and consumers away from the neighborhood.

Among all these improvements we can mention also a new security project including surveillance cameras. The aim is to expand the *Monitoring Program of São Paulo* which will include the installation of cameras on the main streets of the city. Already in 1999, four cameras were installed in *Parque da Luz*, by which it was possible to detect situations of potential risk, with a direct collaboration with the nearest police station. What seems interesting about this context is that this installation of camera around the *Parque da Luz* area may be seen not only as a process of securitization of a dangerous and

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<sup>32</sup> [https://en.wikipedia.org/wiki/São\\_Paulo](https://en.wikipedia.org/wiki/São_Paulo)

<sup>33</sup> Cracolândia (the land of crack) is an area in São Paulo's downtown region characterized by a big presence of drug users illegally smoking crack.

undeveloped area of the city, but also as a model of gentrification. In this sense, we have an urban gentrification when old noble areas of cities which are somehow abandoned and left to their without maintenance, go under a process of makeover thanks to the actions and interests of local governments in collaboration with corporations, joining together private and public capital investments.



*Parque da Luz – Centro de São Paulo*

*Increasing the value of some areas of the city, gentrification modifies the urban landscape, transforms its meanings, and directs circulation and remaining in these places in favor of those specific social segments which are able to consume the products of the city, the city itself becoming now a product that is managed in a commercial way. This local level of transformations is also articulated with an international agenda for the cities and with the financing of multilateral agencies.<sup>34</sup>*

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<sup>34</sup> *A cidade do pensamento único: desmanchando consensos.* Otilia Arantes – *Vozes – Rio de Janeiro* (2000)

These changes tend to expel from the area all the people who are not able to consume such products, like a club where you cannot join if you do not represent the new fresh face of a modern project involving huge amounts of money.

In fact:

*For the gentrification of the center, conflicts have to disappear, or it is necessary “to veil conflicts, to hide the misery.” Gentrification forcefully reallocates the population, and access to the re-qualified areas becomes gradually impossible to those who have been expelled.<sup>35</sup>*

Despite the benefits and the modernity that a simple technological device as a camera may bring in the center of São Paulo, the security projects actually just contribute to increase asymmetries and social inequalities. The aggravation, while applying this thesis to the Brazilian context, is that technology is not only to be interpreted as the main solution to the fear and insecurity of the wealthy class against criminality but it is also strictly associated to the ascension in terms of development and modernization.

After the analysis of this phenomenon within the Brazilian framework, we now understand better some interesting recurring patterns about security and surveillance cameras:

I. We have switched our perception of security as a form of personal protection, where the individual is responsible for himself.

In this conception, individual security and cities security can be sold as a good for sale, due to the viral trend and obsession about safety in the last 25 years.

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<sup>35</sup> *A cidade do pensamento único: desmanchando consensos*. Otilia Arantes – *Vozes – Rio de Janeiro* (2000)

**II.** Where the State is unable to protect the citizen, private corporations join the market, enabling new urban projects focused on a model of public-private partnerships.

**III.** According to most well-to-do Brazilians, the disappearance of the unwanted part of society through social exclusion seems to be an effective response to lower many major urban risk issues.

It is pretty complex to affirm whether this process of integrating private investments into urban public projects in the name of a lack of security may bring more benefits than social harms. What Brazilian citizens need to understand, though, is that a call for more security does not mean exterminating certain parts of the population from the city, expecting to see all the problems linked with their nature gone forever.

This approach would just mean sweeping the dust under the carpet in order to apparently hide all the social issues and inequality that São Paulo suffers since a very long time.

### III. Police Performance in Brazil

#### Brazilian Police: quality of performance and public perception of their work

One of the things that always drawn my attention about Brazil is the current status of the police corps, their *modus operandi* and their reputation among the local population.

In the recent past, public security was chosen as one of the major goals of the first term in office (1995-98) of President Fernando Henrique Cardoso (FHC). In his government program (entitled "*Hands On*", 1994), the President proposed to redefine the directions of development programs in Brazil to ensure better quality of life for future generations.

The Program was grounded on the analysis of the impact of the globalization process and had **5 priorities**: employment, education, health, agriculture and public security. This governmental program gave emphasis to the improvement of many aspects regarding the Federal Police such as for example their reduced size, the lack of proper equipment and the very low pay. Also the criminal justice system was something that needed to be reformed starting from the lack of personnel in both judiciary and public prosecution.

The governmental program established **4 lines of action**:

1. to narrow the cooperation of the federal government with States and municipalities to improve public security;
2. to improve universal access to justice as well as to speed judicial processes;
3. to improve the penal system and to implement changes to the system present in current legislation;
4. to strengthen federal public security institutions.

Despite this very ambitious project, the violent crime was not reduced that much, if maybe nothing at all, during the Cardoso years.

Most citizens regardless of gender, ethnicity, age or income or power still felt threatened and insecure about the future and, first of all, about their own safety.

In fact, it was especially in these years that police violence has continued to challenge the consolidation of the Rule of Law in Brazil.

The difference between Brazil and other countries laid in the fact that feelings of fear and insecurity grew amidst the return to democracy. This represented a paradox as it was expected that full respect for law would produce the opposite effect. Scholars are still debating about the causes of the paradox: socially rooted authoritarianism or legacies from the authoritarian regime (*authoritarian rubble*) within law enforcement agencies?<sup>36</sup>

The problem of submitting the State military police forces to civilian control is what still today is considered the major obstacle to the successful implementation of public security that Cardoso administration had in mind to achieve.

As we briefly mentioned in the previous chapters, very high levels of crime (with a special focus on violent ones) are still a major concern for many reasons: reduced quality of life, less appealing tourism and slowed economic growth, reduced capacity and performance of the health services, but, most of all, maintained Brazil as a *quasi-democratic* authoritarian State. The gradual transition made from military rule to electoral democracy seems to be the biggest achievement for Brazil but this is true only on the surface of regular and clean elections, because actually many fundamental decisions are frequently taken by legislative and judicial government actors while the

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<sup>36</sup> *Police violence, democratic transition and rule of law in Brazil (1980-1998)* . Sergio Adorno, Nancy Cardia, Universidade de São Paulo (USP).

State suffers from financial starvation and civil liberties are not guaranteed for every social class, contributing to enhance an overall weak civil society. As O'Donnell (1994) said about Brazil's political system, the State is more a delegative democracy rather than a representative one.

As he states:

*In the contemporary world, the joyful celebration of the advent of democracy must be complemented with the sober recognition of the immense (and, indeed, historically unusual) difficulties its institutionalization and its rooting in society must face.<sup>37</sup> [...] Delegative democracies develop when the newly democratized State faces socioeconomic problems caused by the economic and other legacies of colonialism and/or authoritarian rule, compounded by a shortage of international economic support for the new democracy are inherently hostile to the patterns of representation normal in established democracies, to the creation and strengthening of political institutions and, especially, to what I term "horizontal accountability." By this I mean the day-by-day control of the validity and lawfulness of the actions of the executive by other public agencies which are reasonably autonomous from the former.<sup>38</sup>*

Summarizing, while Brazil has regular elections and a fair number of constitutional and socio-economical rights, the judicial system as well as the police are unable to protect and enforce these rights in practical terms.

The police community is one of the trickiest issues present in Brazil for several reasons. Particularly in the last two decades, the inadequacy of democratic controls led not only to the increase of violent crimes from outlaws

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<sup>37</sup> *Delegative Democracy?* - Guillermo O'Donnell – (Kellogg Institute for International Studies – March 1992)

<sup>38</sup> *On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at Some Postcommunist Countries* – Guillermo O'Donnell (University of Notre Dame, Indiana 1993)



but also from police. During the Brizola's government of Rio de Janeiro (1991-94), the governor himself tried to keep police out from the favelas in order to protect residents from the brutality of their behaviors. This worked until drug cartels radicated inside the main favelas such as *Rocinha* and *Vidigal* and police special troops needed to clean slums from illegit trafficks before the inauguration of 2014 FIFA World Cup and 2016 Olympics.

*Why in such an inefficient political background the police system should be immune from this general wave of corruption?*

While political liberalization was happening, on the other side police never experienced a full and deep transformation into a professional and democratic body, inheriting the old and radicated tradition of being the protector of the *status quo* of many elite groups from riot attempts.

Police is nowadays facing a dual crisis. While lacking of legitimacy to the public from an external point of view, police suffers internal problems such as weak management, low wages, absence of modern training methods and firm performance criteria.

The strict dependence of police from local governors ad influencing law-makers in order to enforce their decisions like a para-military organized structure can only worsen the whole situation.

*Why Brazilian citizens continue to mistrust the police even after the transition to democratic governance?*

Public trust in police forces is an essential prerequisite when it comes to consider the quality of a democratic State.

During my whole stay in Brazil this simple, yet delicate, question always made me wonder, as a European, why people in need of any help should not trust a police officer in the streets more than a regular civilian.

We need to analyze more in-depth the nature of Brazilian Police in order to give an accurate overview of this issue aside from a valid answer and some final conclusions.

## Law enforcement in Brazil: the military nature of Police

The Brazilian Federal Constitution establishes **5 law enforcement institutions**, divided in **2 big groups**:

**Federal institutions** including:



*Insignia of Federal Police*

**Federal Police** (*departamento de Policia Federal*), with the duties of investigating crimes against the Federal Government or its organs and companies, contrasting international drug trafficking and terrorism, and controlling immigration at the borders.

**Federal Highway Police**, with the duty of maintaining order and patrolling federal highways.

**Federal Railway Police**, with the duty of maintaining order and patrolling federal railways.

**State institutions** including:

**Military Police** (including Fire Brigade) is the State police charged with maintaining order. It patrols the streets and imprisons suspects of criminal activity, handing them over to Civil Police custody or, in case of federal crimes, to the Federal Police. It is a *militarized* institution because it is based on military principles of hierarchy, uniform, discipline, and ceremony. The military police are not part of the armed forces, and yet they operate according to military principles of rank and discipline.

They cannot strike or unionize, and are subject to a military-style penal code (meaning transgressions at work can be treated as mutiny or treason, and officers are tried in a special court). They are prohibited from *revealing facts or documents that can discredit the police or disrupt hierarchy or discipline*.



*Insignia of the military police used since 1957*

**Civil Police**, the State police with criminal law enforcement duties. It has the function of investigating crimes committed in violation of Brazilian criminal law. It does not patrol the streets and does not use uniforms.

Like the Military Police, it is subordinated to the State government.<sup>39</sup>

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<sup>39</sup> [http://en.wikipedia.org/wiki/Law\\_enforcement\\_in\\_Brazil](http://en.wikipedia.org/wiki/Law_enforcement_in_Brazil)



*Why there is still the need of keeping a dual identity between civil and military Police in Brazil?*

The traditions shows that police in Brazil have been centralized, giving it an authoritarian and militarized nature.

This seems to be a fair measure for most of the upper class population, always demanding more military tactics in the slums and in the favelas areas. This surely increased racial and class divisions, fueling hatred between poor and rich classes.

Even within the military training and recruitment, there exist many restrictions about the physical features of the candidate, excluding wide racial classes such as indigenous people, often not enough tall to be eligible for this job.

There is also a big tendency to prefer white and educated men as future officers while selecting non-white people coming from poorer classes for lower-grade occupations.

During the training process military police candidates receive a military centered workout including the use of lethal force as first resort when drawing a firearm, while taking part to many rituals focused on plagiarizing the recruits both psychologically and physically.

Another critical feature of Brazilian police is the antagonism between civil and military police.

Each force frequently doubt and suspect about the other, with military police considering civil police a weak and *not so useful* force and civil police considering military police a brutal and violent corp.

Despite this, they both emphasize hyper-masculine features like toughness, bravery and ability with weapons.

Police budgets are also one of the main issues of such a pervasive corruption within the forces. The available budgets are often used to purchase mobility and protective gear.

I remember having some small talks about the topic with a taxi-driver during a ride in São Paulo when he suddenly told me:

*why would anyone like to risk his own life every single day with such a ridiculous pay?*

A part from the praiseworthy sense of justice that many candidates may have when applying to join police, a big slice of recruits having already some experience in the field continue to spread this wave of endemic corruption adhering to make arrangements with drug traffickers in order not to stop their activities while getting a percentage of the earnings out of it.

Both civilian and military police engage in violence, but in different contexts. The civil police tend to torture suspects so they can obtain confessions from them, military police instead is inclined to kill citizens with summary executions, most likely to happen in the favelas (increased rate of 25% of killings since 1990's).

While this could be solved adopting many simple measures which could guarantee the non-violation of basic human rights, the majority of wealthy citizens living in the biggest metropolitan areas legitimize the use of disproportionate force because of the widespread fear of crime.

## The racial implications of police brutality

When considering that Brazil has one of the worst problems with police violence in the world, one cannot avoid to deal also with a more specific and delicate issue such as the racial implications involved in many police operations.

A very interesting theoretical framework justifying the origination of racism and police violence can be found in the historical legacy of global colonialism and internal colonialism within nation-State, with a special mention to the marginalization and subjugation of indigenous and African-descent people in Latin America. In 1888, Brazil, was in fact a mostly black and mixed race or mulatto population, being the last country in the Western Hemisphere to abolish slavery. During more than 300 years of slavery in the Americas, it was the largest importer of African slaves, bringing in seven times as many African slaves to the country, compared to the United States.

Most discriminations in Brazil are subtle and includes slights, aggressions and numerous other informal practices, while consciously egregious and overt racism directed at particular individuals, especially in the form of racial insults, is more commonly recognized as racist.

In societies like the United States, sociologists have also discovered how racism persists to reproduce racial inequalities, despite the end of race-based laws and the decline of explicit or egregious racism.

There is plenty of statistical evidence showing that Brazil's racial inequality is due partly to ongoing discrimination, despite the historical absence of race-based laws or its apparently milder form of racism.

The sociological analysis of mobility reveals that black and brown Brazilians, whose fathers were employed in particular occupational or class groups, are far less likely to experience upward mobility than whites of the same occupational or class origins. Also econometric analyses based on human capital models reveal that brown, and especially black Brazilians, earn around

20-25% less than whites with the same background, when age, work experience, educational level, sex, region, class origin and labor market characteristics are considered. Yet another study shows that siblings of different skin colors, not an uncommon phenomenon in a country of miscegenation like Brazil, have different levels of education, where darker siblings are more likely to drop out of school at earlier ages than their white brothers or sisters. In that study, all factors besides discriminatory treatment on the basis of race (by teachers, parents, etc.) are strictly taken into account.<sup>40</sup>

We might call all this aforementioned a *racial contact scenario*. This very old racial social structure leads us to the condition we have today in Brazil. Everyday racism and racial discrimination take the form of acts of harassment which accentuate the inferiority of Blacks. Just to make an example, in luxury buildings and apartment blocks, black people are asked to use only service entrances and elevators.

Nowadays, this racist background perpetrates in many aspects of people's everyday life, with police violence being one of the primary threats facing the black Brazilian community today. According to a study conducted by Michael Mitchell and Charles Woods on a possible link between race/color and police violence in Brazil, *pretos*, men of African descent with dark skin are 2.4 times more likely to be victims of police abuse than any other race of the population, even when controlling for socioeconomic factors.<sup>41</sup>

Recently, the *Brazilian Forum on Public Security* reported that Brazilian police kill approximately six people per day: 11,197 over the past five years. This compares to approximately 11,090 people killed by the police in the United States over the past 30 years. Yet these numbers are grossly underreported. Records on police killings are voluntarily kept, produced

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<sup>40</sup> <http://unchronicle.un.org/article/racial-discrimination-and-miscegenation-experience-brazil/>

<sup>41</sup> *Ironies of Citizenship: Skin Color, Police Brutality, and the Challenge to Democracy in Brazil* – Michael J. Mitchell, Charles H. Wood.

internally and not reported by most cities. Moreover, the police do not record most of their killings as police-motivated homicides. Rather, they log them as *death caused by resisting arrest (autos de resistência)*, a controversial category that allows police killings to be classified as *suicides* for all intents and purposes. According to the 2012 *Map of Violence in Brazil*, black Brazilians are 132% more likely than their white counterparts to be the victims of homicide in Brazil. From 2002 to 2010, 272,422 Brazilians of African descent were murdered.<sup>42</sup>

The problem is very common also in the United States and public debates about racism linked with police violence have been organized for years today, as much as in the past. But Brazil still seems to prefer adopting a negation of race dialectic, labelling it as a very dangerous topic, a sort of taboo that needs to be hidden from the public opinion in the best way as possible. This would then mean that Racism is not such a big deal in Brazil. Even some scholars and social scientists in the country seems to have difficulties while finding evidence of correlation between police brutality and racism, simply because many police officers are actually black people. So, this very common pattern of opinion in Brazil would actually be a sufficient motivation to believe that there is no direct link when it comes to racism and police misconduct. In the next chapter I want to show the similarities of the tragic murder cases of Lucas Lima and Michael Brown happened respectively in Brazil and U.S. This will briefly demonstrate how the same shameful case of police violence could be perceived by the two countries in different ways and with different public reactions.

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<sup>42</sup> <http://www.truth-out.org/opinion/item/27556-black-community-crisis-police-violence-in-brazil>



## From Rio de Janeiro to Ferguson: Lucas Lima and Michael Brown's murder cases



*Lucas Lima – Rio de Janeiro (Brazil)      Michael Brown – Ferguson, Missouri (USA)*

One of the most trivial cases of police related murder in Brazil that called my attention is the tragic event happened to Lucas Lima, a 15 years old guy from Rio de Janeiro.

In the evening of June 22, 2014, Lucas was on his way home after a football match with his friends in the *Alemão* Favela, the headquarter of the Comando Vermelho drug trafficking organization, one of the most violent neighborhood in Rio. While he was coming down one of the favela's steep roads, he encountered police running after a group of local teenagers.

Few second later he was already lifeless on the ground in the middle of the street along with another very young victim.

A gun was found on the floor just next to their bodies.

Even though nobody can prove with absolute certainty that police was the actual offender, we can all agree, though, that Lucas was not a guilty outlaw but just an innocent boy coming back home from a football pitch at dinner time. So, simply being a favela dweller is quite often enough to be killed by

mistake by *happy trigger* police. After his death there was a very brief community protest but nothing else happened in defense of the tragic death of the poor young boy.

A similar tragedy happened few days later, precisely on August 9, 2014 in Ferguson, Missouri, with the death of the 18-year-old black man Michael Brown.

After stealing a box of cigars from a supermarket, the agent Darren Wilson received a call from police station in order to search for the suspect around Ferguson area. When Wilson found Michael Brown and a friend walking down a street close to the supermarket, he first blocked them for a brief check but then he eventually recognized that the two matched with the suspect profiles supplied by police.

After blocking them with his police vehicle, Michael Brown struggled through the window. When Brown then fled few meters away with Wilson running after him. All of a sudden Brown stopped and turned his face to the officer and, in that moment, Wilson shot several times against the boy striking him also in the front.

Michael Brown's death caused some very big protests in the *St. Louis* suburb of Ferguson first, with many demonstrators taking to the streets to speak out against another disgraceful event involving police brutality against young black men.

The situation subsequently escalated and drew national attention when police reacted to protesters, even with those acting peacefully, with heavy military equipment.

The Ferguson event captured national attention because it is indicative of the racial disparities that many American minorities have to deal with on a daily basis.

Brown's death, in fact, just replicates a quite frequent and scary tragedy which involves entire black families with the crippling fear that one of their sons lives could not worth as much as everyone else for American society and criminal justice system.

Going back to the very similar Brazilian case of Lucas Lima, we notice, instead, how different the community reactions were in both countries.

In Brazil, the death of Lima was only briefly covered in the Brazilian media.

While in the U.S. the Ferguson event escalated from a neighborhood protest to a national shame, in Brazil even within Lucas Lima neighborhood many felt powerless to act and do something against this issue.

Why that happens in one of the widest democracies in the world?

This deficiency needs to be addressed directly to the Brazilian State itself, because it does not take police shootings in an accurate and rigid way, often avoiding to bring police officers directly to the court.

Institutional racism, war on drugs and the war against poor and black people are the main causes of such negative data in the country, otherwise the two cases occurred in Brazil and United States may have differed only slightly.

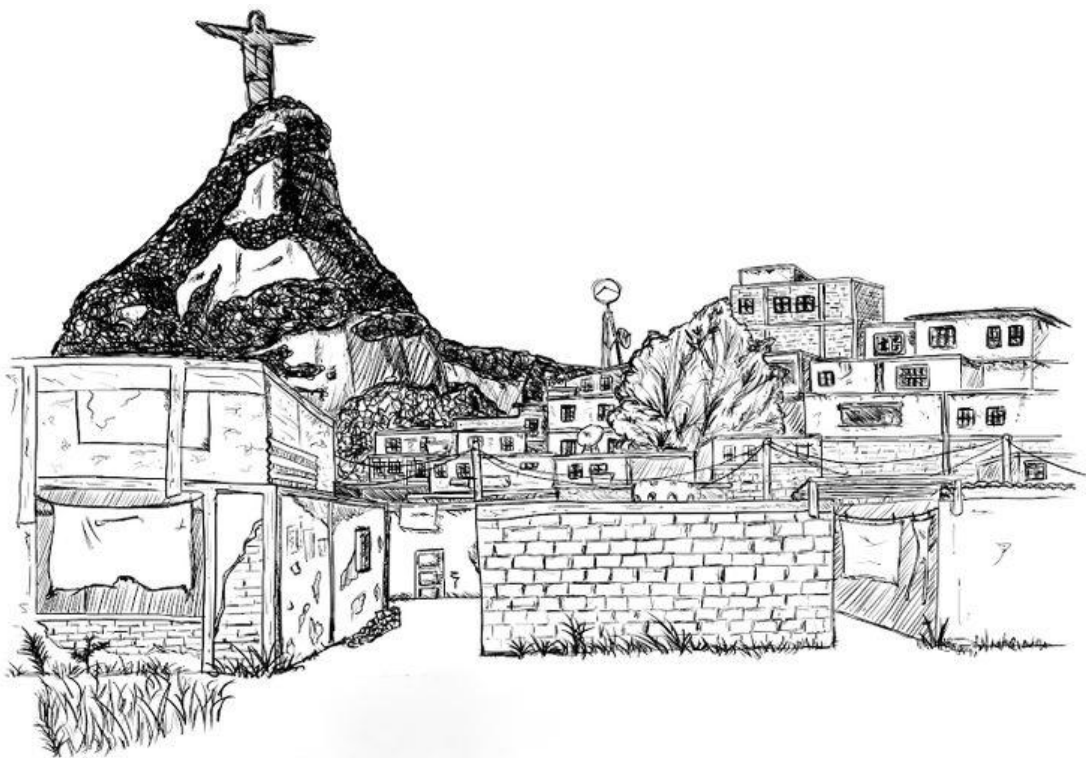
While the killings far outnumber those in the US, the reaction of a white-dominated media has been, for the most part, more resigned than angry.

*If every death of a young black man by police in Brazil prompted segments of the population to fill the streets as in Ferguson, we would live in a State of daily seizures, said the journalist Luiz Fernando Vianna in a Folha do São Paulo article headlined, "Ferguson is here."*<sup>43</sup>

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<sup>43</sup> *Ferguson è aqui* – Luiz Fernando Vianna - *Folha do São Paulo* journal (25/08/2014)

## The four-step process to the Favelas securitization: *Rio de Janeiro's BOPE and Pacifying Police Unit (UPP) intervention*



*Sketch of Rocinha (little farm) in Rio de Janeiro, the largest favela in Brazil*

There is another group composed by two special police forces that, even if theoretically belonging to military sector, seems to be considered fully independent from it.

This two units are respectively the BOPE (Batalhão de Operações Policiais Especiais) and the UPP (*Unidade de Polícia Pacificadora*) and we will see later how do they synergistically work together within the framework of the favelas in Rio de Janeiro.

The history of urban violence in Rio de Janeiro is pretty long and difficult, cutting across political, institutional, economic and social categories, and

involving both military and civil police against major criminal organizations engaged in arms and drug trafficking.

The inequality between rich and poor classes within the city is the result of Brazil's rapid urbanization in the latter half of the 20th century.

Police repression has been one of the main component of this clash since military dictatorship and then also during the more recent transition to democracy.

The main drug-trading gangs multiplied during the 1980's because of the growing popularity of cocaine.

The intervention in Rio's favelas has always been oriented towards a brutal form of repression including coercive military invasion and short lived internal policing initiatives.

Another crucial variable of this equation is the changeable leadership in the city. In fact, no Secretary of Public Security has ever completed the natural end of the term, with less than half lasting around a year at its best.

From 2008, though, the process of securitization of these slums seems to be changed due to the new approach ideated by the State governor Sergio Cabral and the Mayor Eduardo Paes to this Rio's very characterizing plague.

This type of Pacification intervention brought a significant drop in Rio's overall homicide, police killings and robberies leading to killings rates.<sup>44</sup>

Despite this big shift in the data,

*does this Pacification process actually securitize present and future development of the slums, along with having an effective impact in violence indicators in Rio?*

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<sup>44</sup> *Rio's Pacification: Paradigm Shift or Paradigm Maintenance?* - Esther Werling

Before better understanding the composition of the two main special forces involved in this operation, we might briefly illustrate how the 4 stages of Pacification operate in practice:

**1) Tactical Intervention** (*RESCUE* and *CLEAR*)

BOPE and BPChoque dismantle armed groups and drug traffickers shifting territorial control from drug gangs and militias to the State.



**2) Stabilization** (*SHAPE*)

Military Police and BOPE reduce levels of violence before leaving the territory to a permanent UPP presence.



**3) UPP Implementation** (*CONSOLIDATE* and *HOLD*)

UPP and UPP Social facilitate service provision and urban integration by promoting citizenship and development programs.



**4) Monitoring and Evaluation** (*BUILD*)

ISP evaluates multi-sectoral Pacification policy mix to inform decision-making and advance program goals and development.<sup>45</sup>

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<sup>45</sup> Cabral – *Decreto 42.787 – Diario Oficial do Estado do Rio de Janeiro – (06/01/2011)*

[http://arquivos.proderj.rj.gov.br/isp\\_imagens/Uploads/DecretoSeseg42.787Upp.pdf](http://arquivos.proderj.rj.gov.br/isp_imagens/Uploads/DecretoSeseg42.787Upp.pdf)

## BOPE's history and tactical intervention:



The BOPE (Batalhão de Operações Policiais Especiais) is an elite battalion of the Brazilian police, especially located in Rio de Janeiro and dedicated to deal with the most rooted and heavy problems of Brazilian criminal society.

BOPE was created the 19th of January 1978 after the captain Paulo Cesar Amendola de Souza presented to the general captain of Military police of Rio de Janeiro the project:

*The idea was to create a special unity force, specialized in rescuing hostages. Overcoming a structural gap of the regular police, highlighted by rebellions episodes inside a presidium. We reunited leaders from different areas of competence in order to form an elite with some special skills when in action.*<sup>46</sup>

*After some name changes, this troop seemed to have received complete administrative independency (but we will show later that this is not actually true) and it started to be located in the Morro do Pereirao, inside the Pereirao favela.*

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<sup>46</sup> *A competência essencial do BOPE - uma análise exploratória* - Alberto Pinheiro Neto pag.28

BOPE has nowadays around 400 members, all specialized in some actions of urban guerrilla, more oriented on drug trafficking in the favelas.

Matter of fact, drug in this slums is a fundamental economical pillar.

Some of their main targets are:

- Break barricades constructed by drug dealers
- Shoot to kill at any criminal threatening
- Exterminate drug-trafficking criminal factions
- Minimize crime suppression
- Pacify most of the favelas



*BOPE's characteristic badge:*

*two crossed guns behind a skull stabbed by a knife*

What is often not said enough is that sometimes the force received controversial accusations due to the killing of some innocent people that were present in the wrong place at the wrong time and did not confess anything to them.

*So is the BOPE a necessary police force that needs sometimes to violate human rights in order to achieve and stabilize peace, or is it wrong to allow so as a democratic State.*

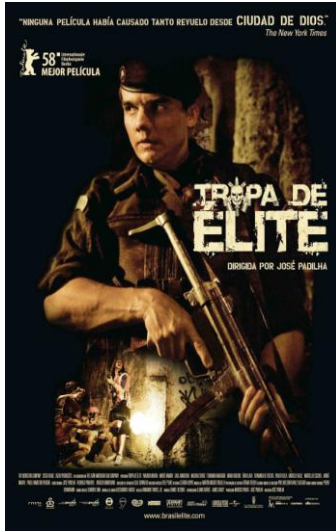
### ***Tropa de Elite: BOPE as a movie***

BOPE was known in the world only recently, thanks to the publication of the book in 2006 and the film "*Tropa de Elite*" of 2007, which also won the *Golden Bear* in Berlin in 2008.

The semi-fictional movie basically narrates the history of Roberto Nascimento as captain of the BOPE. The movie shows all the controversies happening inside the team, demonstrating to the audience how these soldiers whose in reality are considered heroes, actually are entitle to use any kind of torture and violence during their work, even when not strictly needed.



This movie has divided the entire Brazil, causing opposite reactions in the people and pure dismay in most of them.



The BOPE has a fame of being a battalion with a repulsion for military corruption, thanks to the grueling physical and mental preparation and selection to enter, as well as the small number of actual members.

It is especially funded by the government also to avoid to *come into contact* with the rest of the police Brazilian forces, often considered more prone to be corrupted.

*Tropa De Elite movie poster (2007)*

There are not many sources to understand exactly how truthful are the information about them, what matters is the dual aspect that is: on the one hand it is a respected force, feared by criminal organizations, fighting ferociously against trafficking, and on the other hand it is a team of paramilitary fanatics with certain hard principles made of no humanity, at the point that Amnesty International felt the need to prepare reports and organize *ad hoc* international campaigns to show the world how the BOPE is often free to act in several cruel ways with no punishment from the government itself in case violence has been pushed over the limits by the officers.

One thing that we can immediately notice, even in the movie, is that BOPE's appearance is something very strong and scaring, starting from their symbol which resembles two crossed guns and a knife in a skull standing for resilience in the face of death.

This is a metaphor to show to the drug dealers and criminals that favelas are enemy areas for them, and that they will do whatever it will take (including terrorizing actions) to remove the rotten and illegal side of society, with no exceptions.

## Is BOPE truly an independent force?

It is common, especially after the movie “*Tropa de Elite*” came out, to dissociate the BOPE from the rest of the police apparatus. If we search on the internet about BOPE’s definition we see many descriptions where it is said that the BOPE is an independent entity totally differentiated from the regular Military Police from Rio (PMERJ).

This is false. It takes few seconds to see on the official website of the BOPE that they are an intervention force formally belonging to PMERJ.

From 1978 until today, BOPE changed many times its name but it has never been fully independent as often stated. In the last reform, during 1991, when the battalion changed its name from COE (*Companhia de Operações Especiais*) to BOPE, again submitted to the Higher State.

Said that, we can still acknowledge a difference between the BOPE and the PMERJ.

There is a symbolic process that differentiates these individuals from all the other police groups and it is an identity establishment, focused on the noble aim of this very special troop.

They need to believe they are different, they are an elite, made by members with an incredible effectiveness and power, with no way to be corrupted from anyone.

The excellence is shown by the fact that regular Brazilian police officers and cops are easily corruptible, while BOPE is impenetrable, keeping values and moral as a primary purpose.

A true unbeatable warriors *Ethos*, made to forge selected soldiers occupying the top of the military hierarchy.



*BOPE's array during a training session*

## **The path to become a BOPE soldier**

*The BOPE is like a locomotive pulling the corporation as a whole. There is a drastic difference of mentality if compared to the traditional mentality of the civil servant.*<sup>47</sup>

To be part of this unity, the candidate has to be already a police officer in the State of Rio de Janeiro, applying voluntarily.

Then the candidate has to take part to one of the two special courses between the CAT (Curso de Ações Táticas) or the COESP (Curso de Operações Especiais) on a full time period of 14 weeks, where the candidates need to work and be committed to hard task force simulations such as shooting technique, clinch fighting, crisis situation management and so forth.

Not everyone will join this group, because the training period in the camp itself is not enough to guarantee a place in the special force.

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<sup>47</sup> *A competência essencial do BOPE - uma análise exploratória* - Alberto Pinheiro Neto pag.31

At least 2 years of experience in the PMERJ are requested as much as also keeping a good behavior profile but, most of all, special physical, psychological and technical characteristics are requisites to be part of it.

*It is not for everyone to be prepared to a daily tension in the BOPE. We prepare only high performing professionals, all the other ones will get lost on the way.*<sup>48</sup>

*The course itself is a life's experience. The central point is getting through it. It shows individual features of each candidate and it's very common to see people saying " I cannot do this" and in the end they actually overcome the situation. The course is all about pushing the limits a bit further. This overcoming is a motivational stimulator in order to start thinking " I can do this, I can make the difference".*<sup>49</sup>

## The transformational process of the initiates

The COESP course consists of **4 different phases** where the individual goes practically through a rite of passage.

There is, first, the **administrative phase** where the past career of the candidate is analyzed and considered if appropriate or not to take part to the training camp.

A second phase is the **basic preparation**, where all the values of the initiate starts to be deconstructed by physical and psychological pressure.

The third phase is the **operational** one, where there is already an embodiment of all this values in the candidate, shown already by great performances.

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<sup>48</sup> *A competência essencial do BOPE - uma análise exploratória* - Alberto Pinheiro Neto pag.33

<sup>49</sup> *A competência essencial do BOPE - uma análise exploratória* - Alberto Pinheiro Neto pag.35

A final and fourth one is the **operations phase** where the candidates need to take hard decisions under certain strict conditions, characterized by pressure and precise timing, elaborating together all they learned from this course.

This four-step program guarantees to convert simple recruits in military perfectionists, always ready to set-up a war against organized crime with no afterthoughts.

### Recent events involving BOPE's action

In some, less common cases, the request of intervention from BOPE was not only aimed to arrest specific criminals but it was actually to dominate immediate emergencies such as true civil wars between rival gangs.



*Funeral function of the police officer passed away during the War of drug*

Probably the most difficult one in which BOPE ever took part to, was the “*War of drug*” happened in 2009, exactly 2 weeks after Brazil received the notice to be hosting the 2016 Olympic Games.

This violent war started in the *Morro dos Macacos*, a favela in the Northern Rio.

The favela, controlled by the *Amigos dos Amigos* drug faction, was invaded by the *Comando Vermelho*, a rival drug gang on Saturday 17 October 2009.

The drug traffickers began by positioning some physical barriers such as vehicles in flames in order to avoid the police incursion.

Military Police was sent at 4 a.m. to stabilize the situation but it seemed there was no way to complete this task in few hours or even few days.

Matter of fact, the tension went at its highest when a military helicopter was shot down by a machine gun from the gangs, causing the death of 2 police officers.

All the scared to death people living in the favela tried in all the ways to run away from their houses, at least temporarily.

It took more than 10 days to root out all the criminals from the favela.

This was surely one of the hardest times for the BOPE troops, but also in the following years, especially in 2014 with the World Cup coming, more severe fights were experienced in other favelas in Rio. But even in the most complicated cases, BOPE always accomplished eventually their task to pacify these areas.

Standing on the occurrence of very dangerous cases like this:

*Is the BOPE a necessary police troop for Brazil or its violence is unjustified for the aim it has?*

The BOPE plays a very significant role when it comes to reestablishing the legitimacy of the State in the favelas.

Their campaigns have also a symbolic connotation which has not to be ignored or be underestimated.

Their strategical role, though, is the most important one.

As a pillar for International security, deterrence is the key process to avoid the worst to happen.

With all the information available on the mission of this elite squad, and their frequent displays where they often threaten the residents and responds to provocations with extreme violence, BOPE itself sends a clear message to the criminal communities.





*Burning wrecks of the police helicopter downed by the gangs in Rio*

So their added value compared to the regular military police is that they are often feared because of their carelessness for dangerous situations and for their arsenal of weapons and armed vehicles such as the famous *Caiverão*.

So, until the point where violence is not a compulsory choice or even an addiction for some of their members, BOPE has the right to exist and deserves to take most of the merits for having pacified many favelas that now are calm and also collaborative with tourists visiting in Rio.

The problem begins when their incursions start to be organized more on *suspect* than actual proof of drug trafficking.

In fact, many times elite members could not help avoiding violence and rage against favelas dwellers who may not actually be guilty at all.

There are many confirmed cases of entire houses destroyed, involving injuries or deaths because of stressed soldiers not finding any proof of drugs inside their houses.

This has to be avoided, first of all because this is exactly the opposite of what the BOPE's moral code teaches about discipline and professionalism even at the worst conditions.

Second of all, because Brazil is still a democratic country where all the fundamental human rights have to be guaranteed by the Constitution to every single citizen of this society, favelas residents included.

Even though cases of killed people by police are reduced from 1330 in 2007 to 405 in 2013, we see also that arrests are very rare for BOPE's operations, while kills happens much more frequently in this environment.

This summary executions surely undermine the favelas Pacification project which should be intended to reform favelas from the inside in a long-run period.

According to Mr. Nicholas Barnes:

*BOPE has even recently begun to train the Pacification police in their tactics. Such a development will lead to the further militarization of Pacification units. This would be disastrous as improving the security situations in favelas requires fostering trust between community members and a responsive policing apparatus. The more these relationships deteriorate, the more likely residents are to turn to drug gangs for providing such security.*<sup>50</sup>

More complications come also from the residents, who are afraid of both collaborating with the police and also report eventual cases BOPE's unjustified violence. This is because the unspoken law of drug traffickers clearly says that people in the favelas cannot communicate with police or they will risk their own life for having done this.

Taking into account all these considerations, the work by the government should be now more focused on opening to a true collaboration within BOPE's members and favelas residents, even though this will be a very delicate topic.

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<sup>50</sup>Rio de Janeiro's BOPE and Police Pacification: Fear and Intimidation in Complexo da Maré - Nicholas Barnes



The mission is to let people trust more the elite troop rather than the criminal gangs living in the area. When this will happen, the majority of the population will win, eventually eradicating the rotten side of it.

To get to this point, BOPE cannot authorize one more unjustified death or embarrassing behavior towards their citizens, including the poorest ones.

If the government is able to do so, population in the favelas will choose to rely on the military police and the overall society of the areas will certainly improve their overall life quality.

Coming back to the main assertion, BOPE has the right to exist and to be still firmly present in the risky areas, with their unique military technical knowledge but all the inappropriate measures taken by the soldiers should be condemned straight away from the government or the BOPE will never overcome the image of being just another, this time legitimized, face of criminal conduct.

After their work, the baton is handed over to the UPP special unit, which will implement afterwards the definitive Pacification of the favela with several law enforcement measures including patrolling, monitoring and assistance and support to the local dwellers needs.

## 2) Police Pacifying Unit (UPP) settlement

Once the tactical intervention and stabilization phases are finally achieved within the favela, the next tasks are handed over to the UPP Police Pacifying Unit. Community policing has existed for many decades, with the aim of empowering citizens while building a police-community partnership allowing a more comprehensive exchange of expectations.<sup>51</sup> In this way the police

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<sup>51</sup> *Policiamento Comunitario no Rio de Janeiro* - Daniel Ganem Misse and Rodrigo Mattos de Carvalho - Universidade Federal Fluminense

becomes the interlocutor between the community and the State, acting as an aggregator of societal demands and needs.<sup>52</sup>

The major obstacle in the past to the true effectiveness of these communities was the scarcity of funds, mostly supplied by very few governmental actors bringing to the table heavy hidden political interests behind their presence.

Before the birth of UPP, there was the Police Grouping in Special Areas (GPAE - *Grupamento de Policiamento em Areas Especiais*), launched in 2000 by the coalition led by Governor Anthony Garotinho.

The first experimental area in which this project was applied to was the *Cantagalo/Pavão/Pavãozinho* conglomeration, inlaid within the wealthy areas of *Ipanema*, *Copacabana* and *Lagoa*.

The project concerned the hiring of volunteered police officers joining the squad after a period of preparation and workshops. Yet, around 70% of those applying and taking part to this volunteering program were transferred out due to acts of misconduct, highlighting the deep deficits of these newborn police-community. The program eventually turned out to be a total failure.

The Pacifying Police Unit (UPP – *Unidade de Policia Pacificadora*), born in 2008, is the newest attempt to redefine police guard and law enforcement in the slums with more effective modalities.

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<sup>52</sup> *The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro* - Thomas Alan Hendee - Center for Democracy, Development, and the Rule of Law, Stanford University (May 2013)



*José Mariano Beltrame, Rio State's secretary of public safety, pictured with officers from the UPP units on the rooftop of the force's station in Providencia, Rio, October 2012*

The UPP is institutionally tied to the military police, but with the clear intent of being philosophically distinct from it.<sup>53</sup>

The UPP program has **3 main goals**:

- I.** taking back State control over communities with a strong influence of armed conflict
- II.** give back peace and public safety to the local population
- III.** contribute to the destruction of the common idea of *urban wars*, a concept which has always been present in Rio de Janeiro.

The following **listed crimes** are all seen as major concerns which may trigger a possible intervention from UPP forces:

*\*Source: isp.gov.br*

Crime	Definition
Arms Seizures	Confiscation of firearms.

<sup>53</sup> *The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro* - Thomas Alan Hendee - Center for Democracy, Development, and the Rule of Law, Stanford University (May 2013)

Attempted Homicide	The attempted killing of an individual by another person through gunfire, asphyxiation, poison, fire, beatings, or another means.
Bodily Injury	Any intentional act of causing injury to another's body
Commercial Robbery	Taking something by force or threat inside a commercial establishment.
Criminal Threat	An intimidation to cause unjust and grave harm.
Disappearances	The lost whereabouts of an individual
Drug Seizures	Confiscation of drugs from someone who is growing, consuming, or selling illicit drugs by the State.
Homicide	The killing of an individual caused by another person through gunfire, asphyxiation, poison, fire, beatings, or another means.
Incarcerations	The number of people taken into police custody that are spending time in prison
Non-violent Robbery	Taking something that does not belong to you without the use of threats or violence.
Police Killings	Homicides committed by the police while they are on the job.
Rape	A form of sexual assault initiated by one person

	without the consent of the other.
Residential Robbery	Taking something by force or threat inside of an individual's home.
Total Police Registries	Aggregation of all incidents tracked by the police.
Violent Robbery	Taking something by force or threat from an individual.

After the BOPE's raid, there is a stage of implementation of the UPP in the community living inside the favela.

It is exactly at this point that the Pacification process begins.

The needed criteria for a community in order to be eligible in receiving UPP intervention are:

1. being a poor community
2. low institutionalism and high informality in the area
3. presence of armed criminally groups (greater firepower = higher priority)<sup>54</sup>

With more than 1.000 urban areas in need of serious help and support from UPP, there is also the need of selecting the first communities to receive this type of intervention on the basis of a ranking.

The first slums to be chosen were the ones around the Maracanã stadium since they embody also a geographical significant role for the city of Rio de Janeiro. These areas form a ring around the wealthiest and touristic areas of the city, so the government requires to clean and pacify these portions of the city before anything else because of its proximity with international symbolic

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<sup>54</sup> *The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro* - Thomas Alan Hendee - Center for Democracy, Development, and the Rule of Law, Stanford University (May 2013)

events such as FIFA World Cup in 2014 and the upcoming Olympic Games in 2016.

The first objective of UPP is to remove all the armed individuals from the area, then the second one is to occupy the community, replacing the role that BOPE had in the first stage, showing also to the favela dwellers that their presence has different means from their BOPE colleagues, looking this time for a more stable but peaceful way to interact with the locals.

This change can also be easily recognized by the different color of their uniforms, switching from an intimidating black shirt covered by skull patches to a more reassuring light blue one.

The main role that UPP has is to keep supervising the area in order to keep it clear from a possible comeback of armed drug-traffickers.

Within the first months there is a more severe patrolling, including questioning and also a control of who accesses to the favela as a stranger.

There is also the need of instituting local associations made of residents which will allow the police to deepen their effectiveness with a direct collaboration with local volunteers, so that the whole project will assume also a *local* perspective with a more diffused self-control and surveillance from the population.

While fighting against armed gangs is a concrete objective, what it seems to be totally unfeasible for this forces is to start a bigger war begin against drug trade, possibly because Brazil is currently the second largest consumer of cocaine in the world and the government would not result as an economic winner destroying an illegal, but still very profitable, market.

In a broader sense, it is in fact evident that there is no intention or attempt to end criminality or socio-economical problems of these urban settlements, while the program rather aims to creating a germinal relationship between government and community members, with the hope of creating a working network developing social cohesion also in the poorest areas.

According to some surveys made respectively in 2010 and 2012, many police officers in the UPP program are not satisfied covering their role in the community and would rather work for another branch of the Military Police (around 70% of them).

One of the driving factor which could cause this dissatisfaction could be the identity crisis. Marines, Soldiers and Air Forces are all committed on a specific duty involving water, air and ground contexts and so they can easily be identified from that. Contrariwise, the UPP does not enjoy a good reputation among all the forces because of their hybrid nature which cannot be considered neither full police or full military.

The lack of this strong identity is affects very much the good performance of UPP members.

As BOPE's and then UPP's Colonel Paulo Henrique stated:

*The UPP is not community policing, not yet at least. The UPP ought to be called transformation police. We are shutting down the factory of illicit criminals by occupying these communities and it is important for everyone to understand that these communities are not pacified. These communities are in the process of Pacification, which will take time and patience. This is about changing the way society works in these communities and you cannot do that overnight.*<sup>55</sup>

Taking a look at the comparison between the crime rates before and after UPP implementation (based on average rates per 100.000 residents), we notice the following:

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<sup>55</sup> Paulo Henrique, Commander of the Coordination of the Pacifying Police. Brazilian TV's Interview (04/04/2013)

there are two separate groups of crimes with opposite reactions to the UPP implementation. Some of them shrink consistently with time, some others actually increase in the post-UPP period.

Researchers argue that the results of the program were the increased likelihood and availability of the police in order to receive complaints from the residents as well as the end of the *law of silence* within communities, making drug cartels less offensive than in the past.<sup>56</sup>

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<sup>56</sup> *Os Donos do Morro: uma avaliação exploratoria do impacto das UPP* - Ignacio Cano – Forum de Segurança Publica (2012).



	Pre UPP	Post UPP	% Change
Commercial Robbery	2.25	1.4	-37.78
Homicide	2.37	1.26	-46.84
Violent Robbery	42.6	19.09	-55.2
Arms Seizures	16.22	4.27	-73.7
Police Killings	4.49	.242	-94.6
Attempted Homicide	4.77	5.17	+8.39
Residential Robbery	0.6	0.72	+20
Non Violent Robbery	39.25	51.35	+30.82
Total Registries	249.11	395.9	+58.9
Incarcerations	2.64	4.73	+79.17
Criminal Threat	27.5	67.07	+143.9
Bodily Injury	38.6	98.43	+155
Rape	1.2	4.48	+273

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The local President of the Community Security Area, explained that these negative outcomes may also depend from another pattern:

*The principal actors (or almost all of them) were incarcerated or killed, but, those that were part of the second or third tier of power within the cartels and the minors are all still there living within the community.*

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<sup>57</sup> *The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro* - Thomas Alan Hendee - Center for Democracy, Development, and the Rule of Law, Stanford University (May 2013)

*They are going about their regular business, but not being as ostentatious about it, they keep trafficking drugs and possessing weapons but in a more controlled manner.*<sup>58</sup>

So even though it seems that some values have actually increased, this is mostly due to the higher number of complaint from the people.

This new awareness towards illegality inevitably enact true social cohesion within the favelas, meaning that local residents are now able to denounce serious cases of crimes without feeling threatened by the gangs in the same way as in the past, when police was not a stable presence in the daily life of the slums dwellers with the purpose of guaranteeing their own safety.

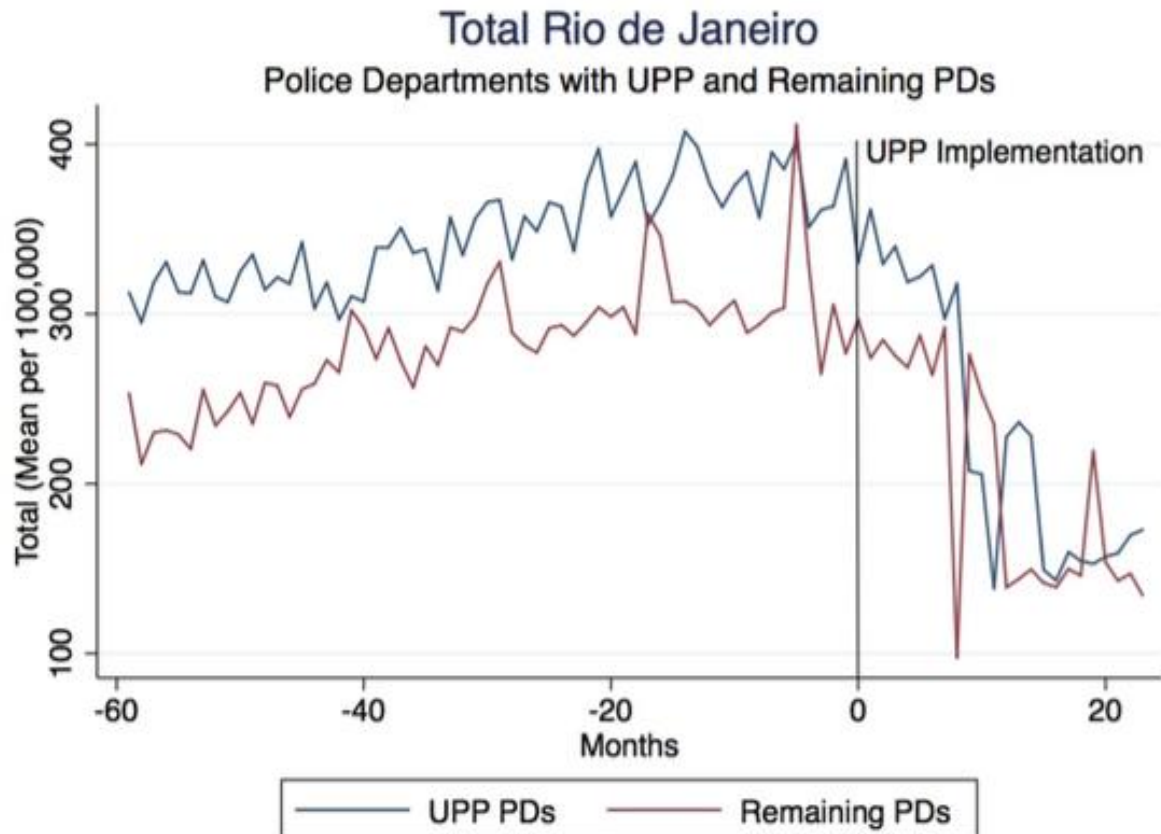
The local dwellers perception about the program is well explained by the words of the World Bank evaluation asserting that:

*When the recent history was dominated by conflict with drug traffickers, perceptions of UPP tended to be more positive. When it was dominated by conflict with the police, the more negative tended to be the perceptions. When it was dominated by intense conflict with drug traffickers and the police, perceptions combined strong feelings of relief with strong apprehensions about the future and return of drug traffickers.*<sup>59</sup>

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<sup>58</sup> Maria Bastos Gaio Joao – Interview (18/12/2012)

<sup>59</sup> *Bringing the state back into the favelas of Rio de Janeiro: understanding changes in community life after the UPP pacification process* – The World Bank (2012)



Coming back to the data, the most significant violence results are the ones concerning both homicides and police killing. Matter of fact, no matter the unit of analysis, the two outcomes decrease after the presence of UPP.

Analyzing the graph, we may notice that the total number of reports for these crimes, it is evident from the graph that the overall number of reported incidents within the city of Rio de Janeiro experienced a dramatic drop already some months after the UPP implementation.

A 2012 study in partnership with the *Institute of Public Security* shows also that about 100.000 less bullets were fired since the beginning of the

Pacification program in the police departments serving the current pacified communities.<sup>60</sup>



*UPP officers doing daily routine checks on suspects detaining arms in the favela*

Overall, the conjoint work of both BOPE and UPP led in few years to very positive results according to many surveys and statistics. Due to the Pacification, in fact, armed criminals had migrated from parts now characterized by a large police presence, to less patrolled spots like Niterói, situated next to the *Guanabara Bay*.

On the basis of the analysis of crime data, while gang leaders higher in the hierarchy could somehow re-establish in other favela communities where UPP is not present, it is unlikely to see low level traffickers finding an easy way in relocating themselves into other geographic areas across the city.<sup>61</sup>

Even though the most dangerous subjects are now definitely out of their habitat, strong familiar connections are still radicated in their native favelas,

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<sup>60</sup> *Após a instalação das UPPs, prédios voltam a abrir as janelas* – Vera Araujo - *O Globo* journal (15/02/2013)

<sup>61</sup> *Beltrame diz que UPP da Rocinha vai quebrar paradigmas* – Gustavo Goulart - *O Globo* journal (06/11/2012)

keeping new illegal projects alive thanks to the symbiotic relationships and meetings aimed to coordinate new internal members as well as external ones coming from other unpacified favelas.<sup>62</sup>

Also the frequent cases of corrupt police are another plague for the true effectiveness of such an ambitious project like this is.

In order to prevent also this peculiar trend, from 2012 the government tried to respond with the creation of a Pacifying Police Coordinating team (CPP) that will be working within and around UPPs, in a concerted effort to rebuild their credibility and curtail corruption.

These tighter control measures come after the recent case of a dozen of UPP police officers in *Mangueira* being arrested on charges of extortion, when a family member of a known drug dealer made a complaint that the officers came into his home, apprehended drugs, two cell phones and demanded R\$3,500 in cash to not take away the drug dealer in question.<sup>63</sup>

All this shows that UPP implementation is certainly a brilliant idea the total number of crimes have consistently dropped in few years after its creation.

To all intents and purposes, the UPP is an administrative, operational, dogmatic and philosophical shift which could forever mark the improvement of a big portion of the city, being the key of the slums development and social cohesion.<sup>64</sup>

What must be understood, though, is that this machine still needs to be perfected in many ways enabling this implementation to finally produce some very consistent outcomes.

In a recent BBC interview a lieutenant of UPP based in *Vidigal*, Carlos Veiga, explained quite well the context in which this police force is currently living:

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<sup>62</sup> *Dois homens morrem em operação na Nova Holanda* – Bruno Trezena – *O Dia* journal (01/09/2012)

<sup>63</sup> <http://riotimesonline.com/brazil-news/rio-politics/new-upp-controls-follow-corruption-scandal/#>

<sup>64</sup> *The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro* - Thomas Alan Hendee (Center for Democracy, Development, and the Rule of Law Stanford University - May 2013)

*If you think about the danger, you would give up. My father was a police sheriff. The law is the same for everyone, it's non-negotiable. But people are influenced by their environment, like I was by my father. There are some crimes anybody could commit, it's just a question of circumstances. The State shouldn't kill citizens. But we are only human, and sometimes if your emotions get the better of you, you will lose control. But this will put you on the same level with the criminals.*

*Military police officers get only six months' training and investment (in the UPP force) is not what it should be. But low salaries are not to blame for corruption. I tell my officers: do what you believe in, don't think about the salary. We have heroes here as well as psychopaths. We have people who would save the life of a man he doesn't even know and who would probably badmouth about him afterwards.<sup>65</sup>*

This means that not only violence and corruption coming from drug traffickers and arm dealers should be abolished but also the one caused by UPPs.

As well as it happens with the BOPE's misconduct, also the UPPs behavior should be rigidly checked and monitored so that local dwellers will have no reasons left to support illegality, instilling confidence to collaborate with police officers in order to build a better future for the next generations through reforms and transformations.

It is community member who benefited by the UPP once proudly affirmed:

*Now, when I look for a job I make sure to tell my potential-employer where I live. Before the program I would have never mentioned that!<sup>66</sup>*

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<sup>65</sup> <http://www.bbc.com/news/world-latin-america-31727562>

<sup>66</sup> *Os Donos do Morro: uma avaliação exploratoria do impacto das UPP-* Ignacio Cano – Forum de Segurança Publica (2012).

## IV. Civil Society and Citizen Security Achievements in Brazil

### Public Security of Civil Society

It can be said that there are **3 types of security** that have been developed on the basis of trends throughout the historical evolution of the country, starting from the military dictatorship period.

The concept of **national security**, established during the period of military rule (1964-1985), had as main objective the defense of the State while maintaining the political and social *status quo*.

At this stage of centralization, the State was the only priority .

The prospect of national security was based on the unquestioned supremacy of logic of national interest, defined by the ruling elite, justifying the use of force for the preservation of the order.

In the context of the paradigm, public security is a duty of the State and a right and responsibility of all, but in the Article 144 there are only mentioned the police institutions of the Union and the States, without including the role of other government agencies in preventing violence or the community.

With the Federal Constitution of 1988, a differentiation between **national security** and **public security** was made, with the former referring to the facing external threats to national sovereignty and defense of the territory, and the latter related to the violence manifestation in the domestic sphere.

The responsibility for public security, in this conception, becomes priority of the States, being the legal responsible for the management of civil and military police. This arrangement has given autonomy to the States in conducting security policies, but at the same time, this made even trickier to implement minimum guidelines for a national security policy, which could put in harm both prevention and control of violence and crime, since the manifestation of these phenomena does not respect State borders.

Currently there has been many debates about a third security paradigm, the **citizen security** which first appeared in mid-1990 and was implemented in Colombia in 1995. This new paradigm is based on the application of sectoral policies at local levels and calls for action both in the control of the spectrum as in the sphere of prevention.

The Citizen Security has as its primary objective the identification of generating problems of violence and delinquency, and the second time the implementation of planned actions aimed at solving the problems identified, the process involves public institutions and civil society as well as other areas, as education, health, leisure, sports, culture, citizenship, etc.

This new paradigm has been timidly introduced in studies and public policies in the area of security, but many challenges involve the practical application of this paradigm.

In citizen security perspective, the focus is on the citizen and, in that sense, violence is perceived as a factor threatening the full enjoyment of their citizenship. Currently, the paradigm of public security is a predominant concern about Brazilian security, but the paradigm of citizen security is slowly evolving as well, realizing that security is an extremely complex institution involving not only State agencies, but the community as a whole.<sup>67</sup>

The Constitution of 1988 in its Art. 5 provides:

*All are equal before the law, without distinction of any nature, guaranteeing to Brazilians and foreign residents in the country the inviolable right to life, liberty, equality, safety, and property...*

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<sup>67</sup> *Aspectos constitucionais da segurança pública* - Hálisson Rodrigo Lopes, Natália Spósito Lemos

[http://www.ambitojuridico.com.br/site/?n\\_link=revista\\_artigos\\_leitura&artigo\\_id=10490&revista\\_caderno=9](http://www.ambitojuridico.com.br/site/?n_link=revista_artigos_leitura&artigo_id=10490&revista_caderno=9)



Now in its Art. 6, the Charter provides:

*social rights are education, health, work, housing, leisure, safety, security social, protection of motherhood and childhood, and assistance to helpless, in accordance with this Constitution.*

There is, therefore, the right to security constitutionally guaranteed, for what it might be expected, obviously, that the State has public agencies properly rigged and equipped in order to guarantee that right to all citizens.

However, all legal and criminal arsenal that the State makes available to society is not, unfortunately, inhibiting criminal actions, many of which having a great offensive potential, leading us to the frightening conclusion that public security in Brazil, lives an unprecedented crisis in its history Republican.

Several factors contribute to this social chaos, and among them, with no claim to hierarchize them, we may point out:

- unemployment and exclusion social (poverty, hunger, homelessness, illiteracy, etc.);
- obsolescence of the resources available to the device of a repressive State;
- the prison system not following proper measures of rehabilitation and reintegration of the prisoner (the prisoner gets out worse than when he entered);
- the degree of rigging and specialization of organized gangs;
- the low pay of our civil and military police;
- the disarticulation between the Civil and Military Police;
- the slowness of Justice;
- crimes including drug trafficking, child prostitution, corruption and the non-imputable crimes committed by the young people between 14 and 18 years.

In this type of social and civil environment, the average citizen who regularly works everyday to earn a decent wage still paying all the taxes, is trapped

and confined home, since going outside, he will immediately risk for his safety, being exposed at the mercy of robbers, pickpockets, and criminals watching with amazement, the impotence of the Civil and Military Police that, institutionally, should have a duty to protect your life and your property.

The issue of rights in Brazil seems to have never been so present. The more we advance towards the improvement of democratic institutions, unless it is clear the tripod enjoyment of rights that support it.

The acute poverty of over 25 million Brazilians, according to IBGE<sup>68</sup> data, confirms our irresolute gap in the consolidation of social rights.

Hysterical lack of security reminds us that the civil rights of movement is threatened every time they venture into leaving home.

Through the Executive Law No. 56 of 01/29/03 , the State Government has structured the **Secretary of State for Social Protection** that has for purpose to *plan, organize, direct, manage, monitor and evaluate the operational actions sector by the State , in order to preserve public order and safety of persons and property, the reduction of rates crime, the recovery of prisoners to reintegrate them into society and legal aid resources to poor people and have-nots.*

This Law Delegate integrates Military Police, Civil Police and Military Firefighters Corps into the process involving the Secretary of State above-mentioned, for *operational purposes*, although these institutions continue to be directly subordinate to the State Governor.

In practice, we understand that what was tried to apparently conceal the submission of our policemen to a single command, as if this was the solution to the problem of crime.

What needs to be done effectively is to adopt public policy distribution of wealth and income, restarting the process of economic growth and

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<sup>68</sup> IBGE - *Instituto Brasileiro de Geografia e Estatística*

<http://www.ibge.gov.br/>

consequently, offering real employment opportunities to the citizens, access to education, health, leisure, housing, security, as ensured by the Constitution in force, principles which are a fundamental component of the concepts of citizenship and human dignity. The following initiative will translate into practical results and goals, avoiding remedial measures and ineffective proposals, including megaprojects designed and developed by rich companies and totally out from reality and communities true needs.

Common people calls for the application of criminal law that has as main objective to protect their legal rights which is essential to ensure personal and public security.

In light of what has being said until now, it is correct to assert that many progresses were adopted in the last decade with the purpose of drastically resolve many civil and social issues, but few of them concretely solved the major short-comings of Brazil.

Most of those changes of direction for public policies directly come from the codification of the Democratic Constitution in 1988, due to the decentralization of many government functions which allowed the creation of citizen councils at a local level, right where the civil and social awareness can adopt responsible choices for the sake of the local people avoiding to lose contact with reality just like it happens at a macro-level of administration.

*Of all the public arenas, however, public security has been the hardest to change. With the exception of the nominal and symbolic change of the role of the police from national security (segurança nacional) to public security (segurança publica) signifying a progression from protecting the State to protecting individual citizens, the 1988 Constitution left police institutions unchanged from the model implanted during the Military Regime.*

*The Art.144 maintained the primary responsibility for public security at the State level as well as the hierarchical structure of the Military Police and its*

*role as the maintainer of order “on the street”. The separate investigatory Civil Police was charged with carrying out its role with little communication and coordination with the Military Police.<sup>69</sup>*

Brazil's police forces are organized into State-level jurisdictions, except for the Federal one having the responsibility of monitoring the national borders. Having the jurisdiction of police first at a State-level could mean having both advantages and disadvantages.

In fact, many big cities had in the recent past and still in present, some moments of gubernatorial enlightenment, with some specific political visions aiming to reform the State with innovative policies and reforms.

The negative point, though, is that Federal bodies and municipal authorities have no primary responsibility for public security programs, even if this would make perfect sense.

*As in many countries in the region, the over-arching trend in public security policies is a swinging pendulum of innovation versus retraction with proactive, forward-thinking policies frequently followed by a return to traditional and frequently repressive, crime-fighting policies. In other words, rarely do the innovative policies get institutionalized permanently.<sup>70</sup>*

The interesting part of the Constitution is that governance accountability is guaranteed through the creation of new institutions along with the implementation and monitoring of public policies.

The **National Public Security Council** (CONASP – *Conselho Nacional de Segurança Pública*) had no role regarding public security until the Lula's second administration, when also freely elected representatives of civil

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<sup>69</sup> *Civil Society and Citizen Security in Brazil: A Fragile but Evolving Relationship* – Elizabeth Leeds – WOLA Washington Office on Latin America (June 2013)

<sup>70</sup> *Civil Society and Citizen Security in Brazil: A Fragile but Evolving Relationship* – Elizabeth Leeds – WOLA Washington Office on Latin America (June 2013)

society were officially authorized to take part to the deliberative role of the Council.

This eventually brought the country to the organization of the first **National Conference on Public Security** (CONSEG - *Conferencia Nacional de Segurança Publica*), where public security experts, civil society organizations and researchers set a basic framework for a final report including basic principles which then became the *new paradigm* of Brazilian public safety:

1. crime prevention rather than repression.
2. federal and municipal levels sharing responsibility with State jurisdictions for public security policies through decentralized programs.
3. problems of crime and violence seen as a multi-causal and multi-sectoral lens involving also the government and not only the police.
4. acknowledgment of the rights of citizens as an integral theme of all public security policies.<sup>71</sup>

**Citizen security** (*segurança cidadã*) appears to be in the official government language for the very first time, together with the birth of a **National Program of Public Security with Citizenship** (*Pronasci - Programa Nacional de Segurança Publica com Cidadania*).

As it frequently happens in Brazil, though, the discontinuity in financing public policies always undermines the effectiveness of these projects.

Matter of fact, the funding for *Pronasci* was heavily curtailed during the Dilma Rousseff administration in 2011 and now its condemned to be a second-tier program just as many others in this field.

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<sup>71</sup> *Civil Society and Citizen Security in Brazil: A Fragile but Evolving Relationship* – Elizabeth Leeds – WOLA Washington Office on Latin America (June 2013)

## The Brazilian Forum on Public Security

*Hence, what kind of civil society intervention can be fully recognized by both ministries and legislative bodies without losing its real effectiveness?*

The **Brazilian Forum on Public Security** (*Forum Brasileiro de Segurança Pública*) was founded in 2006 in order to address this type of issues, being the first permanent space for debates with an independent voice for both research and technical assistance within the national public security framework.

This dialogue brought to the table actors and organizations that did not use to communicate with each other, or, used to denounce each other in the past.

*Including three communities of progressive police with a reform agenda, applied academics and civil society organizations, it has become a national reference for reform efforts.*<sup>72</sup>

Instituting an *Anuário*, i.e. a yearly register including all the reports made each year on key elements of public security policy in all the 26 States, including the Federal District, finally made some historical official data publicly available.

This accurate analysis can actually reinforce the transparency and accountability of every public security policy adopted, in addition to drawing attention on the importance of reliable and credible public security data, the Justice Ministry became a supporter of a regular improvement and regularization of the reporting process.

All this is now reality due to the quality and visibility gained by the Forum's regular publications.

Nowadays, the Forum has reached a position in which both the Sub-Committee for Public Security of the National Congress and the Justice

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<sup>72</sup> *Civil Society and Citizen Security in Brazil: A Fragile but Evolving Relationship* – Elizabeth Leeds – WOLA Washington Office on Latin America (June 2013)

Ministry have requested a direct collaboration in reforming the **Unified System for Public Security** (SUSP - Sistema Unico de Segurança Publica). All this attention around its serious commitment in the sector, brought the Forum to be the national protagonist in order to carry out a new period of renovation introducing higher standards of quality about public security in Brazil.

When thinking about issues of public security in Brazil, the focus on the innovative experience of UPP, that we previously treated more in-depth, is the main case study on which many scholars and researchers focus all their study on.

In reality Brazil can offer much more than just the positive (but limited to Rio de Janeiro) UPPs implementation.

The UPP experience should not be considered the only example of “*Brazilian model*” for citizen security nor it should be the strategy studied by other regional countries when looking for the *one-fits-all* policy on how to combat crime and violence.

The use of crime observatories and statistics gathering has particularly increased since the introduction of the yearly *Anuário* in 2007 by the Forum, which turned out to be an extraordinary tool for systematic reporting of criminal data.

Besides that, there is no solution which could solve all problems related to crime and violence in one move. Every city, State or region of Brazil has different priorities and major issues to care about in order to diminish the internal inequality characterizing many parts of Brazilian territory.

Every area requires tailored measures and implementations so that local governments will respond immediately to different compelling issues needing a quick solution.

## Conclusions

In the previous chapters I wanted to give to the reader a clear overview of what Brazil is going through in this phase of *public security crisis*, as also Amnesty International declares in its last International Report 2014/14 about the *State of the World's Human Rights*.<sup>73</sup>

What seems to be so in contradiction with the current situation is that Brazil might be considered, without any doubt, one of the biggest democracies in the world, at least in terms of number of voters and territorial extension.

At the same time, though, the modern democratic version of this *quasi-continent* is still very young and its unripeness in terms of homogeneous development can be felt immediately when arriving in Brazil as a western foreigner (or *Gringo* as you may wish), even in the most developed cities of the country such as São Paulo.

Being part of the *BRICS* emerging economies, Brazil has drawn worldwide attention behaving as a friendly actor with a potential to emerge as a future superpower, assuming more and more an active position in international debates if compared to the past, mainly characterized by passivity in many big political arenas (see how the importance of the role of Brazil has changed in the UN Human Rights Council, for example).

Among the *BRICS* nations, Brazil will probably not become a world's dominant supplier of manufactured goods and services like China and India but it will surely cover a role of a dominant supplier of raw materials, having many naturally provided resources available, not only useful for domestic economy but also to be destined to the international market.

This widespread inequality, though, severely restricts the potentialities of Brazil, not allowing a constant and consistent economical, political and social transformation of the country.

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<sup>73</sup> <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>



Inequality can be applied to many different context of society, including security.

Lack of security is currently one of the biggest challenges that the nation has to face, a true *Pet Hate* which, if solved or strongly reduced, could make a big difference between allowing Brazil to reach a key player position and a stronger voice in the international arena or remaining stuck in a condition of a country with big potentiality but limited by huge domestic troubles undermining its credibility also abroad.

Brazilian diplomacy has faced the task of aligning Brazil with the evolving multilateral debate on human security, the responsibility to protect (*R2P*) and humanitarian intervention. Brazil ultimately endorsed the principle of *R2P* based on the clearly stated objectives of protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity, but continued to voice its preference for preventive measures associated with the use of force during and after military interventions. In this way, there is still a sort of indirect national approval for military interventions on the basis of vested political, economic or strategic interests other than those strictly related to humanitarian concerns.

When I affirm that *democratic* Brazil is still a young presence, I am actually referring to this neverending, and often re-emerging, path dependence from the dictatorial past which seems to require a longer time in order to be definitely considered overcome by the country in terms of habits and recurring negative behavioral patterns.

This does not mean, though, that rulers and politicians should be the only proponents of a big shift in society. We should start thinking also at a micro-level in order to destroy many existing social barriers between classes.

When it comes to public safety, the desire for an implementation of the latter appears to be high for those who feel unsafe, but also people already quite happy with their current level of safety do not deny that an implementation of security would make them more satisfied about society and government choices.

There is a strong income effect on the demand to improve public safety, which is much lower but still positive on the perceived current level of safety.

The poor feels no less safe than the better-off but, differently from the latter, he clearly needs to give priority to more impelling necessities.

So we may say that the demand for public safety improvement is an increasing concave function of income, meaning that income increases aggregate concern for safety while higher inequality reduces it.

Another fundamental component is education, which appears to have a spillover effect on demand for public safety. In fact, well-educated neighbors have an higher awareness and knowledge about the risks of a lack of public security strongly demanding to the politicians, thereby, to implement it.

This implies that a better-off educated person living in a poor neighborhood will feel more endangered by the perception of the people living around him, meaning that he will leave the place and move himself in another area sooner or later, with the result of a social isolation and relegation of poor people in certain specific areas of the country.

Knowledge sharing and social interactions within neighborhoods, for example, may bring greater levels of public security because of the trust infusion among the citizens stably living in the same area, and NGO's may also act as a coadjuvant, creating with workshops in less developed areas offering direct knowledge and assistance on the field.

So, for this reason, self-correcting mechanism against crime should also be adopted since they do work, and they mostly depend from public opinion.

Unfortunately, this is just one of the factors involved in a very complex formula which may help the country to exit from this security nightmare.

A noticeable shift in public opinion would not be credible without true socio-economical measures and reforms from the government.

A big plague like drug-trafficking, as we already in the previous chapters, has always been a justification for using armed forces as law enforcement.

Like the Roman god *Janus*, owning two faces looking at both future and past, State security, based on the ideals of a democratic Constitution, has two dimensions: internal and external.

The two dimensions, though, should never coincide unless a war or an upheaval may occur.

Yet, Brazil still uses this very old and harmful formula of prohibitionism, including the militarization of the fight against drug-trafficking whenever there is the need to adopt it.

It is interesting to highlight that U.S. abolished the use of Army against drug traffickers since 1878, so one should not be amazed to realize that Brazilian democracy is still far from being settled and ready to compete as a strong human rights backer nation in the international arena.

Brazil does not have just structural weaknesses, it does have strengths too.

The optimism about the future of Brazilians could continue to be an enhancer for this thriving economy which has recently experienced a shrinkage after a striking and unprecedented boom of recent years.

This inborn optimism could allow the country to leave their struggles behind sooner than what the critics and experts of international community forecast.

The financial position of Brazil is also the envy of European Union and United States because of the impressive net *debt-to-GDP* ratio under 40% and still falling, thanks to a decade of solid fiscal management.

Favouring economic stability over economic growth (the opposite of what China did recently) because of an extreme experience with inflation in 1994, Brazil is nowadays considered an excellent example of *financial responsibility*, using high interest rates to tame hyperinflation over time.

Also on the political side, if we take into account that Brazil is, after all, one the *BRICS* members, one must admit that the democratic political system is relatively stable, and the full effectiveness of the rule of law is not so far from being achieved, if compared to the other *BRICS* fellows contexts.

Starting from these promising factors, more sustainable, just and inclusive outcomes can be achieved only by a more demanding country as well as a political class which should firstly begin to open up to some auto-criticism about past misconducts in the administration.

Institutional and structural reforms of the police and criminal justice system could also dramatically reverse the legacies of widespread violence, impunity and corruption in the country.

Instead of letting State interests and international elites prevail on the poor, vulnerable and excluded categories offering nothing else than just the exclusion and isolation from the society that counts, the political class should start to see these people not only as a cost but also as a potential profit, rehabilitating them through specific programs so they could work in their own community, having the opportunity of paying back to the State this initial help for a definitive social redemption.

All this could reclassify not only degraded areas of Brazil, but also the condition of abandoned people living on the margins of society.

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