

PICKING UP THE PIECES

WOMEN'S EXPERIENCE
OF URBAN VIOLENCE
IN BRAZIL

STOP VIOLENCE AGAINST
WOMEN

AMNESTY
INTERNATIONAL



PICKING UP THE PIECES

Women's experience of urban violence in Brazil

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Women's names have been changed
in this report in order to protect their
privacy and ensure that their security
is not compromised.

Cover image: A woman carrying a
baby walks past a Brazilian police
officer patrolling Rocinha during a
police operation in Rio de Janeiro,
October 2005. © REUTERS/Bruno
Domingos

Amnesty International is a global
movement of 2.2 million people in
more than 150 countries and
territories who campaign to end
grave abuses of human rights. Our
vision is for every person to enjoy all
the rights enshrined in the Universal
Declaration of Human Rights and
other international human rights
standards. We are independent of
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ONE/INTRODUCTION

Joanna and Maria¹ are 14 years old. Most days they spend hours hiding under their beds to avoid the daily shootouts between criminal gangs in their community.

Barbara's son was killed by police. She broke down in tears as she described the years she has spent trying to ensure the police officers responsible were brought to justice. Her battle continues.

Paula's daughter was killed by drug traffickers. They killed her when she refused to tell them where her husband was.

Katia locks her children in the house when she goes to work. She is scared that if they go out they will be drawn into joining criminal gangs but she can't afford to pay for childcare.

Patricia has to go across town to get antenatal check-ups. This is expensive and inconvenient, but she can't use the local health centre because it is in an area controlled by a rival drug faction.

These stories provide a glimpse of what life is like for women in many parts of Brazil today. In socially excluded communities women live out their lives against a backdrop of constant criminal and police violence. The impact of this violence on their lives is complex and profound, yet their stories are rarely heard. In a debate that has traditionally centred on gun violence, the focus has invariably been on young men – the overwhelming majority of those involved in gun crime, both as perpetrators and victims. This report focuses on the largely untold stories of women struggling to live their lives, to bring up their children and to fight for justice amid police and criminal violence.

Amnesty International has addressed the question of criminal gangs in previous publications, consistently condemning their actions and highlighting how the failure of the state to combat criminal violence has effectively condemned millions of people to lives of fear and misery. This report highlights some of the patterns of human rights violations against women in particular. Building on Amnesty International's past work on public security,² it looks at how women deal with high levels of criminal violence in the absence of state protection; how increasing numbers of women have become directly or indirectly involved in the drug trade; and how women's contact with the criminal justice system often makes already traumatic situations worse. Most worryingly, it identifies how for decades the state has been directly responsible for the fact that women are suffering attacks and violence at the hands of criminal gangs and law enforcement officials.

This report is based on interviews with women in six states – Bahia, Sergipe, Pernambuco, Rio de Janeiro, São Paulo and Rio Grande do Sul – carried out in 2006 and 2007.³

Amnesty International spoke to mothers who had fled their homes when their neighbourhoods were taken over by criminal gangs and others who had devoted their lives to the struggle for justice for murdered relatives. Some of the women interviewed had themselves become involved in the burgeoning drug trade. Many of the women had never considered the hardships or abuses that they experienced as violations of their human rights, focusing rather on the human rights abuses suffered by a son or husband. Many more were terrified of speaking out, only doing so on the understanding that the names of their community would not be made public. All displayed extreme courage in the face of daunting daily struggles.

Violence between men has consequences for women's lives. When families break down because fathers are killed or imprisoned, women shoulder the additional responsibilities.⁴ Caring for families often forces women to work long hours to make ends meet and the lack of affordable childcare means that their children are left to fend for themselves in the streets. Schools are violent and overcrowded. Sometimes they are closed for days or even weeks because of shootouts between criminals and

This report addresses violence against women as a human rights issue. Through ratification of binding international human rights treaties, and through the adoption of declarations by intergovernmental bodies such as the United Nations (UN) and the Organization of American States (OAS), governments have committed themselves to ensuring that all people can enjoy certain universal rights and freedoms.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (known as the Convention of Belém do Pará) affirms in its preamble:

“that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms”.

The Convention goes on to add in Article 2 that violence against women is not only that which occurs in the home but also:

“(b) that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
(c) that is perpetrated or condoned by the state or its agents regardless of where it occurs.”

police. Women in these communities also suffer greater health problems, with most, if not all, suffering some form of trauma. Yet, the health care available is limited, discriminatory and inadequate.

In effect, women are triply discriminated against: they suffer violence at home and in the community, invariably in silence; they are blamed for the chaos of their family lives, largely caused by the violence; and they are treated harshly when they try to access the few overburdened state services that should offer help.

A vibrant women’s movement has already had an impact on federal government policy, through the adoption of the “Maria da Penha” law in 2006, which offers a number of protections for women experiencing domestic violence (see pages 6 and 70). The





A member of Rio de Janeiro's BOPE, the elite unit of the military police, aims a machine-gun at a woman as people protest beside the body of a victim killed during one of the many police operations in Complexo do Alemão, Rio de Janeiro, February 2007.

THE ‘MARIA DA PENHA’ LAW

This law was named after Maria da Penha Maia Fernandes, a pharmacist from the state of Ceará. In 1983, after years of violence at the hands of her husband, Maria da Penha was shot by him, leaving her a paraplegic. Her husband subsequently claimed she was attacked during a robbery. Two weeks later Maria da Penha’s husband tried to electrocute her while she was in the bath. After this, she separated from her husband. Fifteen years after these attacks, a final ruling had still not been handed down in the case. In 2001, the Inter-American Commission on Human Rights found Brazil had failed to act with due diligence in protecting women and had:

“violated the right of Mrs. Maria da Penha Maia Fernandes to a fair trial and judicial protection... this violation forms a pattern of discrimination evidenced by the condoning of domestic violence against women in Brazil through ineffective judicial action.”⁵

This ruling set a legal precedent for a state’s responsibility to act with due diligence in cases of domestic violence.

Due diligence

International law obliges governments to use their power to protect and fulfil human rights.⁶ This includes not only ensuring that their own officials comply with human rights standards, but also acting with “due diligence” to address abuses committed by private individuals (non-state actors).

The concept of due diligence describes the degree of effort which a state must undertake to implement rights in practice. States are required to make sure that the rights recognized under human rights law are made a reality in practice. In addition, if a right is violated, the state must restore the right violated as far as is possible and provide appropriate compensation. This must include the investigation and punishment of those responsible for violating these rights including, where relevant, state officials. The standard of due diligence is applied in order to assess whether they have carried out these obligations.

When states know, or ought to know, about violations of human rights and fail to take appropriate steps to prevent them, they, as well as the perpetrators, bear responsibility. The principle of due diligence includes obligations to prevent human rights violations, investigate and punish them when they occur, and provide compensation and support services for victims.⁷

It is important to emphasize that state responsibility to exercise due diligence does not in any way lessen the criminal responsibility of those who carry out acts of violence. However, the state also bears a responsibility if it fails to prevent or investigate and address the crime appropriately. In addition, when a state fails to act with sufficient diligence in responding to violence against women – by using the criminal justice system and providing reparation – this often violates women’s right to equality before the law.

“We can’t go on living under these conditions. We live in fear.”

Paola, a seamstress and mother of one, lives at the entrance to the favela. As the picture was being taken, a voice echoed through the street: “EVERYONE INDOORS BY 6:00PM! ALL SHOPS CLOSE TOMORROW!” as the traffickers announced that evening’s curfew. Rio de Janeiro, 2005.



creation of a Women's Ministry has also helped give issues affecting women's lives a greater profile. However, women's experience of public security and social exclusion remains largely neglected.

Far reaching and radical reforms are needed to tackle violence against women in the community. It is time for the government to look more broadly at the issue of violence against women, working at federal, state and municipal levels to fill the gaps in service provision, reporting and analysis. In the areas of public security, the authorities need to ensure that the experiences of women are integrated into policies and practices so that women's specific protection needs can be met, and that the manner in which police operations are carried out and public security addressed does not exacerbate discrimination and violence against women from the affected communities. Furthermore, it is essential that steps are taken to ensure equitable and effective access to justice.

TWO/LEADING THE FIGHT FOR JUSTICE

Women have long been in the front line of the fight for justice and against impunity. As human rights defenders, lawyers and activists, women have been central in the fight for the protection and promotion of rights and universal access to justice. Many women find themselves taking on this role following the loss of a relative to police violence and the failure of the authorities to deliver justice.

The human rights movement has supported the fight of the very many women who over the years have risked their lives to get justice for relatives who have been unlawfully killed or tortured by the police. Many of the women have become central actors in the human rights movement as a result of their experiences. However, little attention has been paid to the impact of the loss and the seemingly never-ending fight for justice on the women themselves. Why have women taken it upon themselves to put their lives on the line in this way? What has it meant for them?

In May 2007 Amnesty International met a group of women in Rio de Janeiro participating in a project organized by the non-governmental organization (NGO) Viva Rio and the University of Coimbra, supported by the Centre for Studies on Security and Citizenship (Centro de Estudos de Segurança e Cidadania, CESeC). The women had all lost relatives in police massacres, many of which had been the subject of long-standing Amnesty International campaigns.⁸ This project was one of the first attempts to address and study the pressures faced by the women and look at ways of supporting them as women, rather than focusing on the case which was the subject of their campaigning. The project provides counselling, human rights education and a forum for women to share their experiences and offer and receive support.

"I did not have time to stay at home and cry over the death of my son... I live to get justice."

"I've forgotten everything about my life. I only know about my son's case. My life prior to this has been wiped out."

"Nobody came to ask if I needed help to seek justice."

Women in Rio de Janeiro, May 2007



Former Amnesty International Secretary General Pierre Sané (right) in a meeting in the Casa da Paz with relatives of the victims of the of massacre in Vigário Geral, Rio de Janeiro, 1994.

The women described the devastation and sense of abandonment felt by those who survive the loss of a relative at the hands of the state and the further humiliation and despair of the long and difficult fight for justice and compensation. The state violates the rights of these women in three ways. It openly supports policing practices which lead to extrajudicial executions. It perpetuates a system which at every stage ensures that their access to justice is extremely difficult if not impossible. It condemns them to intense financial hardship and the shame of fighting for what is at best token compensation. The costs to their health, livelihoods, families and social life are immense.

The patterns of suffering the women described were, on the whole, very similar. First and foremost, all the women had dedicated virtually their whole lives to the fight for justice. Many reported that they felt abandoned by a state that had never been present in their lives and now offered only barriers to justice.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (known as the Convention of Belém do Pará) was adopted by the General Assembly of the Organization of American States in 1994. The Convention of Belém do Pará recognizes that every woman has the right to be free from violence in both public and private spheres. It requires states not only to condemn, prevent and punish violence against women, but also to undertake specific measures to deal with its root causes. The Convention of Belém do Pará has been more widely ratified than any other Inter-American treaty.

All the women expressed a feeling that they faced discrimination, although not all of them were favela residents. Few had much faith in state institutions, often feeling more resentment for the judiciary than the police. All of them saw the need to reiterate the fact that the relative lost had been a “worker” or a “student” – not a criminal – in order to challenge the justification often given by police for the killings, generally accepted by the wider public.

The women gave several reasons why men were often unable to support their struggle for justice including fear, emotional weakness or other responsibilities. Some men did help. For others the lack of involvement had led to the break down of family relationships.

Many suffer financial hardship as a result of their loss. Often the violence deprives them of one of the family’s main breadwinners. In many cases the pressure of the campaign for justice prevented women from working.

Many of the women complained of suffering severe psychological problems as a consequence of their loss and the pressures of the fight for justice. Most were taking some kind of medication and few had had the resources, prior to their contact with this project, to have sustained psychological treatment.

“My husband does not take part as he does not have the emotional strength for this.”

“My marriage disintegrated.”

“My other son said to me, ‘Mum you lost a son but you have two other sons.’ I lost my head with this. I can’t do anything at home.”

Women in Rio de Janeiro, May 2007

[case]

In May 2006 the state of São Paulo was shaken when members of a criminal gang known as the Primeiro Comando da Capital (PCC), which dominates the state's prison system, launched a series of attacks against police and civilian targets. More than 40 police officers were killed, as well as several prison guards and a number of bystanders. Buildings and public transport suffered extensive damage. In retaliation, police officers and masked men acting as "death squads" – with the apparent support or knowledge of the police – reportedly killed more than 170 people. The mothers of some of these victims told Amnesty International their stories.

R. was killed on 15 May 2006. There had been rumours that a curfew would be enforced that day and hardly anyone was out in the streets. R.'s mother had been warned by a family friend, a policeman, that all "good" citizens should stay indoors, because the streets would go "wild". The next day she heard about R.'s murder on the radio. She knew straight away it had been the police; her husband had been killed in the same way 13 years earlier. She went everywhere looking for help and information. She had doors slammed in her face and policemen laughed at her. Since then, she has watched every television news broadcast, bought every newspaper and kept every relevant clipping. She started her own investigation and found other mothers whose children had been killed during that week.

That was when she met N., another mother who lost her son on 14 May 2006, Mother's Day. They have been together in this ever since. They get terribly frustrated at the lack of interest in their cases. They believe they have all the evidence necessary, and the authorities are simply not interested

because they are poor. They are not getting any help from the state. R.'s mother is on anti-depressants and takes sleeping pills at night and both have become heavy smokers. N. is also drinking a lot. Neither is working. Their lives consist of trying to talk to people and officials, trying to get them to listen and to help.

V.'s daughter A.P. was killed on 15 May 2006. She also believes she was killed by the police, but was always reluctant to go to any official bodies. She doesn't believe in the justice system. She doesn't trust any authority. She knows it was the police who killed her daughter, who was pregnant at the time, and her son-in-law. She even knows exactly which policeman it was. A friend of theirs saw everything. Police say they can only investigate if there are witnesses... She doesn't want money or any kind of compensation. In her own words, "She doesn't want her daughter's blood coming into her house." Her orphaned granddaughter now lives with her in the house where she works as a live-in carer for elderly couple. She doesn't believe in the official justice system, but she does believe in finding other mothers and uniting in protest.

Dona M. is 86 and depended on her 17-year-old grandson. He was killed in May 2006. She lives in a house up on the hill and spends all her time at home. Her health prevents her leaving the house on her own – she walks with a stick and the ground near her home is very rough and uneven. Her grandson was about to be signed by the biggest football team in the area when he was killed.

[end case]





Residents of Coruja, São Paulo, protest at the killing of six young men in February 2005. Witnesses accused three military policemen of shooting the victims at point blank range. The attack was reportedly in revenge for complaints by residents against police violence and extortion. Residents accused police who came to investigate the killings of removing evidence, including bullet casings, from the crime scene. People were very afraid of protesting because they feared reprisals from the police. Most of those who joined the protest were women and children.

PROTECTING HUMAN RIGHTS DEFENDERS

Article 1 of the United Nations Declaration on Human Rights Defenders states: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.” Therefore, every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally, must be considered a human rights defender.⁹

The Declaration sets out the rights of human rights defenders and the specific freedoms and activities which are fundamental to their work. These include the right to know, seek, obtain and receive information about human rights and fundamental freedoms; the right to participate in peaceful activities against violations of human rights; the right to criticize and complain when governments fail to comply with human rights standards; and the right to make proposals for improvement.

By adopting the Declaration states undertook to ensure that defenders are able to carry out their human rights work without interference, obstacles or fear of retaliation.

The governments of the Americas also recognized the importance of individuals, groups, and NGOs that promote human rights in several resolutions. The most recent resolution regarding human rights defenders was adopted by the OAS in June 2007.¹⁰

“My son used to look after my disabled son. Now he’s disappeared I can’t work any longer.”

“I had to give up my job to chase the case. My mother’s diabetic and could not follow the case. I follow it and she looks after his children.”

Women in Rio de Janeiro, May 2007

Women reported that they had received support from within their communities and from their neighbours. All described the support and strength they gained from one another. Many saw their role as the fight against impunity and were active in providing solidarity with other mothers, regularly protesting together or providing support during legal proceedings. All the women seem to have gained strength from their new-found activism, as well as greater self-belief, especially after their struggle won them access to national and international NGOs, the media and high-ranking officials.

Dona Maria, was severely depressed. Her son had recently been shot dead. She was also running a temperature after being bitten by a large rat inside her house. Rio de Janeiro, 2006.



“I gained a strength I never had. I used to be scared of everything. I left that fear behind. I have to fight for my objective.”

Woman in Rio de Janeiro, May 2007

Uncovering the true consequences of the violence for the lives of these women, beyond the immediate loss, is vital if the state is ever to understand the real damage its violent and repressive policing policy is causing and how this is compounded by the impunity that sustains it. The women left behind to cope with their loss and fight for justice are also victims of human rights abuse and they have a right to have their needs met. The women Amnesty International spoke to gave very clear messages of what those needs are: genuine security; a police force which protects them and their families; equal access to justice for all, irrespective of social class; protection for them and their families so that they can continue their struggle to defend human rights; and the need for social and economic support when they suffer such a loss.

THREE/WOMEN AND CRIME

Across the country, in thousands of favelas and marginalized communities, millions of Brazilians live under the control of criminal gangs or drug factions. The absence of the state has created a vacuum which has, to varying degrees, allowed these gangs to dominate every aspect of life. For example, they impose curfews, run transport systems and hand out violent punishments for misdemeanours.¹¹ The daily lives of these communities revolve around turf wars between rival gangs and violent and irregular incursions by the police. In most cases, residents have to live by the rules of the criminal groups while in the wider society they are automatically viewed as criminal suspects just because of where they live.

This impact of criminal violence on the lives of women is complex and multifaceted. Women who are victims of the violence are not always targeted specifically because they are women. Gradually, driven by financial need or in search of social status, more women are collaborating with, or even participating directly in, the actions of criminal gangs and drug factions. Addressing the experiences of women offers an important new perspective on the devastation caused by violence in communities. It opens up for analysis the helplessness often felt by communities trapped in a world where criminality appears to be the only means of survival and, at the same time, a constant threat.

Living without protection

The scale of gun violence today in Brazil is such that its real impact is often poorly understood.

In 2006, 34,648 people were killed as a result of gun violence across the country. Increasingly these killings are no longer confined to large urban centres; gun crime is



Members of the Pernambuco Women's Forum hold one of their monthly vigils to highlight the increasing number of women being murdered in the state. The placards read, "2006: 319 women murdered", and carry the names and ages of victims of violence as well as calls for the criminal courts provided for in the "Maria da Penha Law" to be set up throughout the state.



on the rise in small towns in the interior of the country. The profile of most victims remains largely the same: young Afro-Brazilian men from underprivileged backgrounds. However, the effects of criminal violence are clearly not confined to one group and the experiences of women and girls offer an insight into the hardship faced by the whole community. Women make up 8 per cent of the total homicide figures, but the numbers of women being killed are increasing. In 1979/1981, 9.6 per cent of women who died as a result of external factors (such as accidents or violence) were homicide victims. By 1997/1999 this figure had increased to 17.7 per cent; of these, half were killed with a gun.¹²

Many cases of violence are not reported. Several women told Amnesty International that because there is no one to turn to, the pervasive violence becomes “normality”. The reluctance of women to report violence was evident in interviews conducted in all six states. It was even more pronounced in relation to criminal violence and violence in the public sphere, as women were often reluctant to refer to the presence or activities of criminal gangs or drug factions in their communities.

In 2003, in the city of Recife, a number of women’s groups began to document murders of women reported in the media and in official statistics. Pernambuco, the state of which Recife is the capital, has the highest per capita homicide rate in the country. According to official figures, 263 women were killed in Pernambuco in 2003. This increased to 320 in 2004, 323 in 2005 and in the first eight months of 2006, 220 women were killed.¹³ Between 1980 and 2000 the average number of killings of women in Pernambuco increased from 3.8 to 6.4 per 100,000. Similarly across Brazil during the same period the rate rose from 2.3 to 4.3 per 100,000.¹⁴

The study also showed that, while the killings in Pernambuco were predominantly in the home, an increasing number were taking place in public spaces – a consequence of the growing levels of violence in the community and the lack of official prevention and protection policies.¹⁵

The research was triggered by media reports of two cases in the space of a few days. On 3 May 2003, two middle-class girls, Maria Eduarda Dourado and Tarsila Gusmão,

disappeared while on a trip with their friends to the beach in the south of Pernambuco. Ten days later the remains of their bodies were found in a sugar cane field. Two men in a hired van who gave the girls a lift were later charged in this case, although the evidence against them was weak. The cases remain open as the Public Prosecutor's Office has once again sent them back for further investigation. The cases continue to receive extensive coverage in the press because of the violence of the crime and the background of the girls.¹⁶ In contrast, the case of a mother and her four daughters who were shot dead by several masked men in Alto Santo Aleixo, a poor community on the outskirts of greater Recife, on 10 May 2003, received only minimal press coverage. Indeed it only made the papers at all because it was registered as a multiple homicide and because the state government was unable to offer protection for the one surviving witness. In May 2007, two men were convicted and sentenced to 139 years for the killings.

However, most cases of homicide in socially excluded communities do not end with the perpetrators being brought to justice. Many of these homicides are not reported because families fear reprisals and have little confidence that anything will be done to bring those responsible to justice. Few, if any, of those cases which are reported are properly investigated by the police. Such cases receive little coverage in the media, which in turn helps to hide the true extent of these crimes and reinforces the sense of helplessness and isolation felt by those living in excluded communities. As a result, the victims of this violence have learned to suffer in silence.

The Pernambuco Women's Forum (Fórum de Mulheres de Pernambuco), set up 15 years ago, has headed a campaign to highlight the "invisible" crime of homicide across the state. In the wake of these killings they began to hold a monthly vigil to remember the victims and call on the state government to act. These vigils have unquestionably had an impact. They have forced the state government to acknowledge the growing number of women being killed and they have given the women's movement access to policy makers.

When the current state government took office in 2007, it set up a Women's Secretariat and initiated two state plans: the "Pact for Life" public security plan,

which includes gender focused proposals, and the state plan to confront violence against women. At the time of writing it was too early to judge whether these plans had been effectively implemented.

[case]

In May 2006 Amnesty International delegates visited a project working with teenage girls in the neighbourhood of Santo Amaro, one of the most violent in Recife. A number of 13 and 14-year-old girls and some of their parents talked about life in their communities. Daily shootouts between criminal gangs meant the girls were forced to hide under their beds for safety. Their neighbours lived in constant fear; even a firework could send residents running for cover. They talked about a 16-year-old girl who was killed on her way home when a shootout began and of another killed after being raped. They also told of a 15-year-old friend who had recently been killed after becoming the girlfriend of a trafficker.

One girl said “people leave rather than be killed. If you report it, you’ll die”. Another described how outsiders thought residents from Santo Amaro “are worthless”. Such is the power of the gangs that the girls were not able to link up with a similar project nearby because that would mean crossing into another gang’s territory and that would put them at risk of attack. They all felt that the police had no presence in the community: “The police only come to collect the bodies”. All the girls were surprised to hear that shootouts were not a daily event in cities such as London (UK).

[end case]

In Bahia, women told Amnesty International of the intense dangers they faced, especially in the communities of Novo Alagados. In a meeting in the community of Uruguai, a poor district of Salvador, former residents from Ilha do Rato, in Novo Alagados, described the place as extremely poor, made up largely of houses on stilts built on a swamp region. Conflicts between drug gangs had resulted in extreme levels of violence. Residents who had tried to stand up to the gangs had been killed



“It’s all so sad, but I have to stay here because I have nowhere else to go.”

Dona Carolina stands with her son watching as police fan out in the streets below, Rio de Janeiro, 2005.

or beaten and many had been forced to leave. Only those too poor to leave had stayed in the community and were living under the control of the criminal gangs; the police rarely entered the community.

The Bahia State University (Universidade do Estado da Bahia, UNEB) carried out a study on the situation of women at risk in the Novo Alagados. This revealed intense levels of danger and fear. The study also highlighted the fact that many women in these communities are at further risk because they live alone as heads of family. In a significant number of cases this was because partners had been killed or imprisoned. Women heads of family are not only in a far more precarious financial and social situation, they are at direct risk of greater criminal violence.

“I live doped up, take medication like a madwoman! Take that diazepam to sleep. Because if I’m lucid I can’t sleep for the fear. Doped, I grab my daughter, throw myself on the floor, to protect myself from the shooting, and sleep all night. If my

daughter loses her dummy, she's going to cry all night because once it's eight o'clock I'm not leaving the house for anything."

Quoted in Maria de Fátima Cardoso, *Mulher Chefe de Família na Mira da Violência Urbana*, February 2003, p.49

The study found that the homes of families headed by women in the communities of Novo Alagados were frequently invaded by criminals on the run. This placed them and their children at risk of physical and sexual violence. Moreover, the women found themselves trapped, unable to report the threat and violence of criminals for fear of retaliation and at the same time seen as criminal suspects by the police for allegedly harbouring criminals. Women who tried to report crimes through the state's telephone hotlines hung up when they were asked to provide their names and addresses. Amnesty International was also told about women who had been injured or killed jumping from their houses at low tide trying to escape from criminals or in shootouts.

Some women arm themselves with knives as the only way to get some form of protection. Many are forced to leave their homes and go to live in overcrowded houses with relatives.

"I went to find help at a [state] institution because I was scared that the criminals would invade my house again. They told me that if I wanted protection I should find myself a man and bring him home, because it's men who protect single women's homes."

Quoted in Maria de Fátima Cardoso, *Mulher Chefe de Família na Mira da Violência Urbana*, February 2003, p.40

Women live in constant fear of reprisals or punishment at the hands of criminals. During one meeting with women in a community in the outskirts of Recife, it was clear that the women were holding back information about what happened in their neighbourhood. Amnesty International later found out that one of the women present was the wife of a leading local drug trafficker. Those who do find the courage to report criminal activity put their lives at risk.

[case]

In August 2005, an 80-year-old woman living next to a favela in Copacabana, Rio de Janeiro, presented the authorities with films she had taken over several years of drug traffickers openly dealing outside her window. The hours of film included images of police officials receiving bribes from members of the drugs gang. When the woman, known in the press as Dona Vitória, called her local military police post one night to report the criminals, they allegedly made fun of her. Following extensive media coverage of the films made by Dona Vitória, some progress was made in this case. Twenty people were eventually arrested, including seven police officers. Although Dona Vitória was forced to leave her home, the state did ensure she went into a witness protection scheme. Such measures are rare.

[end case]

Women are also at risk if they fall foul of drug gangs. In Restinga, an extremely poor and violent community in the south of Porto Alegre, Rio Grande do Sul, Amnesty International was told about one woman who was garrotted and had a piece of wood inserted into her vagina for failing to pay her debts to drug traffickers.

[case]

Women are also targeted by criminal gangs in revenge attacks. On 29 June 2003, 41-year-old Verônica Maria do Carmo, her 13-year-old daughter Priscila Fernanda do Carmo and her 28-year-old niece Andréa Carla Santana were kidnapped, raped and killed as they walked home at night from a relative's house. The crime was dubbed the "Maranguape II multiple homicide", after the neighbourhood in the town of Paulista outside Recife where they were killed. It was alleged that the three were killed because Andréa Carla Santana's husband was involved in a dispute over a drug sales point. Following widespread demonstrations, led by the women's movement, police investigated the case. Police forensic examinations found that the women were beaten to death with sticks and stones. Those responsible for

these killings were tried and convicted. However, those responsible for the death of Andréa Carla Santana's sister-in-law, Adriana, four months earlier have never been brought to justice. Adriana, who was 17 years old at the time, was killed at a party on International Women's Day when a man in the crowd used her as a shield while he exchanged fire with another man.¹⁷

[end case]

Women and the drugs trade

In communities dominated by criminal gangs the relationship between women and drug traffickers is a complex one. Drug traffickers have enormous power over the lives of those in the communities they control. They are in effect the law, doling out punishment and offering protection. In relation to women, they are seen as a means of gaining social status, but they are also the abusers. The relationship between members of the community and drug traffickers is founded on self-interest on the part of the trafficker and self-preservation on the part of the community.

For many years the myth has persisted that drug traffickers do not allow domestic violence in their communities. In reality, traffickers have an interest in intervening in cases of domestic violence in order to try and ensure that the authorities do not enter "their territory". However, this in no way equates with respect for women. Many people, including a former female drug trafficker, told Amnesty International that traffickers would regularly beat and abuse their own wives and girlfriends.

In all the communities visited, Amnesty International was told again and again how drug traffickers use women as personal possessions, reflected in the increasingly dehumanized images of women in funk music and in the general culture. Songs have titles such as *A little slap won't hurt you* (tapinha não doi). Women become either a trophy – many drug traffickers will boast several girlfriends – or a bargaining tool.

Yet, drug traffickers do hold an attraction for some women. A study by the University of Coimbra and Viva Rio, supported by CESeC, on women and armed violence,

interviewed a number of women from socially excluded communities and prisons in Rio de Janeiro. The women clearly set out the attraction of associating with a trafficker:

"Women love criminals. Christ, you even become more beautiful. You become gorgeous, powerful... You have standing. The girls are undervalued... A girl from the favela can't afford a Gang, a PXC [designer labels]... a criminal can."

17-year-old Renata, quoted in Tatiana Moura, *Rostos Invisíveis da Violência Armada: um estudo de caso de Rio de Janeiro*, p.53

"That's what I think it is... it's being drunk on power, on success... the girls think that the guy carrying a gun can give them... a position of some standing".

31-year-old inmate of Talavera Bruce Prison, quoted in Tatiana Moura, *Rostos Invisíveis da Violência Armada: um estudo de caso de Rio de Janeiro*, p.53

[case]

A women's group in São Paulo told Amnesty International about a girl who went to seek protection from drug traffickers after years of sexual abuse at the hands of her grandfather. The traffickers gave the girl money to find support at a women's group in the centre of the city. The women's group recommended to the girl that she needed to get psychological treatment at a health centre. At the health centre she was told she had to make a police report. When she told the traffickers this, they reportedly killed her grandfather, pre-empting any possible reason for the police to enter the community. The girl is now receiving psychological treatment.

[end case]

However, the power and status come at a price. In some cases women can become no more than belongings. Amnesty International received many reports of women used as chattels to pay off drug debts and prison debts during conjugal rights visits. Amnesty International was told about the wife of a drug trafficker who was "given" to a politician to pay off a debt in Prainha do Lobato in Salvador. The wives or principal girlfriends of drug traffickers become tied to their lifestyle, accepting other women, or





A couple with a young baby flee their house, while a military police officer picks his way down an alley, 2005. Some 1,200 police officers took up strategic points inside Rocinha during this operation. Large-scale policing operations often come at great cost to communities but leave the underlying problems of exclusion and criminality untouched.

being forced to support partners and pay their debts when they are in jail, often under threat of violence should they fail to do so. In Salvador Amnesty International was told that girlfriends of drug dealers are sometimes held prisoner for long periods. Insecurity and violence can in turn drive women to do more demeaning and dangerous things.

"[Many of the girls think] 'I have to keep my husband's gun here at home if not he's going to keep it in another woman's house.'"

Resident of Cidade de Deus community, quoted in Tatiana Moura, *Rostos Invisíveis da Violência Armada: um estudo de caso de Rio de Janeiro*, p.54

From hiding guns to transporting drugs, women are useful to drug gangs because they cannot legally be searched by male police officers and are also viewed as disposable.

"I've never used a gun. Women don't... it's usually men. Ah... but I have seen many girls take guns to the guy, so that he can rob. She takes it to him, then he does the robbery and then he returns it to her so that she can take it back to the favela."

17-year-old Beatriz, quoted in Tatiana Moura, *Rostos Invisíveis da Violência Armada: um estudo de caso de Rio de Janeiro*, p.57

Teenage girls and women are frequently chosen to carry drugs and guns from one location to another. The complex and unequal relationship between drug traffickers and women has contributed to an increase in the use and abuse of women in the drug trade. Although women make up a small percentage of the prison population, there has been a rise in the number of women imprisoned, especially for drug-related offences. In Rio de Janeiro women make up only 3.7 per cent of the prison population. However, between 1988 and 2000 the number of women incarcerated more than doubled.¹⁸ According to Ministry of Justice statistics for the country as a whole from June 2007, of the 419,551 people in detention 25,909 were women, making up 6.2 per cent of the prison population. In 1988 a prison census in Rio de Janeiro found that 36 per cent of women detained were held on drug-related charges. By 2000 this had risen to 56 per cent.¹⁹ In São Paulo nearly 40 per cent of women detained between 1991 and 1998 were held for drug trafficking or fraud.²⁰

A study of women in prison in São Paulo by the Prisons Pastoral Service of the Roman Catholic Church and the Institute of Land, Work and Citizenship (Instituto Terra, Trabalho e Cidadania, ITTC), links the rise in the number of women detained for drug trafficking to the introduction of Law 6,368/76 which does not make a distinction between carrying and trafficking. As a result, many women used as “mules” are given longer sentences, comparable to those handed down for drug trafficking. Some male traffickers have informed on women drug couriers, using them to divert police attention away from other larger drug shipments.²¹ This also reflects the dynamic of the relationship between the drug trade and the police and the lowly position held within the drug trade by women, usually at the lower end of the chain, who are seen as disposable to criminals and corrupt police officers alike.²²

In Rio de Janeiro, one woman, a former member of a drug faction herself, told university researchers that she had joined a drug gang as it offered her status and power. She described how it had long been her desire to own a gun, and that once she had one it gave her a sense of power:

“When I started hanging out with those guys [who worked in the drugs trade], hell, the people who used to beat me wouldn’t look me in the face. They would look down when they saw me. You know, you notice when people are afraid of you, you know? So, that would make me stronger and stronger.”

Quoted in Mariana Barcinski, *Identity Construction of Reformed Criminal Women: A Systemic Approach*, Clark University, Massachusetts, 2006, p.116

Power and status are clearly an issue for some women. However, it is often financial deprivation and exclusion from social services which drive women to find alternatives in crime and especially the drug trade. In Sapopemba, in the east of São Paulo, women told Amnesty International that lack of access to crèche facilities and the precarious nature of the work market meant some women sought work in the drug trade so as to be at home with their children. A 53-year-old grandmother held in Talavera Bruce Prison for drug trafficking described how she got involved in the drug trade:

"So what motivated me was that I wanted the best for my grandchildren... It was pure illusion... I entered into it on an illusion."

Quoted in Tatiana Moura, *Rostos Invisíveis da Violência Armada: um estudo de caso de Rio de Janeiro*, p.61

Above all, there has been a failure to address the experiences of women trying to combat the drug trade or negotiating a space of safety for themselves and their families in an environment controlled by drug gangs. As a result there are no policies to protect women or prevent them from getting caught up in these situations. Any future attempt to address public security must integrate this gender perspective if it is to have any hope of improving the lives of affected communities.

FOUR/WOMEN AND THE CRIMINAL JUSTICE SYSTEM

The work of Brazil's dynamic women's movement has put the country at the forefront of devising ways of protecting women in situations of risk. In 1985 Brazil became the first country to introduce police stations specifically designed to deal with violence against women. In 2003 the federal government created the Women's Ministry and in September 2006, the "Maria da Penha" law was passed.

These groundbreaking advances have not, however, resulted in radical improvements in the reality of women's lives. A key reason behind this continuing gap between what the legislation promises and what women actually experience is the failure to address persistent and entrenched problems in the criminal justice system. This is especially true for women in the most marginalized communities. A police force which consistently violates their rights and discriminates against their communities can command little respect or confidence from women seeking to defend their rights. A judiciary which has excluded and discriminated against poor communities inspires little hope of justice for members of those very communities. Finally, a prison system which has a long history of brutalizing and abusing detainees offers few prospects for the rehabilitation of abusive male partners.

By persistently failing to address the systemic human rights violations in the criminal justice system, Brazil threatens to undermine all the hope and promise inspired by the laws and institutions created.



Valdenia Paulino speaking in Parque Santa Madalena, Sapopemba, São Paulo, November 2005.

[case]

On 16 January 2007 a teenage boy and a 14-year-old girl were stopped by military police officers near a drug sales point in the community of Jardim Elba, in Sapopemba. According to the report they made to a local human rights NGO, they were taken to a nearby school yard and beaten with sticks. They were then taken to the school playground where the girl was sexually abused by one of the officers. The two young people were subsequently released and ordered to take a message to the local drug traffickers: pay the officers R\$1,000 (around US\$500) per month and you can carry on dealing drugs in the area without police interference.

The case was taken up by the Sapopemba Human Rights Centre who reported the police officers involved. In September, the police officer accused of sexually abusing the girl arrested her for alleged drug trafficking. The charges against the girl were challenged and the officer was later reported to have said he was getting his revenge on the girl and on the lawyer who was pursuing her case, Valdenia de Paulino. The girl has been released on bail pending investigation but lawyers believe it will be easy to refute the charges.

Shortly after this, police attempted to undermine the credibility of Valdenia de Paulino, a well respected human rights lawyer, by claiming they had found her name on a list of people receiving money from drug traffickers. This was later challenged in the national media. At the same time, Valdenia de Paulino's brother's house was being watched by a group of unidentified men who at one point approached his wife and tried to force their way into the family home. In October 2007 Amnesty International raised the attempt to intimidate Valdenia de Paulino and her family with the state and federal authorities. The organization had not received a reply at the time of writing.

[end case]

[case]

Aurina Rodrigues Santana, her husband and her 19-year-old son, Paulo Rodrigo Rodrigues Santana Braga, were killed on 14 August 2007 while they slept in their house in Calabetão, Bahia State. The killings took place after Aurina Rodrigues, an activist in a housing rights movement, lodged a report with the State Human Rights Commission about the torture of her son and her 13-year-old daughter²³ by two military police officers allegedly searching for drugs. On 21 May 2007, four military police officers had gone into the family's house supposedly searching for drugs and guns. They punched and kicked Paulo and his 13-year-old sister. The police put plastic bags over their heads in an attempt to asphyxiate them and poured hot oil over Paulo's head.

The family later stated that the police had threatened to kill them if they reported what had happened. Neighbours described how the police officers were not wearing their identity badges, although they did record the licence plate of the patrol car. They also claimed the officers had threatened them as they left. The family, who denied any involvement with criminal activity, believe the attack was in response to a request Paulo had made to a neighbour to pay him the R\$40 (around US\$20) he was owed. According to local press reports, the officer in command at the local military police battalion dismissed these allegations, saying the officers had been there on official duty, though he acknowledged that their failure to bring a suspect into the police station for questioning contravened regulations and said an investigation would be initiated. At the time of writing, the police investigation had not been concluded, although four police officers were being investigated for their involvement in the homicide. However, lawyers and the NGO supporting the family expressed their concern to Amnesty International at the failure of the authorities to appoint a special investigator to follow the case.

[end case]

Women and the police

The discrimination and violence that have characterized the policing of socially excluded communities in Brazil have been extensively analyzed by Amnesty International.²⁴ Policing of favelas has mainly consisted of containing crime within communities whose only contact with the state is a police force which is often brutal and corrupt. The presence of the police in these communities generally takes the form of invading groups exchanging fire with criminals and terrorizing residents. Rarely, if ever, do they bring long-term sustained protection.

Women from marginalized communities consistently referred to the police as a threatening rather than a protective presence. While women may not be the main targets of police operations, they experience discrimination and abuse as residents. Women are threatened and attacked when they try to protect male relatives. Women suffer verbal and even sexual abuse at the hands of the police. Women are injured and killed in the crossfire.

Residents from Nordeste Amaralina, a violent neighbourhood in Salvador, in the state of Bahia, described how police would call women from the community “*vagabundas*” (slags). They told Amnesty International how police officers had beaten a pregnant woman during a police raid. In Salvador a woman described how scared she felt when she had to go to the police station to collect her teenage daughter who had been detained for fighting in January 2006. The officers in the station abused her, saying,

“You’re a slag, or you would not leave your daughter in these conditions... You must be a whore to have a daughter like this”.

Amnesty International received many reports of abuse and intimidation of women during large scale police operations. This included illegal searches of women, disrespectful and discriminatory language, destruction or theft of property and intimidation especially when women attempt to intervene to protect a relative.

In Rio de Janeiro, residents of Vila Cruzeiro and the Complexo do Alemão communities, lived through months of sustained violent confrontations between the police and drug traffickers from late 2006 to mid-2007. Policing in Rio de Janeiro continues to be characterized by large-scale operations in which heavily armed police units “invade” favelas and then pull out once the operation has been completed. These operations come at a great cost to communities. They place the lives of all, including the police, at risk. Damage to property and infrastructure, the closure of businesses and curfew-like conditions prevent people from going to work and studying. The financial and social costs persist long after the operation is over. Once the police withdraw, drug factions resume control. The underlying problems of social exclusion and criminality are left untouched while the community is buffeted by waves of both criminal and police violence.

[case]

Alana Ezequiel was shot dead on 5 March 2007, a week before her 13th birthday. She was killed by a stray bullet during a shootout between police and drug traffickers in the Morro do Macaco community in Rio de Janeiro. Alana was taking her younger sister to her crèche. Local NGOs protested that police regularly time their operations with children’s journeys to or from school, because they believe the children’s presence will offer them greater protection.

[end case]

Many of the residents who spoke to Amnesty International in May 2007 were suffering from extreme psychological problems caused by stress. Women described how they were called whores, criminals and slags. Injuries and deaths caused by stray bullets are common. It appears that little or no effort is made by the authorities to ensure the safety of residents during these operations and little is done to investigate the circumstances that surround shooting incidents. The random use of high-powered weapons puts the lives of women and children at risk. The State Secretary for Public Security informed the media in early 2007 that the Rio de Janeiro government had no official records of the numbers of people injured or killed



People protest against police during one of the major police operations in Complexo do Alemão, Rio de Janeiro, June 2007. At least 19 people were shot dead by police during this operation. Women often follow the police when they arrest members of the community in the hope that by “shadowing” them in this way they will deter police from shooting the detainees before they reach the police station.



by stray bullets in police operations. However, a report published in February 2007 by the Institute of Public Security, part of the State Secretariat of Public Security, put the number of people killed or injured by stray bullets at 205 injured and 19 killed during 2006 across the state.²⁵

In October 2006 military police “occupied” the Complexo do Alemão, a group of favelas in the north of Rio de Janeiro, for a period of two weeks, using armoured cars and helicopters. During the occupation, police ordered that water and electricity supplies be cut off in some communities. Residents complained of threats, intimidation, beatings and property damage. Towards the end of the occupation, when residents gathered to call for an end to the violence, a 64-year-old grandmother, Alice Bertock da Silva, was killed by a stray bullet during a shootout between criminal gangs and police officers.

[case]

On 15 October 2007, 95-year-old Florentina de Jesus was taken to the Getulio Vargas Hospital after being hit in the leg by a stray bullet during a shootout between police and drug traffickers in the Vila Cruzeiro community in Rio de Janeiro. She died the following day as a result of cardio-respiratory failure.

[end case]

Women also reported several cases of sexual abuse by police officers in communities. It is difficult to get a real sense of the extent of this abuse as few cases are ever reported officially and even fewer are investigated.

Women in detention

Women who come into contact with the criminal justice system suffer extensive human rights violations at the hands of the state. Women make up a small percentage of the prison population, perhaps one of the reasons their plight has

LAW ENFORCEMENT AND THE USE OF FORCE AND FIREARMS

Certain police officers are authorized by the state to use force generally, and in particular to hold and use weapons. The UN has adopted standards on how force and weapons may be used while avoiding the violation of basic human rights. The Code of Conduct for Law Enforcement Officials was adopted in 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in 1990.

If the use of force and firearms is unavoidable, law enforcement officials must, among other things:

- “(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”²⁶

been so consistently overlooked. However, increasingly studies have highlighted the intolerable conditions and discrimination that women experience in the criminal justice system, and in prisons in particular.

The pattern of abuse suffered by women includes torture, ill-treatment, sexual abuse as well as being held in cruel, inhuman or degrading conditions. At the same time there are persistent reports of how women's rights to minimum adequate access to health are violated. The state has failed to address the specific needs of women in detention and has failed to provide mechanisms to oversee and monitor the conditions they are held under as well as ensure they have means of safely reporting violations against them. Above all it has been the persistent impunity enjoyed by human rights violators that has sustained the persistent level of violations suffered by women in the detention system.

In February 2007 a collection of NGOs submitted a petition to the Inter-American Commission on Human Rights detailing the extensive problems suffered by women in the Brazilian detention system. Following the submission the federal government set up a commission made up jointly of government representatives and members of civil society, to make recommendations for policies directed at improving the situation. A federal parliamentary inquiry into the prison system was also analyzing the plight of women in detention.

[case]

Fifteen-year-old L. was arrested by police on 21 October 2007 in the city of Abaetetuba, Pará state, for allegedly stealing a mobile phone. A woman police officer put her in a police holding cell with between 20 and 30 men. She was kept there for 24 days. During that time she was reportedly raped five to six times a day. She only escaped this abuse on three days, when the men had conjugal rights visits. According to reports, the other detainees withheld her food and only gave it to her in exchange for sex. When she tried to protest she was burned with cigarettes and lighters. When some of the prisoners complained to the police officers that as a girl she should be taken out of the cell, the officers cut her hair to hide the fact that she was a girl.

During her detention L. was brought before a woman judge and she told the judge that she was a minor. Despite this, L. was returned to the cells where she continued to be held illegally. At no time was L.'s family informed of her detention, although this is required by law as she was a minor.

Finally an anonymous tip off to the local council for the defence of children and adolescents alerted outsiders to L.'s situation. However, when they arrived she was no longer in the cell. She was later found hiding in the local port. She said police officers had taken her there and threatened to kill her if she did not leave the area. She was then taken into protective care

outside the state. L.'s father and his wife subsequently reported being threatened as police demanded he confirm the girl was 20 years old. Similarly L.'s mother, four sisters and brother-in-law reported seeing unmarked cars passing in front of their house at night. The families were subsequently taken into the witness protection programme.

Following reports of L.'s systematic torture, federal deputies representing a parliamentary inquiry into prisons and the Federal Human Rights Commission visited the state along with a government and civil society commission tasked with investigating the state of the women's prison system in the country. The various bodies reported finding extensive cases of human rights violations and cruel, inhuman and degrading conditions. During the visits of the commissions the head of the state civil police told federal deputies that the girl must have been a "mental retard" for not having informed them of the fact that she was a minor so that she could be transferred to another facility. He was subsequently publicly berated by the governor and shortly after dismissed from his job. In the following days the state government promised to set up a commission that would visit every detention facility in the state to ensure that women were held in proper conditions. Amnesty International has not received any information so far that such a process will be initiated in other states, where similar abuses are reported to occur.

On 23 November, the Governor of Pará, Ana Júlia Carepa, acknowledged that the detention of women in cells with men was a common problem. She issued a decree stating that women should be detained separately from men; a requirement already clearly set out in the Brazilian Penal Code.

[end case]

In May 2006 Amnesty International visited the Colonia Penal Feminina in Recife, Pernambuco. The conditions witnessed in the prison and the reports of lack of health care and minimum levels of protection were shocking. There were a number of military police officers (men and women) in the prison, contrary to Brazilian law. The authorities

claimed this was needed to cover for prison guards during a strike. When Amnesty International raised reports of physical abuse of inmates by military police officers, the prison authorities acknowledged this might have happened, but said that none of the women had wanted to take the reports further. Prison officials also told Amnesty International that, although some women arrived at the prison with injuries suggesting they had been beaten, they did not investigate possible torture or ill-treatment.

The prison was severely overcrowded and many women did not have bunks to sleep on. Some were forced to sleep in shower cubicles. Amnesty International also saw two babies in the prison, one reportedly 13 days old. Detainees said that these babies had not had their vaccinations and that they were at risk because detainees had tuberculosis (TB), hantavirus and meningitis. They also told Amnesty International there was a lack of access to basic supplies such as nappies. The authorities stated that the babies were not being denied medical treatment, that they had no reported cases of TB or meningitis and that the only case of hantavirus was being treated. They also claimed that they were transferring at least 60 women a month to the hospital for treatment. Nevertheless, there was no doubt that the babies, sharing cells with between five and eight women, were not being kept in conditions that could be described as hygienic or safe.

Local NGOs told Amnesty International that there were frequent cases of violence between inmates at the prison, although it was difficult to confirm this with detainees.

Women prison guards also suffered from the poor conditions in the prison. Their living quarters were not much more sanitary than the prison cells and the women described working conditions as extremely stressful, with low pay and poor protection from inmate violence.

Increasing numbers of foreign nationals are being detained because drug traffickers are using women – sometimes with their agreement, but sometimes under duress – as drug “mules”. Most of these women have little or no financial, legal or family support once they have been detained.



**Women in the Talavera
Bruce prison, Rio de
Janeiro, 2005.**

A recent report on the prison system in São Paulo detailed a raft of human rights violations suffered by women inmates, many of which reflect Amnesty International's long experience working on prisons and women's prisons in particular.²⁷ While many of these violations are those suffered by both women and men – such as prison overcrowding, poor hygiene, and lack of access to justice – there are areas which have a particular impact on the needs and rights of women.

Access to health care is fundamental, especially for pregnant women or new mothers. Many women complained that there was no antenatal care. Places in nurseries, access to paediatricians and basic supplies are limited. Women told Amnesty International how they were handcuffed during or after labour. Many of the women also suffered serious psychological problems for which they received little or no treatment.

Numerous women also said they had been beaten or tortured, at the time of arrest, in pre-trial detention or in the prison system. Some said they had been sexually abused by guards. Many of the women said that in police stations or pre-trial

detention centres male police officers regularly entered their cells unaccompanied. This practice was less common in the prison system.

A report produced by CESeC in 2002 on the women's prison system in Rio de Janeiro found similar violations. The report highlighted the extreme levels of violence experienced by many of the women before they were detained. Around 72 per cent said they had suffered physical violence in their childhood; 74.6 per cent reported violence in their marriage and 57.1 per cent said that they experienced violence as children and in their marriages. Also, 31 per cent of the women interviewed said their partners had been murdered.²⁸ Most of the women were of Afro-Brazilian descent, from poor backgrounds, working as maids or in shops. Nearly half had used or were using illegal drugs.

Women's detention centre, 2001. A recent report on the prison system in São Paulo detailed a raft of human rights violations suffered by women inmates, including overcrowding, poor hygiene and lack of access to health care.



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This report does not deal in detail with the human rights violations of women in detention. It focuses on the links between violence in the community by criminal gangs and by police during “public security” operations. Gender-based violence and discrimination by criminal gangs and the police are the underlying factors that contribute to the process of criminalizing women. Once caught up in the criminal justice system and under the care of the state, women are doubly victimized both as detainees suffering the violence and human rights violations that all detainees suffer, but also as women whose specific needs are not being protected or addressed.

Women’s police stations

Women’s police stations were set up to offer women a safe and welcoming environment in which to report cases of violence. The stations were to be staffed by specialized police officers who could offer effective protective and preventative measures to combat violence against women. The reality has fallen far short of this.

The most common complaint made about women’s police stations is that, even with the best will in the world, the officers working there cannot cope with demand. In May 2007 Amnesty International visited the 8th Women’s Police Station (Delegacia da Mulher, DDM), in São Paulo. The Station covers an area with 3 million inhabitants. The staff on duty for that one shift included one police chief and two police clerks, as well as one psychologist and a lawyer hired on a private basis. The police station was not open at night or at weekends, although the police chief told Amnesty International that women rarely report violence at these times as their husbands and children are at home.

The second most common complaint is the dismissive and abusive treatment of those trying to report abuses. Amnesty International was repeatedly told that police officers posted to women’s police stations view being sent there as a punishment and often resented these postings.

Amnesty International also visited women’s police stations in Recife, Salvador and Aracajú. Time and again, it was made very clear that these police stations could not

**"Of course he's threatening
you. What do you want if
you haven't opened your
legs for over one year?"**

Woman reporting comments by police
officers, Salvador, May 2007

cope with the scale of demand and the attention given to women often suffered as a result. Many women complained to Amnesty International that these police stations were few and far between and that the time it would take to get there and the cost of travel prevented many women from going to them to seek help.

Once there, women complained that they often had to wait for long periods. Many said that women officers made abusive and discriminatory remarks when they made their reports.

Many women said that after reporting their cases at women's police stations, they were told to come back at a future date, sometimes several months later. They were also asked to tell their partners to come to the police station on the same day. As a result, many decided not to pursue the case.

Amnesty International spoke to police chiefs in a number of women's police stations and found that attitudes varied greatly from state to state and between individual police chiefs. For example, during a visit to a women's police station in São Paulo a few months after the passing of the "Maria da Penha" law, the police chief expressed strong feelings about how the law had hindered their work. She said that the workload of the station had tripled since the law was introduced because for each case police were required to open a criminal complaint, whereas previously cases could be dealt with through a small claims court.

**"Slag! You back here again!
Do you like being beaten?
Were you wearing a
mini-skirt?"**

Woman reporting comments by police
officers, Porto Alegre, May 2007

Similarly, she complained about not having enough officers to implement protection orders and orders to withdraw an offending partner from a house. The police chief also drew attention to the chronic lack of hostels for women – an issue raised many times by the women interviewed by Amnesty International. Above all, she claimed that by making the process a criminal one, many women were reluctant to follow through with their complaints because they feared it would break up their families and because it was harder to retract complaints. As a result the number of cases reported had dropped significantly. This is a controversial point that was brought up in different contexts around the country. It appeared that in some cases police were stressing the consequences of making a complaint in such a way as to discourage women.

Some of the police chiefs interviewed by Amnesty International were clearly making extraordinary efforts in the face of incredible odds. A police chief in Salvador, for example, was widely praised by representatives of the woman's movement and the municipal authorities with whom she was working closely in order to make the most of limited resources and to maximize the services available to women.

The creation of women's police stations was an important victory in the struggle to gain greater recognition that violence, and other human rights violations, against women deserve special attention and protection. Unfortunately, the scale of the problem, the continued discrimination faced by the victims, and the entrenched failure of the state to fulfil its duty to provide genuine and effective protection for women, have meant that women's police stations have fallen short of delivering what was expected of them. Despite this, most women told Amnesty International that they were aware of women's police stations and would be more likely to report an attack at one of these rather than an ordinary police station. Clearly an analysis of how to make women's police stations more effective, so that they can address the enormous demands on them, needs to be integrated into a broader package of public security reforms.

**"The police chief said to me,
'If we arrest every man who
hits a woman there won't be
any more space'."**

Woman interviewed in São Paulo,
May 2007

FIVE/ACCESS TO STATE SERVICES

It has been well documented that residents of socially excluded communities are denied a whole range of state services which deprives them of their economic, social and cultural rights. Although the lack of access to these services is widely acknowledged, there is little specific research which assesses the impact of violence and criminality on this process.

Again and again, women told Amnesty International about the enormous impact of criminal and police violence on the provision of key services. While the lack of access to basic services affected all residents, there appeared to be clear patterns of neglect which directly impacted on women or put them at greater risk of violence, destitution and poor health. The failure to provide certain key services also contributed to the factors that sustain or even encourage violence and criminality.

Access to health

The problems of access to adequate health care in socially excluded communities are multiple and complex and many fall outside the scope of this report. Some, however, are directly linked to questions of public security and social exclusion. For example, most of these communities do not have efficient or effective health services near them and many people complained that health workers were reluctant to come into communities because of fear or prejudice. Residents often have to travel considerable distances to get to a hospital. When they get there, they frequently face discriminatory treatment and have to queue overnight or from the crack of dawn to have any chance of receiving treatment. For example, in the community of Colina do Prado, outside Porto Alegre, Amnesty International was



told about an 80-year-old woman who had to queue from 5am at the health centre as it only treated 10 people a day.

While exclusion from health care affects all residents of socially excluded communities, women are affected in particular ways often compounded by the impact of criminal violence. While there is extensive data on the exclusion of marginalized and Afro-Brazilian women from the health system, there is undoubtedly a need for more research on how this exclusion is linked to and exacerbated by the impact of violence in the community.

Women living in areas dominated by criminal gangs who are physically abused or raped have great difficulty accessing effective and secure health care. The attackers, especially if they are members of criminal gangs, threaten not only the women themselves, but also the health centre workers, nurses and doctors trying to help them. The obvious consequence of this is that fewer health professionals are prepared to become involved in cases of women abused by members of criminal gangs.

Residents help an injured woman during a police operation against drug gangs in Complexo do Alemão, Rio de Janeiro, June 2007. Most excluded communities do not have access to health services near them and many people complain that health workers are reluctant to come into communities because of fear or prejudice.

The current minimum salary in Brazil is R\$380 per month (approximately US\$210). Many workers earnings are measured in multiples of minimum salary. Those in situations of extreme poverty live on fractions of the minimum salary.

In Salvador women leading the municipal government's work for the protection of women told Amnesty International that many health professionals reported that they saw a high proportion of cases of violence against the wives and children of drug traffickers. Most were too scared to take these cases forward, especially as in many communities drug sales points are near health centres. In one case a nurse had to be removed for her own protection when she tried to protect a child who was being hunted by drug traffickers who wanted to silence him. Another health worker was forced out of a community where she tried to start a drugs project.

In Rio de Janeiro, women living with AIDS or HIV are targeted by drug factions. Some have their heads shaved; others are banished. Amnesty International was told that in some communities many women, most often those associated with traffickers, are forced to take HIV tests by the criminals. Those found to have the virus are invariably forced to leave the community and some of them suffer violent reprisals. In some cases where wives or girlfriends of members of the drug faction were found to be HIV-positive, they were reportedly killed. Members of Criola, a black women's NGO, told Amnesty International how this placed enormous pressure on those working in health clinics who were not sure if they should provide the results of tests as they could put the woman at grave risk. Although health workers had told members of civil society organizations about these cases, they were too scared to inform the police or the state authorities for fear of reprisals from members of drug factions.

An area of great concern is the failure to provide adequate antenatal and maternity care. Women in socially excluded communities, and especially women of Afro-Brazilian decent, face discrimination and extremely low levels of provision in this fundamental area of health care. The statistics on maternal mortality make shocking reading. A study of health care and race showed that the major causes of death

[case]

In May 2006 Amnesty International delegates visited a housing complex in Bahia next to an open sewer where many of the houses remained half built. The houses were extremely small and would not house an average family in the community. The half-built houses had become a meeting point for drug traffickers and their walls were riddled with bullet holes. Amnesty International visited the house of a woman living in an informal occupation that had grown up next to the housing complex. The woman showed delegates bullets that had gone through the plywood walls of her house and ended up in her oven. Several local women complained of the violence and insecurity and the lack of protection offered by their houses.

[end case]



among the white population were, in decreasing order of importance, cancer and heart disease, respiratory illnesses and illnesses to the nervous system. Among the black and mixed race population, the main causes of death were, in decreasing order of importance, external causes (including homicide and road accidents), infections, unknown causes and pregnancy and childbirth.²⁹ Essentially Afro-Brazilian women are dying as a result of the lack of access to basic health care.

Maternal mortality rates in 2002 were approximately 73 deaths for every 100,000 live births, a total of 1,603 deaths a year.³⁰ Of these 52.5 per cent of deaths were among women earning between one and four times the minimum wage.³¹ The four main causes of maternal mortality in Brazil, according to the Ministry of Health, are hypertension, haemorrhaging, post-partum infection, and abortion,³² largely as a result of illegal or self-inflicted abortions.

Across the country Amnesty International received reports which highlighted how social and economic exclusion put women at greater risk during pregnancy and childbirth. In Sapopemba in São Paulo, the nearest hospital did not have facilities to perform caesarean sections and women had had to be transferred to other hospitals; some had reportedly died as a result. In Jardim Ângela in the south of the city, women complained about transport difficulties, especially if they were sent back home by hospitals who claimed they had not started labour.

In Salvador Amnesty International was informed that the death rate among women because of unsafe abortions was twice the figure for that of the rest of Brazil, and was highest among poor Afro-Brazilian women. Delegates were told that in the municipality of São Gonçalo, outside Rio de Janeiro, the majority of surgical interventions during pregnancy were related to unsafe abortions. In addition, Amnesty International was told that many doctors refuse to treat women who need post-abortion services, putting them at even greater risk.

A number of cases brought to Amnesty International's attention exemplify the impact of criminal violence on women's access to antenatal care. In Jardim Ângela doctors rarely stayed in their posts for longer than a year. Doctors and nurses working at the

THE RIGHT TO HEALTH

The obligation of states to guarantee the right to health for all is recognized in the Universal Declaration of Human Rights.³³ It is also set out in various international human rights treaties including the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women;³⁴ the Convention on the Rights of the Child;³⁵ and the International Convention on the Elimination of All Forms of Racial Discrimination.³⁶ The right to health is also protected by the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).³⁷

“The States Parties... recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.

Article 12 of the International Covenant on Economic, Social and Cultural Rights

According to the UN Committee on Economic, Social and Cultural Rights, the right to health should be understood as including not only the right to timely and appropriate health care, but also to the underlying determinants of health.³⁸ In other words, the right to health includes the right to enjoy a whole range of facilities, goods, services and conditions necessary to achieve the highest attainable level of health possible. A further important aspect of this right, according to the Committee, is the participation of the population in all health-related decision-making at the community, national and international levels.

Under the terms of Article 2 of the International Covenant on Economic, Social and Cultural Rights, the full realization of the rights recognized in the Covenant, including the right to health, should be achieved progressively. However, the UN Committee on Economic, Social and Cultural Rights has stated that there are obligations which the states parties to the Covenant must meet immediately. Among these obligations is guaranteeing that the rights of the Covenant will be exercised “without discrimination”.³⁹

According to the Committee, “a State Party in which any significant number of individuals is deprived of essential foodstuff, of essential primary health care, of basic shelter and housing or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant.”⁴⁰

local health centre rarely, if ever, wore their uniforms. In fact, such was the fear of entering the community that women about to give birth were taken to hospital by community police officers because no alternative transport was available. However, in Rio de Janeiro, women from several communities said that they had stopped asking police to help transport women to hospital because members of the drug faction had started threatening anyone seen talking to the police.

Similarly a number of women complained that they had real problems getting regular antenatal check-ups. Some of the problems were due to working hours, discrimination within the system and scarcity of services. However, some were directly related to the presence of criminal gangs. In some communities in Rio de Janeiro women were unable to visit a health centre as it was located in a neighbouring community, controlled by a rival drug faction and they would be killed if they were seen to go there. For many the only alternative was to travel across town, at great cost both in terms of money and time. Some women said they had to get up at 4am to make the journey and sometimes had to manoeuvre through shootouts before reaching public transport. Many said they just gave up in the end.

Nearly all the women who spoke to Amnesty International were suffering from some form of trauma or psychological illness, some were quite seriously disturbed. Many of the women – most of whom were coping with working excessive hours, shouldering sole responsibility for several children, and dealing with daily violence – were on medication of some kind. Few, if any, had access to proper medical or psychological help and those that did invariably received this from a social project and not from the state.

Childcare and education

The lack of childcare and educational provision available in socially excluded communities is an additional source of stress and anxiety for women and places their children at increased risk. The lack of childcare was one of the main complaints raised by the women who spoke to Amnesty International.

The right to education is set out in many international human rights standards, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Discrimination in Education and the Convention on the Elimination of All Forms of Discrimination against Women.

THE RIGHT TO EDUCATION IN INTERNATIONAL LAW

Under international human rights law, states must provide free and compulsory primary education as a matter of priority, and must increase access to secondary, technical, vocational and higher education. What is taught should accord with human rights principles. This includes fostering diversity and understanding, rather than segregation and prejudice.

Various factors make childcare a particular issue in these communities. Families tend to be large and women often have to work very long hours in workplaces a long way from their homes. Many work in insecure and poorly paid jobs; a large proportion are domestic workers.

A recent study by the Brazilian Institute of Geography and Statistics found that in families living on three times the minimum wage, over 40 per cent of children under three attended crèches, while in families whose income was half the minimum wage this fell to just under 10 per cent. In the wealthiest families, over 95 per cent of children aged between 4 and 6 attended a crèche or school, while in the poorest families this figure dropped to just over 68 per cent.⁴¹

Some women are able to leave children with a family member or a friend. However, others told Amnesty International that they were forced to lock children in the house while they were out. There were reports of children unable to escape and being killed in fires in the home. Others roam the streets where they are prey to drug gangs looking for new members. Amnesty International was informed of children as young as five being recruited as “*aviãozinhos*” (messenger boys) the lowest rung in the

hierarchy of drug factions. These young children are used to run small errands, often for the price of a soft drink.

Some women said that mothers sometimes decide to work in the drug trade because it is the only way they can stay at home and care for their children. In Sapopemba women's groups and human rights groups told Amnesty International of their concern that more women would be forced to turn to the drug trade after the municipal government decided to restrict public crèches to children under three; previously children had been able to attend up to the age of six. Children aged between four and seven can attend pre-school facilities, but only part-time because of the shortage of places.

Extensive research by UNESCO has shown that many schools in Brazil are extremely violent places where the lives of both students and teachers are at risk. Residents told Amnesty International that schools near the Complexo do Alemão in Rio de Janeiro had to close for several weeks in June and July as a result of sustained armed operations by the police in the community. In October 2007 the National Rapporteur for Education heard reports from residents and community leaders of how persistent levels of criminal and police violence had stopped teachers doing their jobs. This violence had resulted in the closure of schools and crèches, the shortening of the school day and increases in truancy rates. The Rapporteur described the situation as shocking and went on to say, "There is no point in investing only in public security and dismantling the structures if you do not put a school in their place or a health centre."⁴²

Access to housing

The campaign for adequate housing in Brazil is a fundamental part of the fight for human security. The failure to provide minimum adequate standards of housing has seen the growth of informal communities. The state has been largely absent from these communities and, as a consequence, over time they have come under the control of criminal groups.

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In May 2007 Amnesty International visited the Prestes Maia building in the centre of São Paulo. The building had been occupied by members of the Homeless Movement of the Centre of São Paulo (Movimento Sem Teto do Centro, MSTC). Following extensive national and international campaigning, the occupation had led to all residents being promised new housing around the city. Nearly all those representing the MSTC were women. They described how most of the families joining the movement were headed by women. Lack of adequate housing puts families, especially those where women are the head of household, at increased risk. Women also often find themselves at particular risk and living on the street, either after fleeing domestic violence or because of financial difficulties.



The MSTC members described how the current policy of forcibly evicting families occupying empty buildings in the centre of the city was driving them back onto the street or into favelas where they were at risk of violence and greater exclusion. It was clear that the women in the MSTC had flourished in the movement, many having their first experience of political activism and leadership.

[end case]

Roberta tries to cook dinner for her family on the 8th floor of the Prestes Maia building, São Paulo, May 2007. The power had been cut off without warning the previous night by electricity company workers accompanied by 10 police cars. More than 400 families were living in the building at the time.



Ivaneti de Araujo, an MSTC co-ordinator, speaks to a crowd of people occupying the Prestes Maia building, 2007. Many women told Amnesty International how their involvement in the MSTC had empowered them. Following an international and national campaign the residents of the Prestes Maia building were all rehoused.



Dynamic organizations promoting the rights of homeless people and those living in “informal” settlements have done much to bring this issue to the fore. However, the impact of violence on housing and, in particular, its effects on women, has so far not been addressed. Many of the issues around housing are outside the scope of this report. Nevertheless, clear issues emerged in discussions with communities and activist groups campaigning for the rights of homeless people.

There is an urgent need for much greater study of how people living amid criminal violence, and in particular women in these communities, are being denied their rights to basic services. However, some patterns are clear. Poor health services, limited childcare, precarious housing and piecemeal education are condemning communities to further misery, social exclusion and criminal violence. It is essential that those responsible for providing health, education and housing services work together with the authorities responsible for public security to construct integrated strategies which will provide sustainable security for women and socially excluded communities.

SIX/GOOD PRACTICE AND THE WAY AHEAD

While women living in socially excluded communities dominated by criminal violence remain at serious risk, it is important to recognize the advances in protection that have been made. The women's movement across the country has played a vital part in putting the experiences of millions of women on the political agenda. It has achieved many important gains in ensuring women have access to protection and justice.

The women's movement in Brazil is diverse, multi-faceted and dynamic. Although there is clearly a long way to go, women's rights have a higher profile than ever before. This is a testament to the tenacity and effectiveness of years of campaigning by the women's movement and civil society.

At all levels, women have been at the forefront of the fight for justice, against discrimination and for the promotion and protection of human rights. For many, personal circumstances were the initial catalyst and the driving force behind their courageous selfless, but largely unrecognized, struggle. Many have focused on the fight to get justice for a loved one to the exclusion of concern about violations of their own human rights. The groundbreaking project initiated by Viva Rio and the University of Coimbra supported by CESeC is particularly important, therefore, as it addresses the needs of the women themselves.

Similarly, the work done by the Women's Forum of Pernambuco has been vital in reframing the discussion on violence against women in the public sphere. Their campaign has raised awareness about the hundreds of killings of women in Pernambuco and opened up a new understanding of the violence women face. Their efforts have successfully led to the creation of policy for the protection of women in the state.

At another level it has been the interaction between the women at risk and the women's and human rights movements that has developed a whole new form of activism and empowerment. In Porto Alegre, in Rio Grande do Sul, the women's NGO Themis pioneered the Community Legal Advocates (Promotoras Legais Populares, PLPs) and the Young Citizenship Multipliers (Jovem Multiplicadoras de Cidadania, JMCs) projects, which have been developed in a number of other states, most notably by the Union of Women (União de Mulheres) in São Paulo.

The aim of these award-winning projects has been to raise awareness of women's rights among women from socially excluded communities and increase understanding of how to defend these rights. They also help to empower women as "citizenship agents", allowing them to support other women in their struggle against a system which excludes and discriminates against them. The women bring to their communities – long seen as cut off from the wider community and public structures – an understanding of how state services can be made to work for their benefit. Many women described how, when confronted by discriminatory or abusive behaviour in public offices, they were able to challenge and stop it by announcing they were PLPs. The women expressed a clear sense of achievement and pride.

Similar important work was done by the national human rights organization Global Justice in their work with the wives and girlfriends of detainees and, later, women from socially excluded communities. This project initially set out to provide human rights training, but has since evolved into a programme which seeks to empower women and help them develop into activists and human rights defenders in their communities. It has also facilitated the documentation and reporting of human rights violations within these communities. One of the most successful elements of this project was introducing women into arenas from which they had long been excluded, such as universities and the bar association.

Amnesty International witnessed many such initiatives. Many have clearly been very successful. However, they also illustrate the state's failure in that these projects to promote rights and increase inclusion have been set up by civil society. The state has remained largely absent.



A women's group, Flor de Mandacaru, in the suburbs of Recife in May 2006. The banner reads:

“Violence against women – here we do stick our oar in!”

Nevertheless, this and previous governments have introduced landmark changes which have improved the situation of women. The first and most widely acknowledged advance in Brazil was the creation in 1985 of women's police stations, the first in the world. Despite some continuing problems highlighted in this report, there is no doubt that their creation marked a watershed. They clearly signalled that the state had a role to play in the protection of women in the home. It refuted the argument that domestic violence was a private matter, or, as the Brazilian saying goes *“entre homem e mulher não se mete colher”* (don't stick your oar in between a man and a woman).

There were also advances on the political stage. In 2003 President Lula created the first Women's Ministry in his newly formed government. The creation of this Ministry at federal level was a further and significant recognition that the problems faced by women are an important concern for the country and for its political leaders. Numerous bodies have since been created at municipal and state level across the country to represent the rights and needs of women. Amnesty International met some of those working in the growing numbers of such bodies at the executive, legislative and judicial level.

PRONASCI

At the time of writing, the federal government had launched a plan which it claimed would address the combined social and security needs of 11 urban centres suffering extreme levels of crime. It remains to be seen whether the promised investment of R\$6.7 billion (approximately US\$3.3 billion), through a series of different projects, will finally stop the killings. The PRONASCI plan may finally signal the authorities' recognition that something has to be done to address the problems that are costing Brazil generations of young people. Yet the needs of women are still far from being addressed. In a recent letter to the Minister of Justice a number of women's groups and human rights groups called for the inclusion of policies to address gender and race in PRONASCI. Among these was the demand that public security policy should be devised inclusively by the Ministries of Health, Education, Women, Human Rights and Race as well as the Ministry of Justice.

In September 2007 the "Maria da Penha" law was passed by Congress. The most notable element of the law was to take the issue of domestic violence out of the small claims courts, where it had languished, much to the frustration of most of the women's movement. However, the "Maria da Penha" law does not limit itself to criminalizing domestic violence. Rather, it offers a raft of different measures for the protection of women, setting out the responsibilities of various authorities. The impact of the law cannot be overestimated and in all the places visited by Amnesty International there were discussions, seminars, training courses and other events promoting the law. The excitement felt by the women's movement and most officials about the potential benefits of the new law was palpable.

The law is clearly a victory for the women's movement. However, it is still too early to assess how effectively it is being implemented and what its impact will be. The gap between expectations and implementation of some progressive laws is a long-standing cause of disappointment in Brazil. A key concern was the chronic lack of resources invested in the official bodies needed to implement the law and the lack of preparation among those working in these bodies regarding the needs of women



Relatives in Salvador protest about the failure to bring to justice those responsible for killing children and teenagers, May 2006. Some of the killings were reportedly carried out by death squads.

who have experienced violence in the home. Women's police stations are overwhelmed by the demand for their limited resources. Judges in Porto Alegre told Amnesty International of the desperate need for special courts to hear cases. The judge presiding over the Women's Court in Porto Alegre, one of the first to be set up following the introduction of the law, said she had heard over 3,000 cases between January 2007 and May 2007. She also stated that often she would hear numerous cases simultaneously to speed the process up. Even with such limited resources, the judge and representatives of the women's movement recognized that important advances had been made. In most other states visited there were no women's courts.

Many people expressed concern that the law focused on criminalizing perpetrators and the effect this might have on the reporting of violence and on men accused of domestic violence and caught up in a violent and repressive prison system that

THE ‘MARIA DA PENHA’ LAW

The new law legally defines family and domestic violence against women as not just physical attacks, but psychological, sexual and emotional violence, as well as property damage. It introduces an integrated approach, which includes emergency and long-term support for women experiencing domestic violence, preventative measures, such as public awareness campaigns and the collection and analysis of data, as well as the provision of rehabilitation for aggressors.

Under the law, cases must be brought before a judge specializing in domestic violence for criminal prosecution. This ended the old system of hearings in small claims courts which resulted in the payment of fines or food packages. Men responsible for acts of violence against female family members – whether committed in the home or elsewhere – can face arrest and possible imprisonment for up to three years.

The law aims to integrate public prosecutors, police and the judiciary when dealing with domestic violence. It also promotes the expansion of services tailored to the needs of women, such as specialized courts, women’s police stations, help centres, medical services, shelters, multidisciplinary teams specializing in mental and physical health and legal support. The law mandates support services for the woman at risk, including providing transport to women’s shelters, or, in the longer term, financial help through federal and state welfare programmes.

The “Maria da Penha” law sets out the responsibilities and powers of state bodies in relation to domestic violence. Within the first 48 hours of an incident, judges are empowered to impose urgent protective measures, such as the removal of the aggressor from the home, exclusion orders, preventative imprisonment and the suspension of the aggressor’s firearms licence. Police must fill out a police report, collect evidence, including medical exams and witness statements, and guarantee protection where necessary. The public prosecution service is responsible for monitoring services for women suffering domestic violence and taking administrative or judicial measure in the event of irregularities.

invariably makes detainees more violent. A senior judge in Porto Alegre stressed that the protective measures were a far more important element of the law than the criminalization of perpetrators. Clearly work still needs to be done to create a better understanding among all those involved, especially potential victims, of how the law can genuinely protect them.



A woman carrying a child in Vidigal, Rio de Janeiro, August 2006. The police armoured vehicle in the background, known as a *caveirão* (Big Skull), is used to indiscriminately police these communities.



SEVEN/CONCLUSION AND RECOMMENDATIONS:

This report set out to highlight reality behind the dramatic images and shocking statistics of bloodshed in Brazil's urban centres. It has attempted to look behind the tens of thousands of young Afro-Brazilian men being killed, who have traditionally taken centre stage in discussions of urban violence, to the women in socially excluded communities.

Women in these communities are the direct victims of violence and some are increasingly caught up in the world of criminal gangs. However, many more are struggling to cope with the loss of relatives, to bring up families in an environment fraught with dangers, and to keep themselves and their children safe from both criminal and police violence and intimidation.

In the face of often intense economic hardship and insecurity, they continue their battles for justice, security and respect. It is time this reality was recognized. If, as governments repeatedly say, the root causes of the violence can be found in the breakdown of the family, then it is time they addressed how their negligence and failure to ensure protection has facilitated this process.

The PRONASCI plan (see page 68) may be an indication that the authorities have recognized that something has to be done to address the problems that are costing so many lives. Yet the needs of women are still far from being addressed. In a recent

letter to the Minister of Justice, a number of women's groups and human rights groups called for the inclusion of policies to address gender and race in PRONASCI.

In 2005 Amnesty International called on the Brazilian federal and state authorities to create, implement and monitor a National Action Plan to reduce and prevent criminal violence, focusing on the prevention of homicides.⁴³ Amnesty International understands that the effective protection of women and ensuring their right to security can only be achieved within a broader reform of the public security system. To this end, Amnesty International continues to call on the Brazilian authorities to ensure a multi-sectoral approach to the creation and implementation of any and all public security proposals, with the inclusion of all relevant ministries and secretariats at all stages. The reduction of criminal violence, especially homicide, must remain a central element of these proposals which should include:

- **The introduction of human-rights based policing;**
- **The reduction of the use of lethal force by police; and**
- **The further control of the availability of guns.**

With this report Amnesty International is further calling on the authorities to:

- **Identify the intersectionality of gender and race issues in relation to policing and ensure appropriate policies and projects are created to address these needs.**

More specifically Amnesty International recognizes that since the organization made those recommendations the federal government has launched its PRONASCI plan and introduced the “Maria da Penha” law. Amnesty International further calls on the federal and state authorities to:

- **Ensure independent and transparent monitoring of the implementation of the PRONASCI projects. This should include: the gathering of better data on crime and violence and the setting of clear objectives and targets for the reduction of criminal violence, especially homicide.**
- **Publicly recognize and reinforce the message that gender and race issues will be an essential part of implementing the human rights focus of PRONASCI.**
- **Improve the gathering of gender specific data to ensure that targeted policies can be devised with a gender focus, that resources can be accurately directed, and that the effective implementation of the policies can be precisely and independently measured and monitored.**
- **Ensure that on the basis of data gathered, the federal government, including the Women’s Ministry, the Ministry of Justice, the Special Secretariat of Human Rights as well as other relevant ministries and members of civil society meet to make sure that relevant gender specific projects are included within the PRONASCI proposal.**

- Ensure that a process is set up to independently evaluate the implementation of the gender impact of the PRONASCI proposal and identify key areas of women's security needs.
- Immediately start a review of the situation of women and girls in the detention system and, in collaboration with civil society, set out a targeted and timely plan to address all their specific needs, especially guaranteeing their safety from human rights violations and sexual abuse and guaranteeing adequate access to health care.
- Ensure that a process is set up to independently evaluate the implementation of the "Maria da Penha" law that includes members of civil society. The findings of this should inform the allocation and the distribution of resources and training and any reforms needed. They should also ensure the effective implementation of the law guaranteeing due diligence and due process.
- Make public what steps are being taken to implement Article 8 of the "Maria da Penha law". This sets out requirements for the implementation of public security policies which fully integrate race and gender perspectives, the collection of data and the involvement of members of civil society as participants and independent monitors.
- Ensure that clear targets are set for the provision of services, especially access to health care, childcare, housing and education.
- Identify and address, as part of its National Programme for Human Rights Defenders, specific threats and human rights violations experienced by women human rights defenders.

ENDNOTES

1 Women's names have been changed in this report in order to protect their privacy and ensure that their security is not compromised.

2 For example, see Amnesty International reports: *Brazil: "They come in shooting" – Policing socially excluded communities* (AI Index: AMR 19/025/2005); *Brazil: "We have come to take your souls" – The caveirão and policing in Rio de Janeiro* (AI Index: AMR 19/007/2006); and *Brazil: "From burning buses to caveirões" – the search for human security* (AI Index: AMR 19/010/2007).

3 It is important to note that some state governments have changed since the interviews were held.

4 According to the Brazilian Institute for Geography and Statistics, the number of families headed by women has increased across Brazil. In 1996, less than 10 million women headed families. This rose to 18.5 million in 2006, an increase of 79 per cent. More than a third of families headed by women live on half the minimum wage per capita per month. See: http://www.ibge.gov.br/home/presidencia/noticias/noticia_visualiza.php?id_noticia=987&id_pagina=1 (last visited 28 November 2007)

5 Inter-American Commission on Human Rights, Report 54/01, Case 12.051, Maria da Penha Maia Fernandes, Brazil, 16 April 2001.

6 See, for example, Article 2 of the International Covenant on Civil and Political Rights.

7 See, for example, General Comment 31 of the UN Human Rights Committee, the expert committee that monitors states' implementation of the International Covenant on Civil and Political Rights. See also, UN Committee on the Elimination of Discrimination against Women, General Comment 19.

8 The women included relatives of those killed in the massacres of: Vigário Geral, Acari, Borel, Via Show, Maracanã, Candelária, Baixada Fluminense, Cajú. See Amnesty International *Brazil: Candelária & Vigário Geral – justice at a snail's pace* (AI Index: AMR 19/011/1997) and *Brazil: Candelária and Vigário Geral 10 years on* (AI Index: AMR 19/015/2003).

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22 See Soares & Ilgenfritz, *Prisioneiras: vida e violência atrás das grades*, p.86.

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32 Abortion is illegal except when a mother’s life is in danger or when the pregnancy is the result of rape. Amnesty International has no recent information on whether the state effectively provides abortion in these situations or whether it prosecutes cases of illegal abortion.

33 Article 25 of the Universal Declaration of Human Rights.

34 Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women.

35 Article 24 of the Convention on the Rights of the Child.

36 Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

37 Article 10 of the “Protocol of San Salvador”.

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