

**To: EMLER (International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement)**

**12 May 2023**

**Coalizão Negra por Direitos is an articulation of 250 movements, organizations, groups and collectives of the Brazilian Afro-diasporic movements fighting against racism.**

The Grupo Conexão G de Cidadania LGBT is a civil society organization founded by a group of young people in March 2006 in Nova Holanda, in Complexo de Favelas da Maré. The organization aims to mitigate prejudice experienced by LGBTQI+ people in the favelas of the city of Rio de Janeiro, acting in an integrated and comprehensive manner with a focus on human rights, health promotion, culture, education, territorial development and public safety.

FETAEMA, the FEDERATION OF RURAL WORKERS AND FAMILY FARMERS OF THE STATE OF MARANHÃO, is a Brazilian human rights NGO that works nationally and internationally. Its mission is (1) to defend the immediate and historical interests as well as human rights of rural workers, including *quilombola* rural workers; and (2) to engage in the process of transformation of Brazilian society towards a more democratic and just one, where all human rights are guaranteed to all people, and the Alternative Project for Sustainable and Solidary Rural Development is possible. FETAEMA has a strong commitment to the rights of thousands of Brazilian rural communities, and throughout its history has repeatedly reported to national and international agencies on the agrarian conflicts in the Amazon, in addition to having promoted meetings, seminars and contributed to numerous publications on the reality of Brazilian vulnerable rural communities, including *quilombola* communities

### **1- Demilitarization of the Military Police**

The objective of this recommendation is to detach the Military Police (MPs) from the ostensive doctrine, typical of the Armed Forces, since the PMs deal with the civilian population, and to strengthen their training in the light of Human Rights and anti-racist practices.

During the military regime (1964 - 1985), the State and Federal District Military Police - PMs were trained and commanded by army officers and used as part of the regime's repressive apparatus.

The Federal Constitution of 1988 attributes to the military police of the States and the Federal District the ostensible policing and the preservation of public order. However, in a contradictory way, they kept the PMs as auxiliary and reserve forces of the Brazilian Army<sup>1</sup>. The maintenance of this link between the PMs preserved their militarized training, ensuring the maintenance of the highly repressive character, the excessive use of force and the highly lethal nature of the police forces, directly impacting the individual guarantees and human rights of citizens, especially the black population. The Brazilian police are the most lethal in the world and this lethality is demonstrably against the black population.

The political crisis in Brazil, which began in 2016 with the impeachment of President Dilma Rousseff and continued with the election in 2018 of Jair Bolsonaro, a far-right candidate, who during the election campaign stated that "a policeman who does not kill is not a policeman."<sup>2</sup>, conquered a significant portion of the country's police forces and generated an increase in brutality and lethality in actions carried out by public security agents across the country.

During his government, Bolsonaro (2019-2022) primarily chose advisors and assistants from the Armed Forces to occupy Ministries and the first echelons of government, imprinting an openly militarized and repressive character of management.

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<sup>1</sup> See § 6º do artigo 144 Constituição Federal 1988: [https://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](https://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm).

<sup>2</sup> See <https://exame.com/brasil/bolsonaro-defende-que-a-pm-mate-mais-no-brasil/>

The demilitarization of the military police is, therefore, an urgent demand from society,<sup>3</sup> with the aim of untying the militarized police doctrine and introducing human rights training to influence the police actions in regard to the civilian population.

Recommendation:

1. The urgent demilitarization of the Brazil's military police.

## **2. For an end to summary executions and for the protection of human rights defenders**

According to researcher Ingrid Viana Leão: summary, arbitrary or extrajudicial executions is the term to refer to the loss of life with action and involvement of state agents, based on a series of characteristics such as the victim-perpetrator relationship, exclusion of legitimate defense or fulfillment of legal duty. It is these different elements that make a homicide with characteristics of summary execution a human rights crime, as well as that explain the difficulties regarding investigation and accountability.<sup>4</sup>

Between the 12th and 21st of May 2006, PMs and paramilitary extermination groups set up raids on the outskirts of São Paulo and cities in the Baixada Santista, creating a climate of terror in the territories. It was during the nights and early mornings that these groups executed 564 people, in addition to several cases of forced disappearances that were never investigated. This humanitarian tragedy, the biggest slaughter that occurred in Brazil, became known as the "Crimes of May".

The absolute majority of victims, as seen in all victims of massacres and police actions, are young, aged up to 35 years old, black and male and the youngest victim was scheduled to be born the next day, she was a girl, daughter of the couple Ana Paula Gonzaga and Eddie Joey de Oliveira Lavezaris, both murdered on the night of May 15th.

All these murders were considered by the Judicial System as "resistance followed by death", however, forensic studies carried out by the Center for Anthropology and Forensic Archeology - CAAF, of the Federal University of São Paulo, on the remains of 60 victims, show that all of them were victims of summary executions.<sup>5</sup>

Massacres carried out by police forces, however, are not isolated cases in Brazil. Over the period 2007-2021, the Military Police of the State of Rio de Janeiro carried out 17,929 police operations in the favelas of the Metropolitan Region, causing 593 massacres and 2,374 fatalities.<sup>6</sup>

With the aim of protecting the population of *favelas* from police excesses during the pandemic, parliamentarians and social movements presented a case to the Federal Supreme Court - STF, with the Claim of Non-compliance with a Fundamental Precept - ADPF 635/2020 which restricted the carrying out of police operations in the favelas and the need for communication and justification to the Public Ministry in exceptional cases.<sup>7</sup> However, this legal instrument did not prevent the deaths of 1,096 people between January and September 2021 in the *favelas* of Rio. Unfortunately, this legal instrument was not enough to prevent the deaths of 28 young people by police forces in the Jacarezinho community in May of that year. The PM of RJ was considered the fourth most lethal in 2021.

Between 2013 and 2021, 43,171 people were killed by the police forces of the Brazilian State. In 2021 alone, Brazilian police were responsible for 6,145 deaths of citizens, of which 5,168 were black people, showing the racialized profile of victims of state lethality.

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<sup>3</sup> See <https://www.ohchr.org/en/press-releases/2022/07/brazil-un-experts-decry-acts-racialised-police-brutality>

<sup>4</sup> See <https://execucaosumaria.info/o-que-e-execucao-sumaria/>

<sup>5</sup> See [https://www.unifesp.br/reitoria/dci/images/DCI/Apresentac%CC%A7a%CC%83o\\_Resultados\\_Crimes\\_de\\_Maio\\_de\\_2006.pdf](https://www.unifesp.br/reitoria/dci/images/DCI/Apresentac%CC%A7a%CC%83o_Resultados_Crimes_de_Maio_de_2006.pdf).

<sup>6</sup> See <https://geni.uff.br/2022/05/06/chacinas-policiais/>

<sup>7</sup> See <https://www.mprj.mp.br/adpf-635>

Although general data on police lethality in 2021 show an average of 2.9 executions of civilians by police forces for a group of 100,000 inhabitants, when these data are disaggregated by race, we see a huge disproportionate number of victims among black people, 4.5 victims per 100 thousand inhabitants, while among the white population the risk of 1 victim in 100 thousand inhabitants, showing that being white in Brazil works as a protection factor against the lethality of the police forces. There is great variability in the distribution of these deaths across the country, but the racial asymmetry between the victims remains to the point that in some states 100% of the victims are black people.

In the State of Amapá, in the North region, we have the most violent PM in the country, with a lethality rate of 17.1/100,000, followed by the police in Sergipe, in the Northeast region, with 9 deaths per group of 100,000 inhabitants, followed by Goiás, Midwest region, where 8 people were killed by the PMs for a group of 100,000 inhabitants.<sup>8</sup>

Impunity in the face of police arbitrariness and excesses is the guarantee of high levels of police lethality in Brazil, which systematically uses the instrument of "resistance followed by death" as a strategy to cover up recurrent summary executions of civilians, making these public agents not be held accountable through judicial and administrative channels. When trials occur, these are carried out by the Military Justice.

Fear and generalized insecurity are feelings experienced daily by the Afro-Brazilian population, in the face of public security policies practiced by governments. Brazil is an insecure, violent and perverse country for its black population.

Violence and impunity were incorporated into the Brazilian rural landscape. According to the UN Special Rapporteur on Human Rights Defenders, between 2015 and 2019, 1,323 human rights defenders were murdered worldwide. More than 70% of these cases were concentrated in Latin America and the Caribbean, and in 166 of them the victims were women. Brazil ranked second in this global ranking, with 174 murders of human rights defenders, behind only Colombia, with 379.

Most human rights defenders are killed in conflicts over land and in general the killings are preceded by threats, which are reported to the authorities who do not take them seriously, do not investigate the complaint, do not act. And then the threat materializes. These are patterns that are repeated in the countryside and also in the city.

This situation has a greater incidence in the Brazilian Amazon, where indigenous people, quilombolas, riverside people, babassu coconut breakers have been murdered for very clear economic reasons, whether for later occupation with activities linked to agribusiness, for land grabbing or for illegal logging, considered the main vector of violence in the Amazon.

The states of Pará, Maranhão and Rondônia account for nearly 70% of all murder cases. In Maranhão, according to FETAEMA data, there are currently more than 400 people threatened with death as a result of agrarian conflicts, with 70% of the victims being quilombolas. Still in this federation unit, according to FETAEMA data, between 2020-2022, there were 13 murders of human rights defenders and of these, 8 were quilombolas.

In Brazil, the majority of murders of human rights defenders remain unpunished, with less than 5% identifying the perpetrators and executors, and in general the aggressors are loggers, security companies, state military police, gunmen, ranchers, farmers association, and paramilitary groups. Most crimes against workers, indigenous peoples and quilombolas are not investigated and very few are convicted and even fewer serve time in jail.

Brazil, despite being a signatory to several human rights instruments at the global and regional level, is still, as a State, the greatest violator of such rights, based on its conception of democracy, legislation that conflicts with international law, its institutions culture and mainly of the actions of its coercive forces, especially the police.

According to the Brazilian Committee of Human Rights Defenders, in addition to the violence faced by human rights defenders in general – kidnapping, physical and psychological torture, murder, police

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<sup>8</sup> See <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=15>.

violence, seizure of communication equipment, documents or personal objects, invasion housing, legal harassment, criminalization and imprisonment – women defenders are more likely to suffer: threats, harassment and/or physical, sexual and/or psychological aggression in the private sphere (within the family or close nucleus) and in the public sphere; non-recognition, disqualification of their work, marginalization and exclusion from public and political life.

The protection policy for human rights defenders was created in Brazil in 2004, in 2018 it was renamed the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPDDH), aiming to provide security to people who fight for their rights so that they can remain in their territories. However, many of the human rights defenders included in the program suffer from inadequate rules and are not, in fact, protected in their territories.<sup>9</sup>

#### Recommendations:

1. That the lawsuits against military police take place in the sphere of civil justice and that the Notices of Resistance are not accepted as a justification for filing police actions.
2. That the Brazilian State create and train specialized police units for the protection of human rights defenders, as well as specialized bodies and procedures for receiving and processing complaints.
3. That the Brazilian State implement a work plan in institutions of the justice and public security system aimed at monitoring and following up on lawsuits and police investigations involving human rights defenders and ensuring that violations and threats are investigated.
4. That the Brazilian State effectively implement a gender and race perspective to assess cases and develop measures to protect women human rights defenders assisted by the PPDDH.

### **3. Implementation of devices for monitoring deaths of the LGBTI+ population, especially the portion of this population that resides in *favela* territories.**

The right to life is inherent to the human person and, as such, must form the basis of the civil rights of all peoples. Brazil is the country that kills the most LGBTI+ population in the world and, as such, the right to life is directly related to fundamental rights such as social participation, non-discrimination or submission to degrading treatment.

The scenario set today in the *favelas* for the LGBTI+ population, especially when considered racialized subjects, is one of generalized absence of guarantee of rights. The State fails to promote citizenship and dignity. Present only with its armed arm through police operations, the violence that crosses the territory impacts not only on the safety and well-being of residents, but also on access to education, health and work and on the inviolability of housing. The struggles of the LGBTI+ population on the streets have been guided by the advancement of civil rights such as adoption and marriage, with recognition of the expansion of the concept of family. In *favela* territories, the struggle is still for life and for access to basic human rights.

Despite the ADPF 635/2020, police action continued to draw attention in 2021. According to data from the collaborative platform Fogo Cruzado, which monitors data on armed violence, 4,653 shootings were identified in the metropolitan region of Rio de Janeiro that year, an average of 13 shootings per day; 2,098 people were shot, adding up to about five every 24 hours; 64% of these people (1,342) were specifically targeted during police operations, which take place primarily in favelas (INSTITUTO FOGO CRUZADO, 2021).

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<sup>9</sup> Ulisses Terto Neto, *Protecting Human Rights Defenders in Latin America: A Legal and Socio-Political Analysis of Brazil*. New York: Palgrave Macmillan, 2018). (<http://www.springer.com/us/book/9783319610931>)

<sup>10</sup> INSTITUTO FOGO CRUZADO. Annual Report 2021: Metropolitan Region of Rio de Janeiro. Rio de Janeiro, 2021. Available at: [https://drive.google.com/file/d/1gyizjq\\_XFEc2ViMZOFDAp\\_NEWVDZIVfa/view](https://drive.google.com/file/d/1gyizjq_XFEc2ViMZOFDAp_NEWVDZIVfa/view). Access in: 10 mar. 2022.

Recommendation:

1. That the Brazilian State have instruments, legislation and guidelines aimed at improving access to secure systems for reporting violence and police brutality, ensuring that reporting mechanisms allow the inclusion of perspectives that consider gender, sexuality and racial identity.

#### **4. Elaboration of training mechanisms for public security agents, with a focus on eradicating human rights violations against the LGBTI+ population.**

The LGBTI+ population of *favelas*, especially trans and transvestites, experience human rights violations based on the abuse of power by public security agents who, in search of a false fight against drug trafficking, use physical and warlike force in public security actions, promoting the *necropolitics* of black youth and/or operating in the maintenance of *necropolitics*. The scenario of the country's *favelas* is an indicator of the brutality that *favela* residents face daily. The absence of the state in these territories lead to violations on *favela* residents' rights to health, education, employability and food security. Police operations overturned the homes of male and female workers indiscriminately, putting the *favela* population at direct risk, preventing the movement of the population in the territory, as well as causing the suspension of health services, education, commerce, among other routine activities. In this way, police forces continue to put Black and LGBTI people at particular risk, in addition to collective risk.

ANTRA (National Association of Transvestites and Transsexuals) "is a national network that articulates 127 institutions throughout Brazil that develop actions to promote the citizenship of the population of Transvestites and Transsexuals" and has been responsible for nationally articulating a joint production of data to the Civil Society Organizations, on the murders and deaths of the LGBTI+ population throughout the national territory. According to ANTRA's Dossier 2023, in 2022 Brazil had "at least 151 trans people killed, 131 of which were murders and 20 trans people committed suicide" (ANTRA, 2023). These data only become visible from the production of this coalition.

With regard to State policies for monitoring deaths of the LGBTI+ population, there is no official monitoring mechanism, which leads to the conclusion that these numbers are higher than those produced by the organization (ANTRA). In the population of transvestites and transsexuals, it is identified that the violent recording of deaths, which does not consider the gender identities of these people, corroborates to an even more accentuated underreporting of the deaths of these bodies, since the institutional transphobia established in the mechanism complaints refuse to identify these bodies with their real gender identity.

Recommendation:

1. That the Brazilian State urgently and fundamentally implement processes of preparation and training in Human Rights for the professionalization of the police bodies of the various state police forces, as a way of strengthening the prevention and effectiveness of the investigation of cases of police violence. Provide training on human rights and sexual and gender diversity to police officers can lead to ensuring that any acts of police violence committed are legally addressed in a rapid and transparent way in order to mitigate abuses of power.