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Brazil: Crime, police effectiveness and state response, including witness protection (2003-2005)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Various sources report that violent crime, especially homicide, continued to be a source of concern in major urban areas across the country (EIU 23 Nov. 2005; UN 2005, 23-24; Canada 26 July 2005; OSAC 8 Mar. 2004). In particular, it is estimated that about 37,000 (Freedom House 11 Aug. 2005) to 50,000 (UN 2005) homicides take place in Brazil each year, and the majority of these killings are firearms-related (Freedom House 11 Aug. 2005; Reuters 21 Sept. 2004; Global Insight 6 May 2005). According to a 2005 study by the United Nations Educational, Scientific and Cultural Organization (UNESCO), Brazil was ranked second in the world after Venezuela for deaths caused by firearms, with an average of 21.72 murders per 100,000 inhabitants (*ibid.*). Moreover, most violent crime is reportedly connected to the narcotics trade, socio-economic conditions, and firearm accessibility (UN 2005; EIU 23 Nov. 2005; Global Insight 6 May 2005; Freedom House 11 Aug. 2005).

Other crimes reported in Brazil include kidnapping (Canada 26 July 2005; EIU 23 Nov. 2005; OSAC 6 Oct. 2005; US 15 Apr. 2005), carjacking (*ibid.*; Canada 26 July 2005), armed robbery (*ibid.*; Canada 26 July 2005; EIU 23 Nov. 2005; OSAC 6 Oct. 2005), and extortion (*ibid.*; EIU 23 Nov. 2005). Crime statistics provided by government authorities to the United Nations (UN) Office for Drugs and Crime reported that 5,132,972 total crimes were recorded in 2001, 5,677,763 in 2002, and 6,707,955 in 2003 (2005). While countrywide crime statistics for 2004 and 2005 could not be found among the sources consulted by the Research Directorate, the Overseas Security Advisory Council (OSAC) noted that in Sao Paulo state "508,225 crimes were reported in the second quarter of 2005" (6 Oct. 2005). Comparatively, during the same reporting period and location for 2004, 485,780 total crimes were recorded (OSAC 6 Oct. 2005). However, UNESCO noted that the homicide rate has gradually decreased "from a high of 44.1 per 100,000 people in 1999 to 35.9 per 100,000 people in 2003" (AP 24 May 2005).

In a December 2005 report on law enforcement in Brazil, Amnesty International (AI) mentioned that homicide is generally "concentrated in areas of greater socio-economic exclusion and reduced police presence ... as well as among specific social groups" (AI 2 Dec. 2005a, 4). By way of example, AI compared 2001 statistics between two districts in the same city (Sao Paulo): in the impoverished area, the murder rate was 123 per 100,000 persons, while the middle class locality had only three homicides per 100,000 (*ibid.*). AI also stated that the murder rate apparently was tied to race, as black youths were reported to be more at risk of being killed in violent confrontations (*ibid.*).

Police effectiveness

Concerns over certain law enforcement practices involving cases of misconduct and violence have apparently diminished public confidence in the police (AI 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 1d; OSAC 8 Mar. 2004). In particular, the use of lethal force by police when addressing criminal activity has been documented in a number of 2005 international news media and human rights reports (HRW 2005; AI 2005;

ibid. 2 Dec. 2005a; ibid. 25 Oct. 2005; BBC 23 Nov. 2005; *Latin American Weekly Report* 5 Apr. 2005). According to Human Rights Watch, an estimated 3,000 persons are killed in police confrontations each year (2005). Amnesty International reported that 2004 official statistics show that 663 police killings took place in Sao Paulo state, while the state of Rio de Janeiro saw 983 casualties (AI 2005). While the majority of these deaths were of civilians, a number of police officers were also killed on duty; for instance, 82 police officers were killed on the job in the states of Rio and Sao Paulo in 2004 (ibid.).

Various sources also noted that factors such as low salaries (AI 2 Dec. 2005a; EIU 23 Nov. 2005) and lack of coordination among law enforcement agencies have had an impact on police effectiveness (AI 2 Dec. 2005a, 5; *Financial Times* 15 Nov. 2005; EIU 23 Nov. 2005). Poor pay reportedly forces many police agents to seek a second job, usually with a private security firm (OSAC 8 Mar. 2004; AI 2 Dec. 2005a, 5-6), a practice which, according to Amnesty International, "disrupts the continuity and effectiveness of the police" (ibid.). With regard to inter-agency coordination, AI stated that lack of cooperation between various law enforcements agencies at several levels also hampers police effectiveness (ibid.). In addition, AI noted that while federal reform efforts to remedy this situation have been initiated, implementation has been fragmented and incomplete (ibid.).

Public trust in the police is also reportedly undermined by recurrent instances of impunity connected to officers involved in lethal incidents (AI 2 Dec. 2005a; ibid. 2 Dec. 2005b; *Country Reports 2004* 28 Feb. 2005, Sec. 1.c.; OSAC 8 Mar. 2004). According to international human rights reports, police impunity is systemic (ibid.; AI 2005) and officers are rarely investigated or convicted for alleged misconduct (ibid.; AI 2 Dec. 2005a; ibid. 2005; *Country Reports 2004* 28 Feb. 2005).

However, the BBC reported that in 2005 the government had initiated an operation called "Razor on the Flesh" to address police corruption and violence (21 Oct. 2005). In November 2005, the Secretary of State for Public Security stated that over 500 police officers had been arrested and 200 dismissed for various infractions since February 2005 (BBC 23 Nov. 2005). Further, Amnesty International noted that as a result of indiscriminate police killings, 558 officers in Rio de Janeiro had been "punished," and of this total 14 were discharged from their jobs (2 Dec. 2005b).

Nevertheless, according to international human rights reports, police corruption is widespread and cases of officers who regularly take bribes (*Country Reports 2004* 28 Feb. 2005, Sec 1), commit extortion (ibid.), and torture detainees are often reported (ibid.; AI 2005; HRW 2005; Freedom House 11 Aug. 2005). In May 2004, the government's human rights secretary acknowledged that Amnesty International's report about the use of torture by law enforcement officers "reflects the truth" (ibid.).

State response

Efforts by the federal government to address the crime situation have involved reforming gun legislation (UN 2005), setting up a firearm amnesty program (Reuters 24 Oct. 2005; ibid. 21 Sept. 2004; AP 17 July 2004), creating a new tactical police unit (Reuters 9 June 2005), and operating a witness protection program (Brazil n.d.; AI 25 Oct. 2005).

In the first instance, a news story of September 2004 reported that the federal government's gun amnesty program, launched in July 2004 (AP 17 July 2004) had reportedly collected 117,236 firearms (Reuters 21 Sept. 2004). As of March 2005, this total had reached more than 300,000 firearms (UN 2005). Under this program, individuals are persuaded to turn over their guns in return for monetary compensation (AP 17 July 2004; Reuters 21 Sept. 2004). The government also introduced a new law in September 2004 that would impose strict registration requirements, such as mandatory background checks for those wanting to buy a firearm, and increasing the age requirement for purchasing a gun from 21 to 25 (ibid.). Government efforts to control gun usage eventually led to an October 2005 national referendum regarding a proposed countrywide ban on the sale of firearms (Reuters 24 Oct. 2005). The results showed that some 64 per cent of voters opted against the ban, which according to Reuters signalled citizen disenchantment and mistrust of the country's law enforcement and judiciary (ibid.).

However, the government's work to contain firearms, as well as local measures such as requiring bars to close earlier, has reportedly had an impact in lowering rates of violent crime (*Financial Times* 15 Nov. 2005; see also BBC 21 Oct. 2005). For example, the OSAC reported that in Sao Paulo state, while some crimes had increased, violent crimes such as homicide and kidnapping had decreased (6 Oct. 2005). In addition, the Ministry of Health reported that the number of gun-related deaths of 2004 had decreased by 8.2 per cent in comparison to 2003 statistics (UN 2005). With regard to kidnapping, security risk consultant Boris Kruijssen stated that law enforcement efforts against kidnapping were apparently making some progress due to "a

combination of field experience and technology and support from abroad" (Reuters 31 Aug. 2004). In particular, a program called "Dial a Tip" reportedly allows citizens to place anonymous information about suspicious activities that may be occurring in specific houses in their neighbourhood (ibid.).

In June 2005, Reuters reported that a new rapid response police unit, named the National Public Security Force, was created in order to support conventional law enforcement agencies in emergency violent crime situations (9 June 2005). Comprising of 2,740 vetted officers, the new force has received "anti-guerrilla" training and is equipped with advanced weaponry (Reuters 9 June 2005). Further information about National Public Security Force could not be found among the sources consulted by the Research Directorate.

Witness protection

Information published on the Website of the Brazilian embassy in Washington Website noted that a witness protection program has been in operation since 1996 (Brazil n.d.). Initially created within the framework of the National Program for Human Rights (ibid.), the witness protection program, known as PROVITA, is run by non-governmental organizations (NGOs) with federal and state government funding (AI 2 Dec. 2005a), and supports crime victims and witnesses at risk of "serious and immediate danger as a result of cooperation or statements rendered during investigations or criminal proceedings" (Brazil n.d.). The program has reportedly expanded its operative capacity over the years and according to the Website of the Brazilian embassy in Washington DC, had a network of 25 protection locations and involved multiple entities, including, but not limited to, religious groups, volunteers, independent professionals, state public security bureaus, and the federal police (ibid.).

However, two international human rights sources reported in 2005 that the country's witness protection program was inadequate (AI 25 Oct. 2005; IAPA 11-14 Mar. 2005). According to Amnesty International, the program was "limited in its scope and vulnerable to the inconsistency in funding" (Oct. 2005). The Inter American Press Association stated that the program was "weak and fail[ed] to provide the financial and psychological assistance that witnesses need[ed]" (11-14 Mar. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet sites, including: *Brazzil*, Centro de Justicia Global, European Country of Origin Information Network (ECOI), Factiva, Justice Studies Centre of the Americas (JSCA), *Latinamerica Press*, World News Connection (WNC).

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