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Globalization, the Meaning of Human Rights and the Role of Human Rights NGOS: A Case Study in Rio de Janeiro, Brazil

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**GLOBALIZATION, THE MEANING OF HUMAN RIGHTS
AND THE ROLE OF HUMAN RIGHTS NGOS: A CASE
STUDY IN RIO DE JANEIRO, BRAZIL**



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Summer & Fall 2005

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ABBREVIATIONS

AI Amnesty International

ANGO Advocacy non-governmental organization

**CAT Convention against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment**

CCPR Covenant on Civil and Political Rights

CDI Committee for the Democratization of Information

**CEDAW Convention on the Elimination of All Forms of Discrimination
Against Women**

CERD Convention on the Elimination of Racial Discrimination

CESCR Covenant on Economic, Social and Cultural Rights

CRC Convention of the Rights of the Child

**ECA Estatuto da Criança e do Adolescente (The Brazilian Statute of the Child and
Adolescent)**

GNGO Grassroots non-governmental organization

HDI Human Development Index

HRW Human Rights Watch

IBISS Instituto Brasileiro de Inovações na Saúde Social

ICC International Criminal Court

IGO International Organization

INGO International non-governmental organization

IMF International Monetary Fund

MDGs Millennium Development Goals

MST Movimento dos Trabalhadores Rurais Sem-Terra (Rural Landless Workers Movement)

NGO Non-governmental organisation

OAS Organisation of the American States

PUC Pontifícia Universidade Católica

UN United Nations

UDHR Universal Declaration of Human Rights

UNDP United Nations Development Programme

UNICEF United Nations Children's Fund

WB World Bank

WTO World Trade Organisation

PORTUGUESE VOCABULARY

Bairro – neighbourhood/ district

Bairro carente/carencia – lower class neighbourhood. Carente/carencia literally means: lack, want, need, or that not have, that need

Favela - shantytown or slum. Used to describe a collection of illegally constructed dwellings within an urban area¹

Falcatroa – cheat, fraud

Leigo – Person that does not have sufficient information or knowledge

Morro – hill neighbourhood, normally a favela that is built on a hill

So para inglês ver – only for looks, for the tourist to see

Tráfico – drug trafficking/dealing

¹ Definition taken from Luke Dowdney. "Children of The Drug Trade: A case study of Children in Organized Armed Violence in Rio de Janeiro." 7 Letras 2003, p 258.

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THE PROJECT

The aim of my senior project is to contribute to the understanding of the workings of human rights NGOs in the context of globalization. The more specific objectives of the study are:

1. to make a literature review of the aspects of globalization processes and impacts that seem to be relevant for the spread of the human rights perspective and the expansion of NGOs, and
2. to use findings from a Brazilian case study to illuminate some of the above mentioned aspects

Both these objectives are considered in relation to the fact that the state is in charge of and responsible for the implementation of human rights and protection of human rights.

On the basis of document analysis and a literature review as well as my own field study, the project also presents human rights violations occurring in Rio de Janeiro. I have examined:

- How the nature of state sovereignty, power and the role of civil society has changed with globalization and the increasing number of NGOs.
- The development of human rights and the increasing number of NGOs working with Human Rights and the increased global awareness of Human Rights that has taken place in the two past decades.
- How people on grassroots level (NGOs and residents in lower class neighbourhoods) perceive Human Rights and Human Rights violations – as illustrated by the case study in Rio de Janeiro, Brazil.
- How human rights NGOs work with people on the ground in Rio de Janeiro to address human rights violations.
- How human rights NGOs cooperate with other NGOs, social movements, and transnational networks to promote human rights and how this plays out in the context of globalization - as illustrated by the case study in Rio de Janeiro.

This paper will briefly discuss how human rights were established and how this philosophy and international treaties evolved and what human rights treaties and charters exist today. Moreover, what do human rights mean to different people and how is the concept of human rights experienced by local people in Rio de Janeiro versus at the global level. But

also what do human rights mean for local NGOs working in an area of Rio de Janeiro. How has the concept of human rights developed in Brazil and Brazilian culture? I examined how human rights are taught, how and what human rights issues are addressed and how different NGOs and transnational networks cooperate to educate, promote and uphold human rights. What strategies are used in their work and how effective are they? Further, what effects does globalization have on states and state sovereignty; the protection of human rights; and the development of human rights NGOs, and the promotion of human rights and support for human rights NGOs in Rio de Janeiro. What downsides have globalization brought about and in what ways are human rights activists using globalization in their favour. Is the perception of human rights on the grassroots level the same as on the global level?

The first chapter will describe the intensification of globalization and the development of NGO's on a local and global level and the expansion of international actors that has occurred mainly in the past 15-20 years. Moreover, how many NGOs are there and what is their role today and what are the opportunities and what are the downsides of an increased number of NGOs and non-state actors? Chapter 2 outlines; human rights and how the human rights movement has expanded over the past decade. It also looks at the types of human rights NGOs there are and the difference between them. Chapter 3 goes over Brazil current and past human right's policy. It presents and discusses the current human rights situation in Brazil and Rio de Janeiro. This part is based on research done in Brazil and my field studies in Rio de Janeiro. Chapter 3 reviews some of consequences globalization, and foreign debt has had on the human rights situation in Rio de Janeiro. Chapter 4 looks at human rights NGOs in Rio de Janeiro. It analyzes their structure and operation. The section on human rights NGOs in Rio de Janeiro is based on field research and visits done in Rio de

Janeiro. This chapter also discusses NGO funding and the effects funding have on promotion of human rights in Rio de Janeiro. The concepts and ideas presented in the literature are compared and contrasted with the findings from the field study. Yet, I am not claiming that my study is representative for human rights violations or all human rights NGOs in Rio de Janeiro. I would like for my study to serve as example of what people in favelas and bairros carentes sees as the most urgent human rights violations and how do the international human rights NGOs respond to these human rights violations in terms of aid, support and attention. Also what are NGOs doing in Rio (or not doing) on the ground and are they cooperating in international networks? Who are funding them and what rights are they promoting and why have they chosen these rights? Are the international human rights organizations promoting the same rights and denouncing the same violations as the people in Rio de Janeiro are concerned about? I am particularly interested in comparing and contrasting local view of Human Rights with the global notion and promotion of Human Rights.

METHODOLOGY AND CONTEXT

My senior project is based on both theoretical research done in the U.S., and in Rio de Janeiro, Brazil as well as field research done in Rio de Janeiro. During the summer and fall 2005 I spent 6 months in Brazil doing field research and working for two Human Rights NGOs and interviewing NGOs workers and residents of bairros carentes and favelas. In Rio de Janeiro I worked for Associação Beneficente São Martinho² and Projeto Uerê³.

² I worked for one project under São Martinho and also for a branch of São Martinho called Centro de Defesa Dom Luciando Mendes that works specifically with legal rights for children living in social risk.

³ Uerê means shining children

Both work with children and adolescents in underprivileged areas in Rio de Janeiro.⁴ As a part of my study I also spent 3 weeks in a summer course offered by the Peace Education Center at Teachers College at Columbia University. I took a course called *Human Rights and Peace Education in Brazil* that took place during three weeks in June and July in Rio de Janeiro. The course exposed issues surrounding human rights and representation and the various strategies used by NGOs and activists to represent violations, such as human rights reports, personal narratives, journalism, documentary film, photo reportage, web sites, and other media. I also had the opportunity to read about and meet some of the principal human rights and peace educators, researchers, journalists, and documentary filmmakers in Brazil. I studied human rights and peace education in practice by visiting organizations such as Viva Rio, Global Justice, Movimento dos Trabalhadores Rurais Sem-Terra (MST)⁵, Instituto Brasileiro de Inovações na Saúde Social (IBISS), São Martinho, Projeto Uerê, and Committee for the Democratization of Information(CDI), where I listened to presentations by human rights activists and peace scholars. I learned about the major themes and events in the contemporary Brazilian human rights movement, and how NGOs "respond" to human rights violations and how NGOs work in a pro-active mode disseminating information and educating for the future.

Although, data collection was originally to be completed in Salvador in the northeast of Brazil due to a number of difficulties I encountered in the field I did all my field research in Rio de Janeiro. I had planned to interview the local people, the local human rights activists, and people from local government, and if possible people from larger human rights organizations, police and government officials. However, I was only able to get access to

⁴ A more detailed description of the NGOs and their work is found in chapter 4.

⁵ Rural Landless Workers Movement

local NGO workers and people living in the communities where the NGOs worked. I conducted 14 “official” interviews but I have also included field notes and conversations with people in the field. Unfortunately, I was not able to interview any police officers or any government representatives. The interviewees are NGO workers or people living in a favela or in a bairro carente. The interviewees are between 15 and 55 years old and the gender split is 6 men and 8 women. The occupations varied from student, unemployed, social worker, teacher, lawyer, chauffeur and a few others. Even though I only interviewed a few people, in my field work for the two NGOs I was able to acquire a lot of interesting material for my project through observations, conversations and other forms of communication.

Before coming to Rio I did not have any experience in field research and I have had to learn along the way. Another problem was to be able to arrange a time with people to sit down and give an interview that I could record. Often I engaged in very interesting conversations touching on the topics I was interested in but when I tried to set up a time and a place for an interview I ran into difficulties. On several occasions I had set up a time for an interview but then the person I was supposed to meet up with never showed up. Hence, I have also included some material from conversations, discussions and other ways of communication rather than only formal interviews. In general it was more difficult to find a time with NGO workers since they often had a tight schedule and were reluctant to set aside a time outside of regular working hours. Also, it was rare to receive a response to phone calls and e-mails. Thus, in my hunt for interviews I often had to show up at the site of the organization and set up an interview. Most of my interviews were “open interviews” where I let the person speak on a topic, but if a person did not touch on any of the issues I asked more specific questions to get them to talk about the issues I was interested in. All the names of the

people in this paper are pseudonyms to protect the integrity of the persons, except for persons speaking officially as representatives of an organization or group.

The language in Brazil is Portuguese and my knowledge of Portuguese when I left Knoxville in May 2005 I was only at an intermediate level but during my study in Brazil I improved my language skills a lot. At times the language was an obstacle in my work but most of the time it was not a problem. While in Rio I also studied Portuguese at Pontificia Católica University. Nevertheless, I am fully responsible for any misinterpretations, misunderstandings or incorrect translation of the interviews and comments received from people in Brazil.

*They say that my body produces criminals
They also say that everything that is evil is inside me
I just wonder
If crime is a virus that I have created
Separates that white from the black
The rich from the poor
And people from the outskirts of the city from the people in Zona Sul (middle and upper
class neighbourhoods in Rio)
And I see myself as an anti-body
Produced in the names of the body that bore me
I am the hunger
I am the pain
I also represent the claim of someone that has gotten tired
I am the music
I am the art
And it does not matter to me if people cross their arms for life
I am doing my part⁶*

Chant created by children in the project Villa Aliança of the NGO o Instituto Brasileiro de Inovações na Saúde Social's (IBISS) in the favela BANGU, Rio de Janeiro, performed on July 14th 2006

⁶ Recorded by the author and translated by Paulo Da Silva, P.H.D candidate Columbia University

CHAPTER 1

1. INTRODUCTION

This chapter will discuss NGOs and civil society and how globalization has spurred the increase of Non-Governmental Organizations (NGOs) and transnational networking between groups in civil society. Yet, it would be a much too broad task to attempt to give a full description of all non-state actors and their roles in today's world, thus, this chapter will only discuss and describe activities involving NGOs, but also networks of NGOs. Who are these actors, what do they do and what is their role in today's world? This chapter will serve as an overview of what type of activities NGOs undertake, their current as well as their future role and importance in International Relations. I will not look at organizations that participate in world affairs and how they communicate, cooperate and work across state boundaries. This chapter will also look at the effects of globalization on the state and how the state sovereignty has changed with the acceleration of globalization. How has the changed role of the state affected the role and growth of NGOs and how is this attached to globalization. Specifically, I will discuss human rights NGOs. However, many of the characteristics of NGO behavior and function at the international level are the same for many different kinds of NGOs whether addressing the environment, development or human rights.⁷

1.1 GLOBALIZATION, NGOs AND THE STATE

Globalization is not a new phenomena but the globalization we see today is unique in that it “is enabling individuals, corporations and nation-states to reach around the

⁷ The distinction between these areas has been blurred in the past decades with human rights activists tying together development and environmental issues with human rights language.

world farther, faster and cheaper than ever before.”⁸ However, the rapid expansion of NGOs and the notion of an international civil society and globalization are not to be seen as being born at the same time since the existence of globalization dates back much earlier than the concept of international civil society.⁹ Another definition states: “globalisation refers to the intensification of social and economic relations beyond state borders, with the consequence that local and global events are increasingly linked to and influenced by each other.”¹⁰ Human Rights scholar Donnelly defines globalization as five different forms of flows: “flows of people, commodities, information, values and sanctions.”¹¹ Many argue that globalization has weakened states ability to control these flows and Teeple describes the process as “...a revolution in technology, spawned in large measure by computers, which [has] transformed production, distribution, and communication, further undermining the national markets...”¹² Rosenau holds that due to globalization “most states can no longer control the flow of ideas, money, drugs and crime across their borders and given the depth, breadth of the mobility upheaval, even the flow of people have been difficult to control.”¹³ He is, thus, linking globalization to the weakening of State power and he continues to say that:

“...the scope of the authority of states has lessened...new technologies, the organizational explosion, [have worked to] to reduce the autonomy of states and to weaken their capacity to pursue innovative policies at home and influence developments abroad. States vary of course in the degree which their capabilities and authorities have declined...[but]...The central tendency, however, is one in which most states have to struggle to retain a

⁸ Thomas L. Friedman. *The Lexus and the Olive Tree: Understanding Globalization*. Anchor Books, New York 1999, pp 7-8.

⁹ Alejandro Colás,. “International Civil Society: Social Movements in World Politics.” *Polity* 2002, p 138.

¹⁰ Katarina Frostell,. “Globalization and Women’s Human Rights”. Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 7-8.

¹¹ Jack Donnelly. “Human Rights, Globalizing flows, and State Power” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 230.

¹² Gary, Teeple. *The Riddle of Human Rights*. Humanity Press, New York 2005, p 119.

¹³ James N. Rosenau. “The Drama of Human Rights in a Turbulent, Globalized World” in *Globalization and Human Rights*, Alison, Brysk, ed. University California Press 2002, p 159.

modicum of control over the course of events within their ever more porous borders...Their control at home and abroad has diminished, ...[and]the sovereignty of states has eroded. If the sovereignty of a country involves having the final say over what transpires within its borders, then the discrepancy between the huge increase of transborder flows and the ability of states to control these flows is a measure of the degree to which they have lost sovereignty.”¹⁴

Globalisation is often characterised as a two-edged sword,¹⁵ where dominant policies linked to globalisation have been fairly successful in facilitating economic growth and combating inflation in many rich countries. However, simultaneously this has caused “increasing income polarisation, persistently high levels of unemployment, and widespread social exclusion”.¹⁶ Consequently, “the wealth and opportunities of globalization seem to be flowing disproportionately to the already privileged.”¹⁷ Markets and technology, particularly information technology, have been identified as the main arenas of globalisation. Edwards has argued that globalization presents itself

“...as a technology driven fact: ‘electronic communication, declining transport costs, more flexible forms of economic organization, and the growing importance of mobile assets (like finance and knowledge) establish an increasingly uniform horizon of production possibilities across national borders, integrating markets around the world and the internationalizing decisions about jobs and investment.’”¹⁸

The current economic system is one where banks and transnational corporations gain more and more power and shares of the market and overall corporations have seen increased power, whereas workers has experienced decreased power and outsourcing in developed countries and exploited labor in developing countries have become common.

¹⁴ Ibid p 159.

¹⁵ Isabella Bakker, “Globalization and Human Development in the Rich Countries: Lessons from Labour Markets and Welfare States”, in: *Globalization with a Human Face, Background Papers*, Vol. II, 1999, p 32.

¹⁶ Ibid, p 38.

¹⁷ Jack Donnelly. “Human Rights, Globalizing flows, and State Power” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 240.

¹⁸ Martin Edwards,, David Hulme, and Tina Wallace,. “NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage. Conference Background Paper Birmingham 1999. <http://www.gdrc.org/ngo/g-future.html>

Pitanguy and Heringer write “While governments, the trade sector and financial institutions have been maintaining a dialogue to define joint strategies in matters relating to economic integration.... little progress has been made in terms of citizenship rights for the populations who are part of the process of regional and global integration.”¹⁹ This integration involves among other things a removal of barriers to trade and investment and an increasing movement of capital across national boundaries. The leading policy (economic policy) trend today when it comes to economic integration includes trade liberalisation, privatisation of state functions, and deregulation of various activities and the emergence of new powerful actors in the economic field. Many scholars see globalization as the triumph of neoliberalism and the opening up of markets around the world.²⁰ Hence, globalization is very much driven by economics which in turn is dominated by large financial institutions such as the World Bank (WB) and the International Monetary Fund (IMF). Consequently, international institutions, such as the World Bank, exert enormous influence in defining states economic and social policies. When analyzing the impact of globalisation on various groups in society it is often the effect of these trends and policies which are addressed.²¹ Evidence exists that these programmes together with drastic cut backs in public expenditures have often lead to an increasing marginalisation of groups who are dependent on public support for their living.²² It is not possible in this study to comprehensively analyse how this development has influenced the lives of people in poor countries (including Brazil). Nevertheless, what is clear

¹⁹ Jacqueline Pitanguy and Rosana Heringer. “Economic integration, Human Rights and Racism” in *Brazil: Women and Legislation against racism*. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001. p 86.

²⁰ Robert M Jackson, ed. *Dueling Globalizations: A debate between Thomas L. Friedman and Ignacio Ramonet* in Annual Editions: *Global Issues 03/04*. McGraw-Hill/Dushkin, 2003, p 30.

²¹ Katarina Frostell. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 8.

²² Ibid p 57.

is that many poor countries, which have opened up their markets for the global economy, have faced an increase in production costs, a growing competition on the local market and an over-emphasis on export production at the expense of the production for the local market by local producers. This in turn has led to bankruptcies, unemployment and income losses, often with poverty as the result. Secondly, poor countries, which are dependent on borrowing money from international lending institutions, are usually required to implement structural adjustments programmes aimed at improving the country's overall economic performance.²³ As a consequence, downsizing of the welfare system has in many instances led to the displacement of public welfare functions to the market or the home.²⁴ Human rights scholar Alison Brysk argues that:

“International economic adjustment mandated by multilateral economic organizations and attendant economic crisis are systematically correlated with increases in social inequality and crime, coupled with declines in social safety nets and rights-protective government services such as judiciaries.”²⁵

Hence, critics of the current economic globalization hold that it is characterized by inequality and exclusion and that we face a western homogenizing of values through the spread of western norms of individualism and consumerism. These western norms are also conveyed by the western media which penetrate all throughout the world.²⁶ Thus, to a great extent economic globalization has led to deeper inequalities around the world and “in 1998 the combined income of three billion people in the Third World was less than the collective

²³ Katarina Frostell. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 56.

²⁴ Ibid p 9.

²⁵ Alison Brysk. “Conclusion: From rights to realities” in Alison Brysk, ed. *Globalization and Human Rights*, University of California Press, p 243. Berkeley and Los Angeles, California, 2002

²⁶ Martin, Edwards, David, Hulme, and Tina Wallace,. “NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage. Conference Background Paper Birmingham 1999. <http://www.gdrc.org/ngo/g-future.html>.

assets of 358 multi-billionaires [and] Bill Gates fortune was worth more than that of the 40 per cent of the U.S. population put together.”²⁷ Sociologist and Co-founder of the NGO Global Exchange Kevin Danaher argue that “global inequality today is far more extreme than anything that existed at the end of World War II...”²⁸ A UN Human Development report tells us that the present globalisation trends have contributed to widening the gap between rich and poor both in comparisons between developed and developing countries as well as between different population groups within a single country. The report for 1999 explains that the income gap between the fifth of the world’s people living in the richest countries and the fifth in the poorest was 30 to 1 in 1960, 60 to 1 in 1990 and 74 to 1 in 1997.²⁹ In response scholars and activists have argued that “There is a general consensus among civil society organizations that it is necessary to adopt social and political measures that promote better distribution of income and wealth in countries involved in [the economic globalization].”³⁰ Particularly in Latin America, the world’s most unequal continent, sociologists Pitanguy and Heringer argue that it is extremely important to develop a human rights and social rights agenda to accompany the processes of economic integration [that is connected with globalization].³¹ This can only be done if a social, environmental and human rights agenda, which clearly defines what, is an adequate standard of living and restrains abuse, is set up.³²

²⁷ Martin, Edwards, David, Hulme, and Tina Wallace, “NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage”. Conference Background Paper Birmingham 1999.
<http://www.gdrc.org/ngo/g-future.html>.

²⁸ Ibid p 25.

²⁹ Human Development Report 1999, p. 3.

³⁰ *Brazil: Women and Legislation against racism*. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001, pp 88-89.

³¹ Ibid p 89.

³² Ibid p 89.

The term NGO was initiated in the 1950s but NGOs themselves have an older history and dates back to the 19th century.³³ There are different definitions of what constitutes a non-governmental organization and in their book *International organizations: the politics and processes of global governance*, Karen and Mingst suggest that “NGOs are private voluntary organizations whose members are individuals or associations that come together to achieve a common purpose.”³⁴ There are divided opinions about the role of civil society. Some see civil society as a “complement to the State, whereas others see a more politicized, emphasizing civil society’s role as an oppositional force or counterweight to the State.

There is no necessary relationship between globalization and the increase of both domestic and international NGOs around the world, but globalization has enabled a linking together of people with similar norms, rules and ideas.³⁵ The opening up of countries has led to both easier access to travel, goods and services around the world but also the growing awareness of the rest of the world among people. The fall of dictatorships and together with the opening of markets, privatization and downsizing of the state’s many services have resulted in a need for private entities that provide these services. The downsizing of the states’ welfare systems has in many instances led to the displacement of public welfare functions to the market or the home, and thus many NGOs have been created to offer the services that the state used to perform and provide. The privatization of goods that earlier belonged to the state and were provided to everyone in Latin America where dictatorships

³³ Nicholas Deakin,. *In Search of civil Society*. Palgrave, 2001. p 167.

³⁴ Margaret P. Karns and Karen A. Mingst. *International organizations: the politics and processes of global governance*. Lynne Rienner Publishers, Inc 2004 p 10

³⁵ Marlies Glasius, David Lewis, and Hakan Seckinelgin, Ed. *Exploring Civil Society: Political and cultural contexts*. Rutledge 2004 p 191.

controlled the power of government until the 1970s and 80s have with neoliberal models been set aside for the upper class.³⁶ New democracies have allowed people to create organizations working for different causes and issues that earlier was prohibited or impossible. During the dictatorships, NGOs were not allowed operate and there was censure on freedom of speech and press.

Others argue that globalization is not responsible for the inequalities but rather it has made people around the world more aware of the situation in the world through travel, television and information technology, particularly the internet. For the first time in history people can now to a greater extent than ever make their voices heard and information technology have helped facilitate the connection between people and helped people spread information, messages and appeals both nationally as well as internationally. By sharing information all over the world transnational networks that cooperate on similar issues are created.³⁷ Through networking and alliances people can have a grater say in the decision making process. People across borders have similar worries or issues that concern them, i.e. grave human rights violations. Activists all over the world can join in the fight against for human rights and social justice for all. This was very well illustrated by the World Trade Organization (WTO) protest in Seattle in 1999.³⁸ Another example is the World Social Forum where activists, scholars, NGOs and social movements from all over the world meet to protest and discuss an alternative to the current neoliberal world order. These effects on societies have facilitated the creation of NGOs and social movements. Nevertheless, it seems

³⁶ Peter Cohen, F. "Ambiguous Engagement: Invasion, Intervention and Participation in a Brazilian Squatter Settlement." P.H.D. Dissertation. Columbia University, 2005, p

³⁷ Jessica T. Mathews. Power Shift: "The rise of Global Civil Society," *Foreign Affairs*, Vol. 76 No1 (January/February 1997), pp 50-66.

³⁸ The WTO meeting created enormous public protests and ended in riots. And ever since the WTO meetings have continued to be followed by protest and sometimes riots.

as neoliberalist thought and policies are the driving force behind the increase of NGOs around the world.

The total wealth in the world has increased and with more wealth even though mostly unevenly distributed there is more opportunities for private actors to gain resources and power to act.³⁹ Globalization is then an opportunity for change the people who earlier did not have a voice can be heard. Accordingly, some activists argue that the focus should then be on how to take advantage of globalization and not how to resist it.⁴⁰ Through the increase in the number of NGOs and information technology, and the decline in state-power none-state actors today have more power today than ever before.⁴¹ Thus, globalization has also brought about opportunities for people and organizations to form networks that span all across the world. Arguments are made that the question is not whether globalization will continue but whether NGOs will be able to take advantage of it and use it to change, modify and transform globalization and the economic profits brought with it to benefit if not all at least more people than just the small number of people that now see their wealth increase.⁴² So, even though many recognize that globalization has brought with it aspects that have made many people's lives worse, especially in developing countries, there is also a notion of opportunity for globalization to become a "a progressive social revolution..." where NGOs can play a key role in creating change and affecting and setting norms for policy, laws, in the

³⁹ Martin, Edwards, David, Hulme, and Tina Wallace,. "NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage. Conference Background Paper Birmingham 1999. <http://www.gdrc.org/ngo/g-future.html>.

⁴⁰ Alison Brysk. "Conclusion: From Rights to Realities" in *Globalization and Human Rights*, Alison, Brysk, ed. University California Press 2002, p 255-256.

⁴¹ Jessica T. Mathews. Power Shift: "The rise of Global Civil Society." *Foreign Affairs*, Vol. 76 No1 (January/February 1997), pp 50-66.

⁴² Martin, Edwards, David, Hulme, and Tina Wallace,. "NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage. Conference Background Paper Birmingham 1999. <http://www.gdrc.org/ngo/g-future.html>

creation of global justice and truly global governance.⁴³ According to Professor Michael Edwards

“all agree that there are increasing opportunities to work together across institutional boundaries in order to influence the forces that underpin poverty and discrimination, finding, partnerships and synergies where few existed before, and moulding not just a strong civil society but a society that is just and civil in all that it does.”⁴⁴

1.2 NGOs: INCREASE AND ABILITY TO INFLUENCE

The collapse of the Soviet Union and the end of the bipolar world that characterized the Cold War has opened up for many new non-state actors.⁴⁵ In his book *Reshaping world politics: NGOs, the Internet, and global civil society*, Professor Warkentin defines civil society as actions that are:

“voluntarily, self generating (largely) self-supporting, autonomous from the state, and bound by legal order or set shared rules’ ”[and] in this context citizens are seen as ‘acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable’ “⁴⁶

The Report of the Secretary General in 1997 calls civil society “the sphere which social movements organize themselves around objectives, constituents, and thematic interests.”⁴⁷ Many scholars today argue we today see a civil society that is “a socially constructed and transnationally defined network of relationships that provides ideologically,

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Craig Warkentin, *Reshaping world politics: NGOs, the Internet, and global civil society*. Rowman & Littlefield Publishers, Lanham, MD 2001 p 1.

⁴⁶ Ibid p 1.

⁴⁷ Nina, Stubb. *The Role of Human Rights NGOs in International Law : with emphasis on the United Nations*. Avhandling i Folk rätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi 1999, p 1.

variable channels of opportunity for political involvement.”⁴⁸ If adopting this definition, it becomes more difficult for critics to reject that some kind of internationally organized civil society exists (regardless of the definition).

A distinction can be done between International Non-governmental organizations (INGOs)⁴⁹ and domestic NGOs. Consequently, international NGOs are NGOs that are located in more than one country. They are usually located in developed countries and work for social change in developing countries, whereas, domestic NGOs only operates nationally or in a community. Examples of INGOs are Amnesty International, Oxfam, World Vision, Save the Children and Catholic Relief Services.⁵⁰ These types of NGOs are the biggest ones and they have the most resources. But the line between INGOs and NGOs are sometimes very fine and even though we can find NGOs who are International in their nature and others which are only operating nationally or locally it is clear that the ties between NGOs and INGOs are becoming more frequent and the divide less distinguishable. Another very common configuration is different types of networks where there is no single organization or center. Instead different interest groups and NGOs cooperate in non-hierarchical, informal and many times temporary constellations to promote a certain issue.

The past two decades has seen a massive increase in various civil society organizations specifically NGOs.⁵¹ In 1994 there were more than 20,000 INGOs working to promote social change and creating policy and more than 50,000 domestic (national) NGOs. India, Brazil South Africa, Kenya, Bangladesh and the United States saw the biggest increase

⁴⁸ Ibid p 19

⁴⁹ Kendal Stiles. *Global Institutions and Local Empowerment - Competing Theoretical Perspectives*. Macmillan Press Ltd, 2000 p 11-13

⁵⁰ Ibid p 12

⁵¹ Marschall, Miklos. “What’s next for Civil Society?” *Elections Today*. vol. 12, No. 2 –2004.

and also have the highest number of active NGOs.⁵² Only in Brazil there are 210,000 “civic alliances” and in India there are several millions. Thus, NGOs are on the rise in these countries and in South America this increase can to a large extent be explained by the democratization that has taken place in the last three decades.⁵³ Depending on how one determines what is an NGO and what is an INGO the numbers of NGOs varies but Thomas L. Friedman has suggested that in 1956 there were 973 INGOs whereas in 1996, forty years later, there were 5,472 INGOs in the world.⁵⁴ More recent figures tell us that there are today over 6,500 INGOs and millions of small grassroots (domestic) NGOs.⁵⁵ Between 1998 and 2004 the number of INGOs increased from over 5000 to close to 6500, and it seems that the growth of NGOs will continue in the same fashion over the next couple of years.⁵⁶ In 1950 there were 33 INGOs working with human rights and in 1993 the number had increased to 168, which corresponds to 26.6 percent of all INGOs and is the largest area group followed by environmental NGOs.⁵⁷

As the world has become more interconnected, some have argued that civil society stretches beyond any national borders and that organized social life is becoming “a transnational phenomena – that is effectively spreading across borders and being transposed

⁵² Ibid p 13.

⁵³ Martin, Edwards, David, Hulme, and Tina Wallace, “NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage. Conference Background Paper Birmingham 1999. <http://www.gdrc.org/ngo/g-future.html>

⁵⁴ Robert M. Jackson, ed. “Dueling Globalizations: A debate between Thomas L. Friedman and Ignacio Ramonet” in *Annual Editions: Global Issues 03/04*. McGraw-Hill/Dushkin 2003.

⁵⁵ Margaret P Karns and Karen A. Mingst. *International organizations: the politics and processes of global governance*. Lynne Rienner Publishers, Inc (2004) p 18.

⁵⁶ Ibid p 11.

⁵⁷ Margaret E. Keck and Kathryn Sikkink. “Actvists Beyond Borders: advocacy networks in international politics.” Cornell University Press, 1998, p 11.

from the national to the international level”⁵⁸ therefore affecting world politics. Further, scholars have argued that NGOs are a pushing factor in creating a global civil society.⁵⁹

1.3 NGOs – TACTICS, POWER AND INFLUENCE

NGOs can and do perform a wide range of tasks including gathering and publicizing information, creating mobilizing networks, framing issues for public consumption, promoting new norms, advocate change in policies and governance, monitoring human rights, environmental norms and laws, participating in global conferences, enhancing public participation, distributing humanitarian aid, and implementing development projects.⁶⁰ However, there is constant overlap between the different types of NGOs as well as their function. Perhaps the most powerful human rights NGO, Amnesty International (AI) promotes Human Rights around the world by using media and IT to disseminate fact reports putting blame on governments not complying with international human rights standards. AI cooperates with other NGOs and IGOs in networks to gather facts at the grassroots level and then work as an international voice spreading the reports around world. The influence of NGOs in world politics has vastly been enhanced in the past two decades and NGOs today sometimes have larger economic resources than several nation-state governments and some international organizations. There is consensus that in recent years the processes of global politics is being more and more influenced by non-state actors, in particular international non-governmental organizations (INGOs).⁶¹ Excluding the World Bank and the IMF, NGOs

⁵⁸ Craig Warkentin. *Reshaping world politics: NGOs, the Internet, and global civil society*. Rowman & Littlefield Publishers, Lanham, MD (2001) p 2.

⁵⁹ Craig Warkentin. *Reshaping world politics: NGOs, the Internet, and global civil society*. Rowman & Littlefield Publishers, Lanham, MD (2001) p 4.

⁶⁰ Margaret P Karns and Karen A. Mingst. *International organizations: the politics and processes of global governance*. Lynne Rienner Publishers, Inc 2004 p 229.

⁶¹ Ibid p 3

deliver more development assistance than the United Nations altogether, and the percentage of private aid is steadily on the increase whereas government aid has been on the decline since the 1990s with the exception of the 2003 invasion in Iraq and the 2004 Tsunami, which both caused considerably but temporarily increases in government aid.

Not only have NGOs become more connected but since the early 1970s, several global UN conferences have been held. In 1993 the theme was Human Rights and through these conferences the concept of human rights has been widened and its concepts redefined, largely thanks to the action of new NGOs in areas such as health, domestic and urban violence, race, ethnicity, and the environment.⁶² These organizations and groups have formed national, regional and international networks that have been able to create international strategies based on common interests.⁶³ To illustrate the increased involvement of NGOs in international and national politics, one can look at the number of NGOs present at these conferences. At the first one in Stockholm in 1972, 250 NGOs participated compared to 2100 NGOs at the Conference on Women in 1995.⁶⁴ Some scholars argue that NGOs are extremely influential in world politics today, arguing that they have the capability of changing international standards, creating stronger accountability and seriously have an effect on the priorities in the national and international agenda of states. NGOs have been most influential in the areas of women's rights and more broadly human rights.⁶⁵ In the past

⁶² Ibid pp 227-229.

⁶³ Jacqueline Pitanguy and Rosana Heringer. "Economic integration, Human Rights and Racism" in *Brazil: Women and Legislation against racism*. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001. p 88.

⁶⁴ Margaret P Karns and Karen A. Mingst. *International organizations: the politics and processes of global governance*. Lynne Rienner Publishers, Inc (2004) pp 227-229

⁶⁵ Jessica T. Mathews. "Power Shift: The rise of Global Civil Society." *Foreign Affairs*, Vol. 76 No1 (January/February 1997), pp 50-66.

two decades NGOs have demonstrated their importance in the international scene by playing an important role in the work of human rights and the development of international law.⁶⁶

The connection between NGOs and International Organizations (IGOs) and Regional Organizations, such as the UN and the EU, are important for NGOs in creating changing and affecting policy, particularly, international norms and standards. NGO participation at the UN is not a new phenomenon but rather what is new is the extent and quantity to which NGOs today are participating in the work of the UN. More and more the UN is subcontracting jobs and projects to NGOs in the field of human rights, environment and development. The fact is that “non-governmental organizations have been actively involved in the work of United Nations bodies working in both fields and managed to make their voice heard.”⁶⁷ Thus, NGOs have been particularly influential in treaty creating, norm creating and resource allocation.

Some NGOs have gained great financial resources and the biggest environmental NGOs such as Greenpeace and the Wild Life Fund (WWF) today have greater resources than the UN Environmental Program (UNEP).⁶⁸ The same phenomena are found in regards to development/emergency NGOs where the top 8 INGOs control more than 50 per cent of the aid. In addition, about 70-90 per cent of all government aid in Europe and the U.S. goes to just 10 NGOs based in these regions.⁶⁹ Indeed, these NGOs are very powerful and

⁶⁶ Nina Stubb. “The Role of Human Rights NGOs in International Law : with emphasis on the United Nations.” Avhandling i Folk rätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi 1999, p 18.

⁶⁷ Miko Lempinen. “Consultative Relationship between the United Nations and non-governmental organizations.” Institute for Human Rights. Åbo Akademi University, Åbo/Turku, Finland, June 1999, p 54.

⁶⁸ Kendal Stiles. *Global Institutions and Local Empowerment - Competing Theoretical Perspectives*. Macmillan Press Ltd, (2000) p 14

⁶⁹ Ibid p 14.

influential in terms of helping people on the ground but also as spokes persons at global conferences.

NGOs today are more connected than earlier and it is common that they share and use information as their source of power. Keck and Sikkink call these structures *advocacy networks*. They have identified four methods that advocacy networks use in order to create social or policy change. The first tactic is information politics, which means the ability to exchange information and spread it in a way that will give them the greatest advantage. By disseminating information across states rapidly, the networks can gain power over governments. The second is symbolic politics, which is the use of symbols to persuade and steer up people to act in a certain issue. Third, leverage politics which is the use of embarrassment to pressure governments and financial institutions to bring about policy change. The fourth is accountability politics, which is when networks convince governments to publicly change their policy and use official statements to further pursue its goals. Basically, the networks can embarrass and put shame on governments that claims one position, but acts differently. For example where a government has promised something and fails to deliver what it promised. Margaret E. Keck and Kathryn Sikkink have also suggested that networks and particularly advocacy networks are not new phenomena; actually one could find them already in the 19th century. Instead what is new is “their number, size and professionalism, and the speed, density, and complexity of international linkages among them has grown dramatically the last three decades.”⁷⁰ Another author suggests that “within one generation, it has become normal and typical for groups of individuals participating in

⁷⁰ Margaret E. Keck and Kathryn Sikkink “New actors and new Forces: Transnational Activist Networks”, p 551 in Robert Art., Robert J. Jervis., *International Politics: Enduring Concepts and Contemporary Issues*. 7th edition. Pearson Education, Inc. 2005.

international NGOs to mobilize their national civil societies to lobby their own states to pressure foreign governments or international organizations.”⁷¹

The past three decades have seen a vast increase in international treaties. Much of this development has been credited to NGO support and advocacy.⁷² Nevertheless, most of the work of NGOs is done at the local or national level and NGOs have and have had a major impact on empowering women, monitoring human rights, and creating economic development and environmental sustainability. The importance of NGOs in providing basic services such as health, and education has increased in the past decade. NGOs are many times seen as more effective in providing these services than governments and they are considered less bureaucratic. Some argue that this has led many NGOs to become a part of the neoliberal ideology that dominates most of the world today but especially in the U.S. and Europe but also much elsewhere.⁷³ Whereas, others argue that these organizations do not necessarily ascribe to the neoliberal ideology but rather operate in a pragmatic manner, providing what is needed in society whether the government does or not.

1.4 CRITIQUE AND LIMITATIONS OF NGOS AND GLOBAL GOVERNANCE

Critics argue that even though we have seen an increase of NGOs in both the North (richer countries) and the South (poorer countries) the NGOs based in the north are still the dominant force commanding the policies and dispersing funding to Southern

⁷¹ Alison Brysk. “Conclusion: From Rights to Realities” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 250.

⁷² Jessica T. Mathews. “Power Shift: The rise of Global Civil Society.” *Foreign Affairs*, Vol. 76 No1 (January/February 1997), pp 50-66.

⁷³ Helmut K Anheier., “Civil Society: Measurement, Evaluation, Policy”, Earthscan 2004, p 1-4.

NGOs.⁷⁴ Western donors promote neoliberal principles of civil society and policies are 'forced' upon NGOs that are dependent on funds from the west and lack bargaining capacities.⁷⁵ A research study of 150 NGOs operating in the countries of the Group of 77 showed that there is constant competition to attract the intellectual and financial attention of international NGOs."⁷⁶ Moreover, the study told that the G77 NGOs were disturbed by their Northern (in developed countries) partners and "more than 40 per cent...[talked about] negative or frustrating experiences with international NGOs and they said that they had not been sufficiently consulted on matters of local interest. [Further,] more than 50 per cent of... [the southern NGOs] said that international NGOs were still more interested in disaster relief than capacity building."⁷⁷ Nevertheless, overall the Southern NGOs expressed their appreciation for the support they were given and said that the northern NGOs were extremely helpful, but that there were still some bothersome aspects of the relationship that they wished could be changed.⁷⁸ Furthermore, the larger the southern NGO was the better was the relationship between the two and it seems to suggest that smaller NGOs do not get the same attention and are not listened to as carefully as larger ones. Hence, a legitimate critique of the vast increase of NGOs is that most of the funds are coming from the rich countries in Europe and the U.S. and they will therefore dictate much of the policies and can decide to who and to what they want to give money. The voices of the smaller local NGOs in the developing countries are therefore not always heard. Basically, highly trained and paid economists, lawyers, civil society experts and other experts from developed countries make

⁷⁴ Marlies Glasius, David Lewis and Hakan Seckinelgin, Ed. *Exploring Civil Society: Political and cultural contexts*. Rutledge (2004), p 7.

⁷⁵ Marlies Glasius, David Lewis and Hakan Seckinelgin, Editors. *Exploring Civil Society: Political and cultural contexts*. Rutledge (2004), p 191.

⁷⁶ Peter I Hajnal, ed.. "Civil Society in the Information Age." Ashgate Publishing Limited, (2002), p 90.

⁷⁷ Ibid 91

⁷⁸ Ibid 91

short visits to developing countries and then decide what the country needs. The country involved very rarely has a voice in the saying of what it is that they need or what they want.⁷⁹ It is important also for the reason that some scholars have argued that the notion of civil society that we see today is a western invention and it is an unfamiliar concept for non-Western societies.⁸⁰

All these ideas and principles are deeply embedded in western culture and norms and one can question whether universal norms really are plausible and if they, as western philosophy and principles, are the paramount answer to world problems or whether the current international civil society just is prolonging imperialism. The largest NGOs that receive the largest amounts of funding are from rich developed countries and these NGOs tend to be more influential in UN conferences than smaller NGOs particularly those from developing countries.⁸¹ According to a newspaper covering the 1992 Summit in Rio de Janeiro in Brazil: “ ‘the Africans were watching, the Asians listening, the Latin Americans talking while the North Americans and the Europeans were doing business’ ”⁸² NGOs in developing countries still rely heavily on funds from NGOs in developed countries and in many cases up to 90 per cent of the funding comes from NGOs in developed countries.⁸³ Certainly, this can create a sense of dependency.

Other critics claim that some NGOs lack expertise in certain areas and tend to promote populist short-term solutions. Moreover, there is no evidence that the rapid

⁷⁹ Nilufar Ahmad. “Battling the World Bank” in Kevin Danaher. *50 years is enough: The Case Against The World Bank and the International Monetary Fund.* A project of Global Exchange. South End Press, Boston MA, 1994, pp 128-129.

⁸⁰ Marlies Glasius, David Lewis and Hakan Seckinelgin, eds. “Exploring Civil Society: Political and cultural contexts.” Rutledge 2004, p 7.

⁸¹ Alejandro Colás. *International Civil Society: Social Movements in World Politics.* Polity (2002), p 153.

⁸² Ibid p 154.

⁸³ Kendal Stiles. *Global Institutions and Local Empowerment - Competing Theoretical Perspectives.* Macmillan Press Ltd, 2000 p 16.

expansion of NGOs has or will create sustainable social change for people.⁸⁴ Likewise, the freedom that NGOs have, many have argued, has lead them to many times exaggerate issues and push for policies that not necessarily have support in the local community. There are even critics who have claimed that the current number of NGOs is unhealthy and that some of them should be abolished. This argument is based on the fact that there are limited resources and the more people that compete for them, the more scattered will the efforts from the NGOs be and they will basically be “stealing” funds from each other.⁸⁵

Another common critique that has been more vocal recently is the fact that NGOs are not democratically elected and often are they hierarchically structured. Thus, the irony is that the NGOs are promoting democracy and rights but are not themselves structured democratically. Critics have stated that “

“NGOs that set themselves up as guardians of public morals in international politics only speak for themselves. It... [is]... absurd for such organizations to criticize intergovernmental decisions as undemocratic. For after all, the governments being attacked were legitimized by elections, whereas the ‘NGO officers’...[have]...not been elected by anyone and certainly not by civil society.”⁸⁶

Furthermore, NGOs are not accountable to the community or country in which they operate it can therefore be a threat to a country’s sovereignty when foreign NGO’s come into the country to provide basic social services and help facilitate development or perform other tasks. In a conversation Prof. Cohen, who spent 6 years in Salvador analyzing a development project in a Favela community, said that the NGOs nor represent capitalism neither democracy. It is a mix where nobody is accountable. Often the money for a project is

⁸⁴ Peter I Hajnal, ed. “Civil Society in the Information Age.” Ashgate Publishing Limited, (2002), p 68.

⁸⁵ Ibid p 68

⁸⁶ Peter Niggli and André Rothenbühler. “Do NGOs have a problem of legitimacy?” *Swiss Coalition of Development Organizations*

taken from tax payers in Europe and invested in project that later is controlled by a private actor that was selected by the foreign government. Hence, neither the state nor the market has the final say over the project. Basically, undemocratic actors end up deciding what and how the project should be done.⁸⁷

In his book *International Civil Society: Social Movements in World Politics*, Professor Colas argues that “undermining state sovereignty can be as detrimental to the objective of accountable, democratic politics as it is...beneficial...[and]...many agents of international civil society...often fail to note that being ‘non-governmental’ does not mean being ‘non-political’ ”⁸⁸ That is why it is debatable if it can be justified for a foreign entity that is not democratically elected to enter into another state and take over its role and functions. This certainly becomes problematic even if the intentions are undoubtedly good not only making legal claims of sovereignty, but also if the state does not approve the foreign body will they actively work against them.⁸⁹ A great example is in Brazil where NGOs and the Catholic Church have played in active role in helping favelas by constructing decent housing for people. But at times the state has intervened and destroyed and cracked down on anything that was built and on everyone that lived there. The justification from the state has been based on legal bases and the fact the state never allowed the village to be built up in the first place.⁹⁰

NGOs are supposedly independent from governments but the fact is that governments accounts for a larger share of NGO resources than private giving. Governments

⁸⁷ Conversation with Professor Peter F. Cohen, Columbia University, Salvador June 15th 2005.

⁸⁸ Alejandro Colás. *International Civil Society: Social Movements in World Politics*. Polity, 2002, p 138.

⁸⁹ An extreme example of this policy was implemented in Russia in November 2005. Russian President Putin decided to ban all foreign NGOs in Russia fearing organizations critical of the government.

⁹⁰ Field Notes from conversation with local missionary worker in Fortaleza, Brazil 2004-06-08.

account for 43 percent and private donations for about 20 percent.⁹¹ Thus, NGOs are not fully independent from governments as asserted by proponents of a global civil society. In fact, much of the job done by NGOs is on behalf of governments. While, this in itself is not necessarily a bad thing since many NGOs have proven to be more effective in implementing tasks, critics would like to point out that the state still matters and that NGOs many times have to go through state governments and have their consent to be able to pursue their agenda. Thus, it appears as international civil society is not so clearly distinct from states and governments rather they work in concert.

⁹¹ Kendal Stiles. *Global Institutions and Local Empowerment - Competing Theoretical Perspectives*. Macmillan Press Ltd, (2000), p 15.

CHAPTER 2

2. INTRODUCTION

This chapter will provide a brief overview of the development of human rights and human rights law since the end of the World War II and the ratification of the Universal Declaration of Human Rights. It will describe the growth of international human rights legislation and discuss the importance of human rights in law and politics today. The second part of this chapter describes the functions and importance of human rights NGOs. It looks at what types of human rights NGOs there are, what roles they play and what rights they promote. The last section of this chapter discusses the threats to human rights that the current international economic policy and globalization bring and how this has effected the states obligation to protect human rights and, specifically in the case of Brazil.

2.1 HUMAN RIGHTS (HR)

The concept of Rights can be traced far back in history but the concept of Human Rights is fairly new. The intensified globalization that we are experiencing today has affected the awareness, spread and recognition of human rights. The field of HR has grown extensively over the past 15-20 years and is today promoted world wide by governments, international treaties and transnational networks such as AI, grassroots non-governmental organizations and universities. Human rights is today a subject that is more and more often debated and mentioned in international as well as national legislation and politics. Over the past two decades the HR regime have become stronger and more influential and “human rights questions, i.e. questions on how a government treats its own citizens, “are [today] more

sensitive for governments than are global environmental concerns.”⁹² Today HR is common on the top of many government agendas. HR addresses how governments exercise their power over and how they treat their own citizens and never before have states agreed to accept so many restrictions on their domestic behavior, or to submit to international scrutiny.⁹³ Today we are concerned about the well-being and the basic rights of individuals in other countries and human rights law and activism have marked a genuine turning point in world affairs. Furthermore, HR has had an influence over countries behavior, and its importance is likely to increase in the future.⁹⁴ That is not to say that states have not ignored to protect human rights and as we will see in the case of Rio de Janeiro, where the state’s has failed to protect human rights.

Still in 1970, the idea of an international defence of HR was very radical. Although, grave human rights violations still are common, human rights and humanitarian norms and laws have gotten more attention on the global agenda since the end of the cold war.⁹⁵ Other authors suggest that

“the universalization of human rights is a process that began in the second half of the 20th century and is now consolidated in international agreements that have created obligations and responsibilities for States, who must represent the people subject to their jurisdiction.”⁹⁶

⁹² Miko Lempinen. “Consultative Relationship between the United Nations and non-governmental organizations.” Institute for Human Rights. Åbo Akademi University, Åbo/Turku, Finland, June 1999, p 45.

⁹³ The Economist. “Human Rights Law Survey: The Conscience of Mankind” December 5h 1998, p 5.

⁹⁴ Ibid p 5.

⁹⁵ Magdalena Bexell ”Globalisering, internationell politik och humanitära normer” in *Politik i globaliserings tid*. Christer Jönsson, Magnus Jerneck och Lars-Göran Stenklo. Studentlitteratur, Lund, Sweden, 2001.

⁹⁶ Jacqueline Pitanguy and Rosana Heringer. “Economic integration, Human Rights and Racism” in *Brazil: Women and Legislation against racism*. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001. p 88.

The promotion of HR has become a more common movement in the past two decades, and today HR is given more and more space in media, and there has been a growing awareness of human rights of the importance and relevance of human rights.⁹⁷ The Universal declaration of Human Rights (UDHR) adopted in 1948 has two main categories of rights. The first one deals with Political and Civil rights and the second one with Social, Economic and Culture Rights and in 1976 these two categories developed into the International Convention on Civil and Political Rights and the International convention on Social, Economic and Culture Rights.”⁹⁸ Often a state’s obligation concerning civil and political rights have often been defined as negative and immediate, whereas obligations linked to economic, social and cultural rights have been described as positive rights ⁹⁹ because they require direct action from the state whereas civil and political rights merely requires the state to refrain from violating the citizens rights.

The trend in international human rights activism mainly stemming from the U.S. and large human rights organizations such as Amnesty International (AI) and Human Rights Watch (HRW), is to promote and lobby for political and civil rights. This fits better western values of liberalism and today’s dominant ideology neoliberalism. Some have gone as far as questioning whether social, economic and culture rights should belong to the human rights charter. The *Economist* supports this view by saying:

“observing civil and political rights seems to offer the best hope for economic development that permits the provisions of the basic necessities. Stable democracies have a far better economic record than authoritarian

⁹⁷ Raija Hanski, and Markku Siksi, eds. ”An introduction to the International Protection of Human Rights: A textbook. Institute for Human Rights.”, Åbo Akademi University, 2004, preface VI

⁹⁸ Marek Piechowiak. “What are Human Rights? The Concept of Human Rights and their extra legal justification” in *An introduction to the International Protection of Human Rights: A textbook*, Hanski, Raija and Markku Siksi, ed. Institute for Human Rights, Åbo Akademi, Turku/Åbo, 2004, p 5.

⁹⁹ Nina Stubb. “The Role of Human Rights NGOs in International Law : with emphasis on the United Nations.” *Avhandling i Folk rätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten*, Åbo Akademi 1999, p 13.

regimes. Lumping the two sets together –and thus trying to ‘legalize’ issues which should be left to politics and the market –has only muddled the issue of human rights and relieved the pressure on governments to observe civil and political rights.”¹⁰⁰

This distinction between obligations depending on the characterisation of rights has been highly criticised in scholarly writings as well as in the work of international human rights treaty bodies in the past two decades. The argument being that there is no fundamental difference between the different sets of rights and that the same obligations, notwithstanding the varying extent, are applicable with respect to all human rights. British Foreign Office Minister Bill Rammell, speaking to the 59th session of the UN Commission on Human Rights also criticizes the idea that there is choice between different rights by saying:

“Too often, the debate about human rights has been presented as a choice between civil and political rights on the one hand and economic, social and cultural rights on the other. This is a false choice. The two sets of rights are inextricably linked...Civil and political and economic and social rights are mutually reinforcing and together provide the foundations for sustainable development. That is at the heart of what we mean by the right to development.”¹⁰¹

Article one of the UDHR reads “All human beings are born free and equal in dignity and rights...”¹⁰² and human rights are most often understood as individual rights which each human being is entitled to as a consequence of being human,¹⁰³ or “in stating the existence of human rights, we state that every human being is entitled to something.”¹⁰⁴ AI

¹⁰⁰ The Economist. “Human Rights Law Survey: Controversies and Culture” December 5h 1998, p 5.

¹⁰¹“ Human Rights: Annual Report 2003.” *United Kingdom / Foreign Commonwealth Office*, 2003, p 144.

¹⁰² Marek Piechowiak. “What are Human Rights? The Concept of Human Rights and their extra legal justification” in *An introduction to the International Protection of Human Rights: A textbook*, Hanski, Raija and Markku Suksi, ed. Institute for Human Rights, Åbo Akademi, Turku/Åbo, 2004, p 3.

¹⁰³ Ibid p 3.

¹⁰⁴ Ibid p 3.

has suggested that “Human Rights apply to all people simply because they are human.”¹⁰⁵

Human Rights scholar Jack Donnelly writes that:

“They are literally the rights that one has simply as a human being. As such, Human rights are equal rights because we are all equally human beings. They are also inalienable rights, because no matter how inhumanely we act or are treated, we cannot become other than human beings”¹⁰⁶

All of the fundamental freedoms and rights are universal and belong to each and every human being, no matter what he or she is like. The universality is derived from the inherent dignity and the inherency of rights.¹⁰⁷ There is however controversy over whether rights is derived from the inherent dignity of being human or if they are something that your government entitles you. Some also argue that every culture has its norms and that there is no sense to talk about universal human rights. This argument is based on cultural relativism, which by Thesón, for example, is defined as “the position according to which local culture traditions (including religious, political and legal practices) properly determine the existence and scope of civil and political rights enjoyed by individuals in a given society.”¹⁰⁸

An increasing number of UN specialised agencies, funds and programmes have put more and more emphasis on human rights in their activities, including mainstreaming human rights into their operations.¹⁰⁹ United Nations Development Program (UNDP) has

¹⁰⁵ Amnesty International Online “Library”. web.amnesty.org/library/index/ENGAMR190202003?OPEN

¹⁰⁶ Jack Donnelly. “Human Rights, Globalizing Flows and state power” in *Globalization and Human Rights*. Brysk, Alison ed., University of California Press, Berkeley and Los Angeles, California, 2002, p 228.

¹⁰⁷ Marek Piechowiak. “What are Human Rights? The Concept of Human Rights and their extra legal justification” in *An introduction to the International Protection of Human Rights: A textbook*, Hanski, Raija and Markku Suksi, ed. Institute for Human Rights, Åbo Akademi, Turku/Åbo, 2004, p 5.

¹⁰⁸ Nina Stubb. “The Role of Human Rights NGOs in International Law : with emphasis on the United Nations.” *Avhandling i Folk rätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi* 1999, p 20.

¹⁰⁹ Anne Gallagher, “Human Rights in the Wider United Nations System”, in: Raija Hanski & Markku Suksi, eds. *An Introduction to the International Protection of Human Rights. A Textbook*, 1999, pp. 153-167.

during the 1990s clearly moved away from a narrow focus on economic development towards the notion of sustainable human development, a notion which in the end of the 1990s had come nearer to human rights. For example, UNDP's Human Development Report in 2000 had human rights as its special topic. The report clearly outlines the close relationship between human rights and human development. The report holds that

“until the last decade human development and human rights followed parallel paths in both concept and action ... economic and social progress on the one hand, political pressure, legal reform and ethical questioning on the other. But today, as the two converge in both concept and action, the divide between the human development agenda and the human rights agenda is narrowing”¹¹⁰

Another important human rights document is the Vienna Declaration and Programme of Action, a document adopted by consensus of 173 states¹¹¹ at the World Conference of Human Rights in 1993. The Vienna Declaration unambiguously confirms the concept of human rights as affirmed in earlier international instruments, foremost the UDHR, it states:

“The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation...”¹¹²

United Nations membership is nearly universal with 194 members, thus, it obligates all States to prioritize as well as to promote and to protect human rights. *The Economist* argues that “the treaties, conventions and other international agreements so painstakingly negotiated since the adoption of the Universal Declaration of Human Rights 50

¹¹⁰ Katarina Frostell.. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, pp 5-6.

¹¹¹ Jack Donnelly. “Human Rights, Globalizing flows, and State Power” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 228.

¹¹² The Vienna Declaration and Programme of Action, Adopted at the World Conference on Human Rights in June 1993, paragraph 4.

years ago are beginning to look less like a record of pious hopes, and more like an expression of what is expected of all governments in an increasingly interdependent world.”¹¹³

The literature on human rights and scholars today describe the human rights movement in three generations. Nevertheless, most people agree that human rights cannot be put in a hierarchy or be ranked and that they are equally important.¹¹⁴ The first generation includes civil and political rights, article 2-21 of the Universal Declaration of Human rights. Second generation rights are economic, social and culture rights, primarily Articles 22-27 of the UDHR. Third generation rights are based on article 28, which states “Everyone is entitled to a social order in which the rights and freedoms set forth in this Declaration can be fully realized.”¹¹⁵ These rights has been interpreted to include: right to self-determination, right to economic and social development, right to peace and the right to a clean environment. Third generation rights have been strongly promoted in since the 1990 and where not common in discussion of human rights earlier.¹¹⁶ Third generation rights are basically collective rights and includes the women’s movement, indigenous rights, right to peace, right to development and gay/lesbian rights movement.¹¹⁷ Columbia University Professor Peter Lucas mentions a fourth generation which began in the early 90s and includes the prosecution of human rights internationally. Instruments such as the International Criminal Court (ICC),¹¹⁸ but also the emergence of human rights NGOs and civil society

¹¹³ The Economist. “Human Rights Law Survey: Taming leviathan” December 5h 1998, p 16.

¹¹⁴ Ibid p 20.

¹¹⁵ The Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A(III) of 10 December 1948.

¹¹⁶ Nina Stubb. “The Role of Human Rights NGOs in International Law : with emphasis on the United Nations. Avhandling i Folkrätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi 1999, p 20.

¹¹⁷ Lecture Human Rights and Peace Education in Brazil 2005, lecture notes Peter Lucas 2005-06-27.

¹¹⁸ In July 2002 the International Criminal Court came into effect and it is the first court ever in history that has the authority to try individuals and it is been seen as a huge advancement in International Human

promoting human rights and a system of international monitoring and protection of human rights.¹¹⁹ On this topic *the Economist* writes that “for the first time, a state’s treatment of its own citizens [is now] of international concern.”¹²⁰

Today, human rights are frequently monitored by the UN, IGOs, such as the EU and the OAS, and INGOs such as AI and Human Rights Watch. They produce reports pointing out deficiencies and puts forward recommendations for changes in policy. Internationally human rights can be monitored either through the state that has to send reports every 4-5 years on how it complied with the treaties which it is signatory. The other way is through a special Rapporteur, an individual expert in human rights from the UN commission on human rights comes to a country and makes an evaluation. The Rapporteur can only come upon invitation from the country in question and this can at times be problematic, but Brazil has decided to keep their door open and have no restrictions.¹²¹

2.2 HUMAN RIGHTS AND GLOBALIZATION

The strengthened recognition of human rights around the world as confirmed by several international treaties and conventions and speeches has with the on-going globalisation become increasingly threatened. Today scholars argue that the state, which is the traditional bearer of human rights obligations, has lost control over the globalisation process and that in fact other players such as financial institutions and transnational

Rights Law. The court handles crimes of aggression, crimes against humanity, war crimes and genocide. For more about the ICC see www.icc.org

¹¹⁹ Lecture notes from Human Rights and Peace Education in Brazil 2005 in, Teachers College Columbia University, professor Peter Lucas, 2005-06-27.

¹²⁰ The Economist. “Human Rights Law Survey: Taming leviathan” December 5h 1998, p 16.

¹²¹ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio, 2005-06-27.

corporations are the ones shaping the development.¹²² Clifford explains the complexities of globalization in regards to human rights by saying:

“On one hand, new technologies and new international norms may be a boon for victims and activists, binding the world together and making it harder for repressive regimes to act with impunity against its own citizens. On the other hand, the ideology of free trade and the spread of multinational corporations may infringe...and threaten...and destroy local control.”¹²³

According to Donnelly states and multinational companies today want:

“to escape the costs imposed by welfare state guarantees of economic and social goals. The resulting market pressures to constrain national social welfare policies are increasingly supplemented by pressures from international financial institutions.”¹²⁴

The state is viewed as the main bearer of obligations when it comes to safeguarding internationally protected human rights. As the *Economist* puts it “governments remain the key guarantors...of human rights.”¹²⁵ In the current global economy other actors become important in regards to the protection or rather the violation of human rights. These actors include international financial institutions, international organisations and transnational corporations. The present globalisation and the policies adhering to it influence a number of human rights both civil and political as well as economic, social and cultural rights. Globalization and the current economic system and policies can restrict and influence state's domestic policy. Consequently, economic integration, free trade, deregulation and privatisation have been seen by many as a challenge to the international protection of human

¹²² Katarina Frostell. “Globalization and Women's Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 7.

¹²³ Bob Clifford. “Globalization and the Social Construction of Human Rights Campaigns” in Alison Brysk, ed. Globalization and Human Rights. University of California Press Berkeley and Los Angeles, California, 2002, p 144.

¹²⁴ Jack Donnelly. “Human Rights, Globalizing flows, and State Power” in Alison Brysk, ed. Globalization and Human Rights. University of California Press Berkeley and Los Angeles, California, 2002, p 232.

¹²⁵ The Economist. “Human Rights Law Survey: Taming leviathan” December 5h 1998, p 3.

rights and particularly to the realisation of economic, social and cultural rights.¹²⁶ The state continues to bear the main responsibility for implementing human rights within its own jurisdiction. The state is also responsible for adopting measures aimed at safeguarding that third parties, such as enterprises, do not violate human rights.¹²⁷ Keck and Sikkink point out that “governments are the primary ‘guarantors’ of rights, but also their primary violators”.¹²⁸ The support of the state is particularly important in the case of economic and social rights, the domain in which globalization is indirectly restructuring the role of the state and poses immediate threats to human rights. The central role of the state in handling social consequences caused by neo-liberal economic policies has been recognised also by other actors on the global arena. Thus, some have argued that “It is not the fact of the expanding global market, deregulation or privatization which is [tearing down] rights but rather the ways in which States are responding to the new developments.”¹²⁹ UNDP has concluded:

“A decent standard of living, adequate nutrition, health care and other social and economic achievements are not just development goals. They are human rights inherent in human freedom and dignity. But these rights do not mean an entitlement to a handout. They are claims to a set of social arrangements – norms, institutions, laws and enabling economic environment – that can best secure the enjoyment of these rights. It is thus the obligation of governments and others to implement policies to put these arrangements in place.”(Hence, rather than abandoning the State as a focus for human rights activism, there is a need to refocus the existing obligations of the State.”

In regards to international financial institutions, such as the World Bank (WB), the International Monetary Fund (IMF), and the World Trade Organization (WTO), they have themselves been highly reluctant to accept that they would be bound by international

¹²⁶ Ibid p 213.

¹²⁷ Katarina Frostell. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 7.

¹²⁸ Margaret E Keck and Kathryn Sikkink. “Activists Beyond Borders: advocacy networks in international politics.” Cornell University Press, 1998, p 12.

¹²⁹ Katarina Frostell. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 7.

human rights norms. On the contrary, “academic scholars have argued that human rights law should supersede trade law... however...changes in policy is ...required in order to make such obligations applicable in reality.”¹³⁰ Instead of establishing direct legally binding rules on transnational corporations the approach internationally has so far been to advance voluntary actions. For example, the Global Compact, which was initiated by the UN’s Secretary General Kofi Annan in 1999, encourages corporate leaders to demonstrate good global citizenship by embracing, supporting and enacting common values in the human rights, labour standards, and environmental areas.¹³¹

The 1980s in Brazil has been called the lost decade due to the large amounts of money Brazil has gone to payments of its debt. Only in the 1980s Brazil paid \$148 billion in service to its debt, where \$90 billion went to interest. From 1980 to 1989 the debt increased from \$64 billion to \$124 billion.¹³² In order to be able to make its payments Brazil has adopted a model of exporting, basically Brazil ordered by the international financial institutions to “sell...[their]...currency abroad and...to have currency to pay for...[the] debt.”¹³³ This has been done by reducing the demand of the internal economy and reducing the purchasing power by domestic wage earners. Hence, Brazil like most countries in the developing world has over the past decades accumulated a larger and larger foreign debt and

¹³⁰ Katarina Frostell. “Globalization and Women’s Human Rights.” Institute for Human Rights Åbo Akademi University. Masters Thesis, June 2002, p 12.

¹³¹ The Global Compact’s ten principles in the areas of human rights, labour, the environment and anti-corruption enjoy universal consensus and are derived from: The Universal Declaration of Human Rights, The International Labour Organization’s Declaration on Fundamental Principles and Rights at Work, The Rio Declaration on Environment and Development, The United Nations Convention Against Corruption. The Global Compact asks companies to embrace, support and enact, within their sphere of influence, a set of core values in the areas of human rights, labour standards, the environment, and anti-corruption. To see all the principles visit <http://www.unglobalcompact.org/Portal/Default.asp?>

¹³² Kevin Danaher, ed. “Brazil: Drowning in Debt“ in *50 years is enough: The Case Against The World Bank and the International Monetary Fund.* A project of Global Exchange. South End Press, Boston MA, 1994, p 44-50.

¹³³ Ibid 48.

today 91 per cent of the country's export earnings are earmarked to pay off foreign debt. Thus, Human Rights activists argue that the "payment of the [external] debt constitutes a systematic, flagrant massive and persistent violation of economic, social and culture rights. This puts a lot of restraints on public spending and the payments towards the debt are for example three times higher than the federal expenditures on health, "334 times the allocation for housing".¹³⁴ Moreover, 10.2 percent of GDP goes to pay off the debt¹³⁵ and to sum up, about 30 percent of all government expenses (municipal, state and federal) is directed towards debt payments.¹³⁶ So, the Brazilian government faces external forces that has to battle, forces that have an effect on domestic policy.

2.3 HUMAN RIGHTS NGOS

Human Rights NGOs play an important role both on the national level as well as on the international level and "over the past few decades a small army of non-governmental organizations (NGOs) advocating, monitoring and lobbying for human rights, led by bodies such as Amnesty International and Human Rights Watch, have become serious participants in international affairs."¹³⁷ Moreover, today there are "thousands of [grassroots] NGOs in poorer countries, gathering information on particular issues and pressing their governments to live up to international [human rights] standards."¹³⁸ As NGOs have increased in numbers they have come to play more significant role in law politics, and "in the past two decades NGOs have shown their importance on the international scene by playing an important role

¹³⁴ Sandra Quintela. "External and Internal Debt and Human Rights in 2003" in *Human Rights in Brazil 2003*. A report by the Social Network for Justice and Human Rights in partnership with Global Exchange, São Paulo 2003, p 214.

¹³⁵ Ibid p 214.

¹³⁶ Ibid pp 214-215.

¹³⁷ The Economist. "Human Rights Law Survey: The Conscience of Mankind" December 5h 1998, p 3.

¹³⁸ Ibid p 3.

in the work of human rights and the development of international law.”¹³⁹ The importance of human rights NGO have increased and “civil society has been playing a fundamental role in the broadening of sources and instruments of human rights, shaping new spaces for citizenship...”¹⁴⁰

Some work purely with research whereas others work with various activities aiming at supporting, empowering and stimulating people living in underprivileged neighbourhoods. Particularly, legal based “

human Rights NGOs rely on human rights theory for their legitimacy, and they give themselves the right to criticize governments based on domestic law but also importantly international human rights treaties. NGOs [also] use international human rights treaties and norms to justify and legitimize their work and actions at home and abroad.”¹⁴¹

Human rights NGOs can have many functions and some of them have already been mentioned in chapter 1, but there are many types of human rights NGOs, and in this paper I will distinguish two kinds. The first one is the advocacy/fact finding NGO or ANGO and the second one is the grassroots/community NGO or GNGO. Of course the line between them sometimes is narrow and many times there are NGOs that would fit somewhere in between these two, and I will discuss this further in the section on Human Rights NGOs in Rio de Janeiro. Nevertheless, the trend is that NGOs that are based in the developed world traditionally work more with civil and political rights, whereas nowadays it is more common to find NGOs working with social, economic and culture rights in the developing world. This categorization defines the first world NGOs as being “committed to traditional Western

¹³⁹ Ibid p 18.

¹⁴⁰ Jacqueline Pitanguy and Rosana Heringer. “Economic integration, Human Rights and Racism” in Brazil: Women and Legislation against racism. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001. pp 87-88.

¹⁴¹ Nina Stubb. The Role of Human Rights NGOs in International Law: with emphasis on the United Nations. Avhandling i Folkraätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi 199, p 21.

values often associated with the origin of the human rights movement. The trend is that first world NGOs committed to the liberal tradition stress the protection of civil and political rights.”¹⁴² Third world NGOs, tend to concentrate more on social and economic rights because they often face problems like poverty, famine and lack of adequate housing, thus, they put more emphasis on social and economic rights. They also tend to have a broader view on human rights linking human rights with development and environmental rights.¹⁴³ These NGOs are often working as grassroots NGOs on the ground in a particular area or community. Their scope of rights is usually broader and they are not as likely to be aware of, put emphasis on and use international human rights standards. Their work is largely based on a response to needs of a community and more related to social issues than legal issues. NGOs based in the developed world often specialize in a particular area because of the broad range of rights found the in the UDHR, and they tend to prioritize a certain set of rights. Many western international human rights NGOs are often elite organizations which do not necessarily have a broad range of membership but “believe they are articulating the concerns of the masses...”¹⁴⁴ They often have “a narrower mandate [because that] makes them more efficient at fact-finding and allows them to develop more expertise.”¹⁴⁵ Frequently they have a narrow mandate and tend to not see the underlying structural problems and interrelated character of human rights violations in the third world.¹⁴⁶

Human rights advocacy/fact finding NGOs work with information gathering and dissemination, evaluation and monitoring the implementation of human rights norms, advocacy, supporting human rights defenders, training human rights lawyers, spreading

¹⁴² Ibid p 23.

¹⁴³ Ibid p 23.

¹⁴⁴ Ibid p 24.

¹⁴⁵ Ibid p 24.

¹⁴⁶ Ibid pp 23-24.

human rights awareness, promoting citizenship, and serve as experts in national and international standard setting and law-making.¹⁴⁷ They are the key players on setting new standards and norms in the human rights regime. Another important function is advocacy. They lobby government and often support larger ANGOs or IGOs, particularly the UN and the EU. The ANGOs also cooperate with GNGOs and rely on fact gathering done by GNGOs.¹⁴⁸ The internet is very important for ANGOs and it helps them “speed up, enlarge the scale and improve the quality of information collection and processing.”¹⁴⁹ These types of NGOs gather, evaluate, spread and publish documents and reports on human rights violations. They work to monitor states and then file reports on states behaviours. Further, they represent individuals by petitioning and making complaints to IGOs on behalf of victims. Campaigning and human rights education is another very important and common job for all types of human rights NGOs.¹⁵⁰ ANGOs are more likely promote political and civil rights and often use legal language and have lawyers in their staff. Some examples are Amnesty International, Human Rights Watch and Global Justice (JG)¹⁵¹. These NGOs often are a part of human rights networks but also have relations with grassroots NGOs that provide them with facts and statistics. Some have their own experts that visit entities and conduct research that later get published at the NGOs and in media.

Grassroots NGOs like those presented in this report work in communities with an agenda that mostly includes practical work with human rights. Their work and services can

¹⁴⁷ Ibid, p 2.

¹⁴⁸ Ibid p 21.

¹⁴⁹ Shayne Weyker. “The Ironies of Information Technology” in Alison Brysk, ed. Globalization and Human Rights. University of California Press Berkeley and Los Angeles, California, 2002, p 118.

¹⁵⁰ Nina Stubb. The Role of Human Rights NGOs in International Law: with emphasis on the United Nations. Avhandling i Folkrätt, Rättsvetenskapliga institutionen, Ekonomiska-statsvetenskapliga fakulteten, Åbo Akademi 1999 p 22.

¹⁵¹ Justiça Global

include: providing education (not limited to human rights education) sports, theatre, cinema, music, art and dance, health care, housing, citizenship classes and services to people whose rights have been neglected or violated.¹⁵² They can also offer alimentation, sheltering, literacy classes, offer support and protection for vulnerable or minority groups. Give legal assistance, medical care, and psychological and moral support in communities. Grassroots NGO can also play an important role in providing NGOs with facts from their work in the field work. They are often “linked with...larger international groups, and often sponsored or encouraged by them...”¹⁵³ Thus, some grassroots NGOs engage in research in their respective work sphere, mostly in communities or cities. They can also engage in lobbying against the government and initiating public campaigns but most of its resources will be directed towards addressing the “needs” of the community. Grassroots NGOs tend to work with social, economic and culture rights. Professor Peter Lucas mentions two types of human rights philosophies that human rights NGOs can embrace in their approach to human rights violations. The first one is negative peace (human rights), which practices include programs such as small arms disarmament, community-based conflict resolution, and human rights training for the police. The second, positive peace (human rights) movement highlight the educational practices related to human rights values and the necessary skills and capacities needed to achieve a culture of peace.¹⁵⁴

In regards to the UN and national human rights NGOs, human rights NGOs can be granted consultative status only if they can demonstrate a “genuine international

¹⁵² Based on my observations and experiences in working with, and researching NGOs in Rio de Janeiro, Brazil.

¹⁵³ The Economist. “Human Rights Law Survey: The Conscience of Mankind” December 5th 1998, p 3.

¹⁵⁴ Lecture notes from Human Rights and Peace Education in Brazil 2005, Teachers College Columbia University, Professor Peter Lucas, 2005.

concern with this matter, not restricted to the interest of a particular group of persons, a single nationality or the situation in a single State or restricted group of States,”¹⁵⁵ thus, effectively restricting national NGOs from being granted consultative status.

¹⁵⁵ Ibid p 12-13.

CHAPTER 3

3. INTRODUCTION

This chapter describes Brazil's current human rights obligations and developments. Brazil has seen a tremendous development in human rights legislation and promotion since the end of the dictatorship in 1984. In cities like Rio de Janeiro the challenges are still many and the last section of this chapter looks at the human rights situation in Rio de Janeiro. It will present the most common and grave human rights violations and this section is largely based on the field research and interviews that I did with people living in *bairros carentes*, *favelas* and NGO staff in Rio de Janeiro.

3.1 BRAZILIAN HUMAN RIGHTS PRACTICES AND COMMITMENTS

"I thought it would be different with Lula.¹⁵⁶ At least he grew up among one of us. I mean he is a worker too, right? I really thought he could get in there and changes things, I was skeptical but also very hopeful, right?"¹⁵⁷

Brazil is a country that has since the 1930s gone from an empire to a republic, to a dictatorship and finally to democracy. The Brazilian democracy is only 20 years old. On March 31, 1964, the economic elite frightened by the current president Goulart's Marxist leanings, spurred a military coup sponsored by the U.S. government. A dictatorship was installed and Page writes that "the military held the country in an iron grip vowed to purge the body politic of 'communism and corruption.'¹⁵⁸ Moreover, during the first 15 years of dictatorship "the leaders did not hesitate to utilize measures such as censorship, arbitrary

¹⁵⁶ The current Brazilian President elected in 2002.

¹⁵⁷ Interview with Thiago 2005-09-15.

¹⁵⁸ Joseph. A. Page. "The Brazilians". De Capo Press, 1995. p 20.

arrest, and torture.”¹⁵⁹ Between 1968 and 1983, the government issued several Institutional Acts which were, in effect, presidential decrees.¹⁶⁰ Many individual and collective rights were suspended during this period and new strictness measures affected economic and political life. Collective bargaining was eliminated, strikes were virtually outlawed, and the working class movement was curtailed. Since the transition to democracy in 1985, in contrast to what took place during the period of authoritarian government, the federal government has promoted changes in legislation and has backed policies to protect and promote human rights, especially the rights of the most vulnerable groups. Never in the history of Brazil was one able to observe such a high degree of popular participation in the drafting of a law and a new constitution became reality on October 15, 1988.

January 1, 2003, was historic a moment in Brazil because it was the first time Brazil elected a president that had not grown up among the nation’s elite. Luiz Inácio Lula da Silva was elected with over 61% of the votes, receiving the second largest number of votes in any free direct election for a presidential candidate in the history of the world. With the election of Lula, Brazil had its first transition between two presidents elected via a democratic direct vote in over 40 years. The election of Lula as president in 2002 was seen a great breakthrough and large portions of the Brazilian working class and poor were filled with hope of change and reform. In his campaign before the election, Lula promised to make vital changes for the poor as well as increase Brazil’s importance internationally. At the World Social forum, Lula talked about an alternative road to the current way of neoliberalism, and there is a growing consensus among the main Brazilian political parties that addressing

¹⁵⁹ Ibid.

¹⁶⁰ Mary K. Huggins. “Legacies of Authoritarianism: Brazilian Torture’s and Murderers’ Reformulation of Memory. *Latin American Perspectives*, Issue 111, vol. 27 No. 2, March 2000, 57-58.

poverty and inequality and human rights are the priorities for Brazil, and that race is to be seen as a major factor of inequality.¹⁶¹

However, until today little change has occurred and the hope that existed before the election if Lula has been severely damaged and transformed into distrust. The people's huge distrust in government institutions and the legal system has always been a trademark of Brazil, particularly during the dictatorship. A change has slowly occurred over the past two decades of democracy in Brazil, but during 2005 it reached its absolute low marks with a bribe-scandal in the Brazilian government. In a survey presented in the weekly magazine *Carta Capital*, only 8 per cent of the people asked said they had trust in the government and this can be compared with the 71 percent in the Catholic Church and 57 percent trust in television.¹⁶² According, to Professor Hoffman, the new government is too weak to break the current political climate. He argues that the economic elite believe that the government is only tolerable as long as their interest is considered and the government cannot change too much of the status quo.¹⁶³

Human Rights violations in Brazil are as widespread as the popularity of soccer. In their yearly country report on human rights practices on Brazil the U.S. State Department reports that "The Federal Government generally respected the human rights of its citizens; however, there continued to be numerous, serious abuses, and the record of several state governments was poor."¹⁶⁴ According to professor Florian Hoffman at University Pontificia Catolica in Rio de Janeiro, the human rights violations in Brazil include street children,

¹⁶¹ "The development Challenge". British Department for International Development. www.dfid.gov.uk/pubs/files/brazildevchallenge.pdf

¹⁶² "Crise de Confiança." *Carta Capital*, 7th of September 2005, p 22-27.

¹⁶³ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio., 2005-06-27.

¹⁶⁴ Country Reports on Human Rights Practices : Brazil - 2004. Released by the Bureau of Democracy, Human Rights, and Labor February 28, 2005. <http://www.state.gov/g/drl/rls/hrrpt/2004/41751.htm>

corruption, lack accountability, impunity, trafficking of women, lack of access to social services, lack equality, inequality, gender violence, drug trafficking, racism, violence, lack of representation of certain groups in society, forced labour, and police violence.¹⁶⁵ Human rights' violations in Brazil are an everyday problem with several complex underlying reasons and causes and one cannot point at one factor when trying to understand the human rights situation in Brazil. The historical impacts are important in understanding the social situation today. Brazilian professor Pochmann outlines three major historical factors leading to today's marginalization and social exclusion:

“Ever since the arrival of the Portuguese to Brazil more than five centuries ago, social exclusion has been a principle hallmark. The breadth and complexity of marginalization are summed up by three major historical factors 1) the brutal genocide of indigenous persons, 2) the barbarous enslavement of Africans and 3) and the maladies imposed by paternalistic colonialism and European immigration.”¹⁶⁶

The economic and political evolution of Brazil has continuously been based on the condition of subjugation of the leading classes to international interests, generally shaping the domestic production to external forces.¹⁶⁷ Throughout history until today “social causes...[have been] subordinated to economic ones as people seek to guarantee the improvement of the conditions of production and reproduction of wealth, regardless of whether that ends up harming society as a whole.”¹⁶⁸ Professor Page blames slavery:

“There...are social ills that can be traced at least in part to slavery. For example, the slave owner could do as he pleased with his slaves without having to answer to anyone for the consequences of his actions The master-slave relationship replicated the medieval relationship between the Portuguese king and the subjects, and it came to define the link between

¹⁶⁵ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC –Rio., 2005-06-27.

¹⁶⁶ Marcio Pochmann. “Process of Marginalization in Brazil” in Human Rights in Brazil 2003. A report by the Social Network for Justice and Human Rights in partnership with Global Exchange, São Paulo 2003, p 121.

¹⁶⁷ Ibid p 122.

¹⁶⁸ Ibid p 122

the powerful and the powerless in Brazil. Large landowners in rural Brazil claimed this privilege, as did the republican governments and dictatorial regimes that ruled the country. Indeed, a sense of being above the law became prerogative of the nation's haves. The notion of impunity – the avoidance of personal responsibility – became deeply ingrained in Brazilianness and has proved to be a barrier to development.”¹⁶⁹

The NGO Global Justice writes that many of the the human rights violations are a result of neoliberal policies:

“During the end of the 1980s and all of the 1990s, Brazil consolidated a form of neoliberal capitalism that has not been productive, in which wealth is sought through speculation instead of economic production. This neoliberal-model is carried out with strong a state, when breaking the power of unions and controlling finances, but weak in terms of prioritizing social expenditures and economic intervention. Monetary stability has become the backbone of the Brazilian economy. Following this logic, the government adheres to strict budgetary discipline and allows for a so-called “natural” level of unemployment. The reduction of taxes on upper-income levels and wealth and the gains of banks has contributed to the high and ever growing economic inequality of the Brazilian economy. The construction of the ‘minimal state’ in Brazil turns the social exclusion of a large part of Brazilian population into a systemic problem.”¹⁷⁰

Although, Brazil has a history of violating a broad range of human rights, the last two decades has brought about substantial constitutional, legislative, and institutional changes in respect for civil liberties and the integrity for human dignity.¹⁷¹ Brazil today has the most detailed and wide ranging charter of human rights in its entire history. In 1996 former President Fernando Henrique Cardoso introduced the National Human Rights Programme. This programme was prepared in collaboration with civil society and sets out a list of short, medium and long term measures for expanding the promotion and protection of human rights in Brazil. It identifies Brazilian deficiencies and obstacles in guaranteeing human rights and is directed towards the building of citizenship whilst seeking to co-ordinate

¹⁶⁹ Joseph. A. Page. “The Brazilians”. De Capo Press, 1995, p 12.

¹⁷⁰ Sandra.. Carvalho. “Human Rights in Brazil 2003: Global Justice Annual Report.” May 2004, p 18.

¹⁷¹ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC –Rio., 2005-06-27.

and integrates action by the Government and bodies from society. This movement towards dialogue and co-operation between Government and civil society has been the most prominent and encouraging feature in the process of strengthening Brazilian democracy.¹⁷² Brazil now has a very developed civil society that emerged in relation to the parameters established by President Cardoso.

The Brazilian Constitution of 1988 was a turning point in its institutionalization and serves as a reference point for establishing public policies for the protection and promotion of human rights.¹⁷³ These changes include governmental support of human rights groups to investigate and report their findings and new legal guarantees promoting freedom for political rights and freedom of speech and press. The Brazilian Constitution of 1988 Article 4, paragraph II, established human rights as one of the principles governing Brazil's international policy. The Constitution also recognizes the rights and guarantees included in international treaties ratified by Brazil as having constitutional status. The creation of the Statute of the Child and Adolescent (Estatuto da Criança e do Adolescente - ECA) in 1990 was a positive development in the protection of the all people under 18 years, and the statute is one of the most detailed and protective statues for children in the world.¹⁷⁴ The statute is considered to belong to the 4th generation of human rights and has many similarities to the International Convention of the Child. In the process of consolidating its democracy, Brazil

¹⁷² Ibid

¹⁷³ The Brazilian Embassy online. "Human Rights." www.mre.gov.br/cdbrazil/itamaraty/web/ingles/polsoe/desafio/apreseny/index.htm

¹⁷⁴ Lecture notes from Human Rights and Peace Education in Brazil 2005, Teachers College Columbia University, Professor Peter Lucas, 2005-06-27.

has become a party to the main international legislation covering the protection of human rights. Brazil is a signatory to the most important international treaties on human rights.¹⁷⁵

Despite Brazil's grave human rights violations within its borders it has been and is playing an active role in international conferences and forums on human rights. Brazilian foreign policy and diplomacy within the field of human rights are very progressive and can serve as a role model for the other countries in Latin America.¹⁷⁶ Brazil played an important part in the preparation and realization of the World Conference on Human Rights in Vienna in 1993. It chaired the committee which drafted the Declaration and the Action Programme, which were unanimously adopted by the 173 countries at the conference in June 1993. The country also played an active role in the 4th World Conference on Women, held in Beijing in 1995.¹⁷⁷

Brazilian human rights policy includes:

- the acknowledgement that although the main responsibility for the protection of human rights lies with the member states, international concern regarding the situation of human rights in any part of the world is legitimate;
- sovereignty does not constitute an argument by which a state can refuse to enter into a dialogue with the international community in relation to a domestic human rights matter;
- transparency and frankness in the dialogue with the international community and with NGOs and individuals concerned in the human rights cause;
- human rights are indivisible and interdependent;
- the guarantee of human rights, democracy and development are indissolubly linked and are interdependent;
- the right to development is a human right;
- co-operation is essential for the protection of human rights and the international community must provide full support to the reinforcement of the State of Law in developing countries.

Source: The Brazilian Embassy Online. www.brasemb.org

¹⁷⁵ Including the Convention on Civil and Political Rights(1992),¹⁷⁵ the Convention on Economic, Social and Cultural Rights(1992), the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment(1989), the Convention on the Elimination of All Forms of Discrimination Against Women (1984), Convention of the Rights of the Child(1990), Convention on the Elimination of all forms of Racial Discrimination(1968) and the American Convention on Human Rights(1992). Source: Human Rights Annual Report 2003. Foreign & Commonwealth Office 2003, London , p 287-288.

¹⁷⁶ Brazil has lately started to step up and demand more power internationally. In the latest discussion on UN reform, Brazil together with India, Germany, Japan and the African Union has demanded a seat among the permanent members of the UNSC. Brazil has also been a driving force in arguing for better conditions for the "lesser" developed countries at the WTO negotiations.

¹⁷⁷ The Brazilian Embassy in the U.S. online. "Human Rights", www.mre.gov.br/cdbrasil/itamaraty/web/ingles/polsoc/desafio/apreseny/index.htm

The practice of the federal government in relation to serious violations of human rights has changed a lot compared to the practices of the former authoritarian regimes. The government does not encourage or tolerate violations of human rights. On the contrary, it recognizes the need not only to punish, by means of legal sanctions, those responsible for violations, but also to prevent the occurrence of such violations through changes in the law and through establishing public policies for the protection and promotion of human rights. In turn, within civil society, national and international human rights organizations document and freely publicize cases of violations of such rights and communicate routinely with the authorities at all levels of government. These organizations charge the federal government and state and municipal authorities with respect for human rights and suggest changes to improve various institutions. Both the current President Lula and the former president Cardoso have been progressive and pro human rights but due Brazil's federal system of government there are limits on national power over the states. Nevertheless, the current government has been trying to centralize human rights and to establish a national secretariat on human rights in order to better being able to implement the human rights policies of the Federal government, something that, however, has been resisted by the human rights grassroots movement fearing a system of control, similar to the one during the dictatorship.¹⁷⁸ Meanwhile, the change in the way Brazil treats these rights in practice still occurs slowly.

Despite these positive changes, frequent and serious violations of human rights continue to occur. The legal control of violence suffers from many failings: the torture of offenders and suspects in police stations; violations against the most vulnerable groups, such

¹⁷⁸ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio, 2005-06-27.

as women, blacks, children and young people, landless country people and Indians; ill treatment of prisoners and internees; executions carried out by the military police and extermination groups, with the participation of government officials are common practice.¹⁷⁹ Further Brazil continues to have a system that is identical to social apartheid in education, health and housing.¹⁸⁰ A major setback to human rights in Brazil is impunity, which is demonstrated by the discrepancy between the law and its enforcement by the authorities. Despite substantial progress by the Brazilian government in recognizing human rights as inalienable and ratifying the most important international treaties, there is still a gap between treaties and laws and reality on the ground.¹⁸¹ This failure to enforce the law weakens the effect of constitutional guarantees, perpetuates the tragic cycle of violence, and impedes the strengthening human rights and respect for all citizens, which is the cornerstone of legitimate democratic government.

Another problem in Brazil is the judiciary system. Most of the judiciary today had their education before and during the dictatorship and have very different views on what should be considered human rights and what rights should be prioritized.¹⁸² This is clear on the state level where policies have not corresponded to the policies and norms promoted by the federal government. In general the state governments do not put much value or importance to international human rights treaties. Though, the Inter-American human rights system is perceived as important, at least more important than other international treaties and organs. There also exists large variations within Brazil and the rights consciousness is less

¹⁷⁹ Ibid

¹⁸⁰ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio, 2005-06-27.

¹⁸¹ Ibid

¹⁸² Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio, 2005-06-27.

prevalent and not as used in north of Brazil,¹⁸³ i.e. the people in the South are more likely to demand a right, such as the right to a medicine through the state legislator.¹⁸⁴ Paulo Sérgio Pinheiro indicate that

“in spite of the favourable evolution of the transition and consolidation of the democratic process that took place...in Latin America[and Brazil] – most democracies are still a long way from ensuring freedoms and justice for vulnerable groups and minorities that are penalized by social exclusion and racism.”¹⁸⁵

AI writes that, although, the creation of the National Human Rights Plan in 1996 was a turning point for Brazil in terms of human rights it “has not resulted in the necessary reforms to ensure that Brazilians no longer suffer torture, threats, and killings at the hands of those meant to protect them”¹⁸⁶ Moreover, it is important “that the federal and the state governments do not sacrifice human rights measures for short-term expenditure.”¹⁸⁷

3.2 HUMAN RIGHTS VIOLATIONS IN BRAZIL AND RIO DE JANEIRO

“To be human is being born equal all others. And have possibilities of equal life of all others. Possibility of life with quality like anyone else, anyone else in the world, that is not an economic relation, a paper relation, a coin relation, not a relation of money that makes a person better worse than anyone else. Then for me human rights are knowing that we are all equal and having the same needs (necessities) and the same right to live. Live in accordance with happiness, then I want to live, I want to be happy, and I want that my neighbour is happy. And because of this we have rules of living life to find happiness. Then happiness is human

¹⁸³ The north also suffers from greater poverty and inequality than the more affluent South.

¹⁸⁴ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC –Rio, 2005-06-27.

¹⁸⁵ Jacqueline Pitanguy and Rosana Heringer. “Economic integration, Human Rights and Racism” in Brazil: Women and Legislation against racism. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001, p 101.

¹⁸⁶ “Brazil: Nine years of missed opportunity for human rights.” Amnesty International Press Release, 25th of October 2005. www.amnesty.org/engamr190262005?open&of=eng-Bra

¹⁸⁷ “Amnesty International in Brazil.” Amnesty International Online. <http://web.amnesty.org/pages/bra-05-11-03-summary-eng>

rights for me. The search for happiness, the search of happiness for everybody.” (Marcia NGO worker in Rio de Janeiro) ¹⁸⁸

The human rights violations in Brazil are many and I decided to cover the ones that people spoke of as most urgent, and I looked for connections between the different violations. My research¹⁸⁹ was done in regards to the situation in Rio de Janeiro and due to Brazil’s vastness and diversity the degrees and kinds of violations vary from one region of the country to another. Thus, my research is meant to give an example of how human rights are perceived and experienced on the ground in these communities. Rio de Janeiro is located in the southeast of Brazil in the state of Rio de Janeiro. Some demographic information about the city of Rio de Janeiro is presented in the box below.

Demographic Statistics for Rio de Janeiro

Population 5,857.904 inhabitants

Under 18 years old: 1,829 046 (31 % of the population is under 18 years old.)

literacy 95,8 percent

unemployment 5.7 %

Homicides per 100,000: 56.5

Homicides 15-24 y: 131.1

Homicides Boys 15-24 y: 252.3

Homicides Girls 15-24 y : 12.8

Relatório de Cidadania III: Os jovens e os Direitos Humanos. Rede Observatórios de Direitos Humanos. 2002, p 191

3.2.1 POVERTY AND INEQUALITY

“If the problems of inequality in Brazil would be resolved I think Brazil would be one of the best places to live in the world”¹⁹⁰

Brazil has been classified as “a middle income country with a high incidence of poverty and inequality”,¹⁹¹ and belongs to both the industrialized and the developing world,

¹⁸⁸ Interview with Marcia 2005-10-20.

¹⁸⁹ All quotes from my field studies that are in italics mean that they are direct quotes from people that I talked to in the field. All other quotes are only in parenthesis.

¹⁹⁰ Interview with Marelene 2005-10-19.

where modernity and backwardness live side by side. According to recent figures from the UNDP, the GDP per capita is \$7,790, which puts it among the middle income countries in the world. However, this number does not represent the reality in Brazil or Rio de Janeiro very well since one of the most striking features of Brazilian society is inequality. Brazil together with Sierra Leone has the second most unequal distribution of income in the world.¹⁹² Brazil has for a long time been in the top five most unequal countries in the world and is by far the most unequal country in South America.¹⁹³ According to recent figures from UNDP, Brazil has a GINI coefficient¹⁹⁴ of 0.61 compared to Chile 0.58, Nigeria 0.51, the U.S. 0.408, India 0.38, and Sweden 0.25.¹⁹⁵ Brazil's human development index (HDI)¹⁹⁶ rank is 0.792 which places it on 63rd place in the world. This can be compared to Norway which ranks number one in the world with an HDI of 0.963. However, the HDI is very uneven within the country, and in the north it is 0.57, whereas in the south it is 0.78. There is also a big difference between blacks and whites. The HDI for blacks is 0.68 and for whites it is 0.79. Although there is a heavy concentration of poverty in the less developed Northeast region (50%) of the poor, even the Southeast, Brazil's most industrialized region, has a high proportion of poor people 20-25%, which equals over 11 million people.¹⁹⁷ The inequality is a fact of every day life in Brazil and "a very large number of Brazilians are living in a state of poverty and misery whilst inequality in terms of wealth and income have reached

¹⁹¹ "The development Challenge". British Department for International Development. www.dfid.gov.uk/pubs/files/brazildevchallenge.pdf

¹⁹² "Bem Longe Do Alvo" *Carta Capital*, 19 October 2005, 12th edition Volume 364, p 26-30.

¹⁹³ UNDP online – "Statistics" www.hde.undp.org/statistics/data/hdi_rank_map.cfm

¹⁹⁴ The GINI coefficient measures levels of income distribution. The GINI coefficient is expressed as 0= equality, and 1 = inequality.

¹⁹⁵ Human Rights in Brazil 2003, Global Justice Annual Report, p 19.

¹⁹⁶ HDI is a calculation used by the UN to measure the quality of life in a country and is often seen as a more reliable statistic than GDP per capita. It is calculated from 1. the life expectancy, 2. the GDP per capita and 3. the Literacy rate. 1= highest level of development and 0 = lowest level of development.

¹⁹⁷ Manual on FOME ZERO (ZERO HUNGER)

‘immorally high proportions.’¹⁹⁸ The richest 10 percent of the people enjoy 50.6 percent of the nation’s income. Moreover, 50 percent of the poorest and the richest 1 percent have approximately the same share on national income.¹⁹⁹ The Brazilian NGO Global Justice writes that “more than 50 million Brazilians live below the poverty line...[and] this exacerbates the historical concentration of wealth in Brazil, where the richest 10 percent controls 75.4 % of the wealth and the poorest 10% only 1.1% of the wealth.”²⁰⁰ It has gone as far that some scholars have suggested that “democracy [in Brazil] is threatened because it has to live alongside both poverty and inequality [and] the situation in Latin America [and Brazil] is unique in that political freedom exists alongside extreme poverty, widespread material deprivation”²⁰¹ Many of the NGOs in Rio are faced with the reality of poverty.

“People continue to go hungry, continue to suffer from drought,[and] continue to walk kilometres to get water that is filthy, that is dirty, and that will kill half of the population of the village because they don’t have conditions of basic cleanliness.”²⁰²

Thus, poverty and human Rights violations in Brazil go hand in hand and “entire communities of the poor are being victimized...[and] the poor have become scapegoats of the problems resulting from long-term social abandonment”²⁰³ It is obvious that the main factors behind most of the human rights violations are problems of inequalities, lack of public services and equal opportunities as well as poverty. Brazil is a country where

¹⁹⁸ The Brazilian Embassy in the U.S. online – www.brasilemb.org/social_issues/social_statute.shtml

¹⁹⁹ Joseph. A. Page. *The Brazilians*. De Capo Press, 1995, p 7.

²⁰⁰ Sandra Carvalho. “Human Rights in Brazil 2003: Global Justice Annual Report.” May 2004, p 18-19.

²⁰¹ Report on Democracy in Latin America, p 39.

²⁰² Interview with Marcia 2005-10-20.

²⁰³ “Amnesty International in Brazil.” Amnesty International Online. <http://web.amnesty.org/pages/bra-05-11-03-summary-eng>

“inequality is accompanied by systemic social immobility”²⁰⁴ This makes a large portion of the population “a mass of second class citizens.”²⁰⁵

*“They (the people in the favela) don’t have a worthy way of living. They don’t have a good education, because right now the public education is not good, it is of bad quality, and it is the only one that a poor can have. They don’t have a good alimentation. When you have a minimum salary it is a minimum salary, where...life gets expensive. They don’t have good education. They don’t have a good leisure because to have to have a good free time you have to have access to culture and leisure, and for that you have to have money.”*²⁰⁶

The distribution of land in Brazil is also extremely uneven and “five percent of the population own 80 percent of the land.”²⁰⁷ According to *Americas Watch* “Brazil has one of the highest degrees of concentration of land ownership in the world...[and]...the pattern of landownership in small number of rich hands [is] a legacy of colonialism that has never been broken.”²⁰⁸ Thus, the paradox of Brazil today is that it represents at the same time the best and the worst of worlds. The country is highly developed economically and is the 9th largest economy in the world, with a gross domestic product (GDP) of US\$417 billion, which puts the country among nations such as USA, Japan, Germany, France, Italy, Great Britain, Canada, Spain and Russia.²⁰⁹ On the other hand one fourth of the Brazilian population lives under the poverty line of US\$2 per day set by the United Nations Development Index.²¹⁰ It is “also a country with millions of poor and hungry people, [who are] in fact excluded from this powerful economy.”²¹¹ The features of Brazilian inequality are present in all aspects of Brazilian life and society and as many as 26.6 % of the households have a salary of less than

²⁰⁴ Ibid p 19.

²⁰⁵ Ibid p 19.

²⁰⁶ Interview with Sandra favela resident 2005-10-22.

²⁰⁷ Joseph. A. Page. “The Brazilians.” De Capo Press, 1995, p 7.

²⁰⁸ “The struggle for land in Brazil: Rural violence continues.” *Americas Watch*, 1992, p 2-3.

²⁰⁹ *Democracy in Latin America*, p 2.

²¹⁰ *Human Rights in Brazil 2003*, Global Justice Annual Report, p 18.

²¹¹ Kevin Danaher, and Michael Shellenberger, , ed. “Fighting for the Soul of Brazil: A project of Global Exchange.” Monthly Review Press, New York, N.Y., 1995.

two minimum wages (US\$ 200-240).²¹² Percentage wise poverty has decreased from 48 percent of the people living in poverty in the 1980s to 37.5 percent in 2002. However, the President of the NGO Projeto Uerê has suggested that as much as 40 percent of the population lives on minimum salary or less per month.²¹³ At the same time inequality has increased since 1980. It has not been a huge increase but it is still a depressing development in an already divided society. The minimum wage in Brazil is 300 Reais, which is about US\$100-120, an amount that is far from enough to pay for adequate food, housing, health and education. It is common that people work one job during normal work hours and another at night time.

*“You know Brazil screwed up. One job is not enough to make your living. I have to work another job on the weekend. Actually, I have three jobs because my salary here (at an NGO) is not enough. It sucks”*²¹⁴

Then there are those who do not have a formal job but are vending snacks, alcohol, fast food, and random services such as shoe polishing, guarding cars at street corners or involving themselves in prostitution. Prostitution in Brazil is legal and on a Friday or Saturday night in Rio it is common to see numerous females, as well as transsexual prostitutes on the streets. Prostitution is not well respected but is a way of obtaining big money fast and at my visit at the organization *Fio do Almo* that works to strengthen the self-esteem and among female prostitutes, many of the women mentioned that the money they earned had paid for a house to their parents, education for their children and in general a life with more dignity.²¹⁵ Brazilian expert Joseph A. Page writes “Poverty has become so

²¹² “The development Challenge”. British Department for International Development. www.dfid.gov.uk/pubs/files/brazildevchallenge.pdf

²¹³ Field Notes visit to Projeto Uerê 2005-07-07.

²¹⁴ Interview with Adailton 2005-11-02.

²¹⁵ Field notes 2005-07-13.

pervasive and has reached such dire proportions that the social fabric is tearing to shreds.”²¹⁶

In my interviews poverty and inequality always came up as one the devastating and urgent defects of Brazilian society. These problems were often linked to other social problems such as violence and social exclusion. The people I interviewed often talked about inequality being exacerbated by the forces of capitalism and globalization, leading to misery desperation where the poor react with violence.

“Inequality is worse in a capitalistic country that values consumerism, and the one that have (something). You are what you have. Not what you are as person. So, in a country that values to have (the having), and almost nobody can have, generate violence. Because if you are nothing, you don’t have (anything), you will do something to get something. And the way you can have, is through violence. In a capitalistic country that preaches (lectures) values of consumerism for a minority that can consume, [will] cause violence and inequality. The great majority cannot consume, [and] then the great majority has to do find other ways to have what make them a better person (someone).”²¹⁷

People often talked about the inequality and poverty as reason of committing crimes but many times this is exaggerated by prejudice from the rest of society. This phenomenon where you are discriminated against because you are poor is known as “the criminalization of poverty”²¹⁸.

“I see the police as punishing, they punish. They [the poor] have nothing to do with drugs or robbery/stealing but only lives in a lower class neighbourhood, when the police come to do an operation. They don’t select, separate, or have scheduled a time [when they come]. Today, the people here in Rio de Janeiro are punished for being poor, for being black, for living in a bairro carente, for leaving five in the morning to go to work, and coming back at midnight, one is punished for not being rich. One is punished by the police.”²¹⁹

²¹⁶ Joseph A. Page. “The Brazilians”. De Capo Press, p 5.

²¹⁷ Interview with Marcia 2005-10-20.

²¹⁸ Sandra Carvalho. “Human Rights in Brazil 2003: Global Justice Annual Report.” May 2004, p 19.

²¹⁹ Interview with Venecia 2005-10-04.

The inequality and poverty has led to vast social exclusion. One woman mentions the fear people have of the poor thinking that poor is the same thing as being a thief or a bandit.

*“People are afraid of helping a poor on the street, people are afraid of helping a person in need on the street, people are afraid of a person that has fallen, people are afraid of getting close. It is all very difficult to live in Brazil now. People (we) don’t know anymore who to trust in...”*²²⁰

Not only are the poor discriminated against, neglected and castigated by society but also by the state and in particular the police. According to AI, “The policing of poor communities are violent, repressive and often corrupt. Not only are such communities excluded from access to fundamental economic and social rights, but their right to live in peace and security is consistently neglected or even abused by the state.”²²¹ A favela resident says “*Today the discrimination here is social it is not racial, it is against the poor.*”²²² The police together with all levels of government is to be blamed for its failure to create public policy that benefits all sections of society.

*“For many years the government in Brazil has been good for those that already are in a good social situation. Speeches we have, attempts to action we have, but it is with difficulty you see an attempt that genuinely makes a change for the need of the suffering of the poor, isn’t it?”*²²³

AI writes: “to be poor in Rio de Janeiro continues to mean being trapped in a cycle of violence, with few, if any places to turn for protection.”²²⁴ One of the interviewees said: “*There are people that study but never get out of poverty. It is not a policy of social*

²²⁰ Interview with Marelene 2005-10-19

²²¹ “Rio de Janeiro 2003: Candelária and Vigário Geral 10 years on.” Amnesty International Online 28th of August 2003. www.amnesty.org/index/engamr/190152003y

²²² Interview with Sandra 2005-10-22.

²²³ Interview with Sandra 2005-10-22.

²²⁴ Rio de Janeiro 2003: Candelária and Vigário Geral 10 years on.” Amnesty International Online 28th of August 2003. www.amnesty.org/index/engamr/190152003y

inclusion. But it did not start today, it is since the colonization.”²²⁵ I wanted to know why there were so many poor people and such inequality and one of the interviewees blamed the rich.

“It is because the rich want to become richer, and richer. The rich don’t share, the rich are greedy, not all of them but many. The biggest part of the wealth are in a few hands of a minority, there are a few rich and millions of poor, starving,[and] sick.” ²²⁶

The vast economic inequalities have contributed to social problems including crime and illicit drug activity in and near many of the *favelas*.²²⁷ Favela President Isaac says: *“To live in community is a real truth. We learn a lot, principally because we live in way of inequality when you compare to all the other social classes.”*²²⁸ The people in *favelas* is often referred to as criminals and seen as lesser citizens. This is demonstrated in many forms both from the other citizens and the government’s negligence. The residents talked about the daily struggles, and the community president Isaac talks about a structural problem.

*“To live in a favela and a community is a constant battle to be confirmed (recognized) as citizen, only to live worthy, and this will give you a certain experience, because we know that historically we have never benefited directly from the actions from society. We have always suffered from a very big discrimination. I am not talking about the persons working in the public organs; I am talking about our system. It is a system that functions to exclude, that does not favor the lower part of society and we are a part of this group. So, we have to defend [ourselves],[have] to work extra.”*²²⁹

The causes of poverty and inequality cannot be demised to one single factor and another explanation is found in the country’s economic policy and the effects of globalization. An interviewee claimed: *“The poverty and inequality have their roots in the*

²²⁵ Interview with Isaac community president 2005-10-22

²²⁶ Interview with Marelene, 2005-10-19.

²²⁷ Stuart Rob, ed. Housing Rights in Brazil: Gross Inequalities and Inconsistencies. Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003, p 27.

²²⁸ Interview with Isaac 2005-10-22.

²²⁹ Ibid

countries past, but their more immediate causes can be found...in the consequences that are still developing, of the economic reform process forced by globalization.”²³⁰ It is evident that the problems of poverty and inequality in Rio de Janeiro escort with it several other social problems such as violence and crime. The poor are excluded from education, health care and do not have the chance of living a life with dignity, and according to AI president Ms. Khan, “it will not only be through international commitments, but through profound changes in the lives of the poor ...and the marginalized people in the favelas that human rights will be realised in Brazil”²³¹

3.2.2 VIOLENCE, DRUG-TRAFFICKING, PUBLIC SECURITY, POLICE BRUTALITY AND CORRUPTION

*“In Rio de Janeiro there is basically urban warfare between the police and drug factions.”*²³²

According to Article 6 in the International Covenant on Political and Civil Rights “every human being has the inherent right to life [and] this right shall be protected by law [and] no one shall be arbitrary deprived of his life.” The ECA entitles children the right of security and absence of violence, and Article 5 reads: “No child or adolescent is to be object of any form of negligence, discrimination, exploitation, violence, cruelty and oppression, punished in form of the law in any offence, by action or omission, of it is fundamental rights”.²³³ Even so, in his book, *Children of the Drug Trade: A case Study of Children in Organized Armed Violence in Rio de Janeiro*, Luke Dowdney²³⁴ writes that

²³⁰ Interview with Thiago 2005-09-15.

²³¹ “Amnesty International in Brazil.” Amnesty International Online. <http://web.amnesty.org/pages/bra-05-11-03-summary-eng>

²³² Interview with Thiago 2005-09-15.

²³³ The Statute of the Child and Adolescent, Ch. 1 Art. 5.

²³⁴ For a detailed study of the drug trade in Rio and its effects on children see Luke Dowdney, “Children of the Drug Trade : A case study of Children in Organized Armed Violence Program, Viva Rio, 2003 and

“the specificity of the illicit retail drug trade market in Rio de Janeiro and the levels of armed violence and firearm-related mortality rates that it is generating, is unlike any other retail drug trade previously documented elsewhere in the world. Understanding these factors is...a key to understanding the participation of children and adolescents in the territorial disputes of drug factions within Rio de Janeiro.”²³⁵

Where I was working the children face a harsh reality with few opportunities outside of the drug trafficking and violence. The drug dealers have great influence over the children and they start recruiting at early ages. *“My friend lives in the favela, when he was 6 years old he lived with his grandmother. Then the bandits forced him to hide weapons, and drugs under his bed”*, says 19 year old Gouza.²³⁶ Being poor and living among the drug dealers, the children many times see drug dealing as the only way to rise on the social and economic ladder. However, most often the kids that get involved with the gangs face a tough reality and many of them have short lives.

*“I knew a lot of people who were polishing shoes. I knew people that used to be in the project (a NGO), but they left. They said they weren’t involved, said they were going to church, we hanged out together but they were in the middle (in-between). People get offers from the dealers. Some accept others don’t. Then it starts. They get a view of the dealing. They get more and more involved. They die early, there is no future. He [they] think about the present but not about the future. I know many people of my size (age) that have been offered, that are there now [involved]. They can’t stand another hit (they are not ready for the dealing), they are not.”*²³⁷

Although Rio de Janeiro is not officially in a state of war,

“there are currently more people (and specifically children) dying from small arms fire in Rio de Janeiro than in many low-level armed conflicts elsewhere; although they are not politically oriented armed groups like those found in many civil wars, Rio’s drug factions are a territorial and

“neither War nor Peace: international comparisons of children and youth in organised armed violence”, Armed Violence Program, Viva Rio., 2003.

²³⁵ Luke Dowdney, “Children of the Drug Trade : A case study of Children in Organized Armed Violence in Rio de Janeiro.” Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 249.

²³⁶ Interview with Gouza 2005-11-05.

²³⁷ Interview with Bakari 15 year old Favela resident, 2005-10-27.

openly armed paramilitary presence in most of the city's *favelas* ; and the types of small arms and light weapons used by all sides in the daily conflicts between rival factions and the police, are those also encountered in any civil conflict.”²³⁸

The epidemic of violence in various kinds of forms is without no doubt one of the most critical human rights violations in Rio. The violence in Rio de Janeiro is nestled in all classes and the violators are drug dealers, neglected youth, frightened upper class and corrupt police.

*“I think that the origin of the problem is very old. The state is every time putting itself further away from helping all of society, but foremost the lower class. The growth of violence is one of the reasons as well. I think the society we see today has abandoned. Total abandoning, the state have abandoned, the people everyone goes their own way, and the one that found the way of violence as well, the family is unprotected. The lower class are a totally unprotected, and today the upper class is feeling this too because they are not able to shield [themselves anymore].”*²³⁹

The complexity of the violence in Rio de Janeiro is not easily cured or explained but it is for sure the day-to-day reality for the people in the city, particularly for the poor. The 20 year dictatorship left marks and “the tolerance for violence is...a legacy of the dictatorship...although the process of democratization has been fairly rapid...it has yet to check the extraordinary power of the civil and military police over the poorer populations.”²⁴⁰ All throughout military rule the civil and military police were associated with disappearances, tortures and deaths of political opponents.²⁴¹ The brutal violence and total lack of public security in Rio de Janeiro have until today (with a few recent exceptions) not been given the attention that the graveness of the situation requires. Between 1979 and

²³⁸ Luke Dowdney. “neither War nor Peace: international comparisons of children and youth in organised armed violence.” Viva Rio/ISER, p 12.

²³⁹ Interview with Venecia 2005-10-05.

²⁴⁰ Nancy Scheper-Hughes and Daniel Hoffman. “Kids Out of Place” in Kevin Danaher and Michael Shellenberger, eds. “Fighting for the Soul of Brazil.” A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 148.

²⁴¹ Ibid, p 148.

2003 more than 550,000 people were victims of arms in Brazil, which means that every day more than 60 people died from arms.”²⁴² That is four times more than the number of deaths in the Arab-Israeli conflict during the past 50 years. Almost half of the victims are between 15-24 years old.²⁴³ The number of child deaths in Rio de Janeiro is greater than in some countries in conflict. In the Israeli-Palestinian conflict 467 children were killed between 1987 and 2001, while the number of children who died violent deaths in Rio de Janeiro in the same period was 3,937.²⁴⁴

One of the common commentary’s of the interviewees was exactly the concern over the brutal violence and the lack of security. One of the educators at one of the NGOs I worked for explains the complexity and the problematic of working in the area.

*“This area consists of lower middle class neighbourhoods that are surrounded by morros. Because we are surrounded by morros in all directions...there are factions and they are fighting each other. At the moment, this is an area that is very dangerous, and very violent. There are various morros, various factions; there are rival groups that rival with other groups Places where they sell drugs, use drugs. It is an obsession of having power”*²⁴⁵

She continues to explain how there is a lack of public security in the neighbourhood and compares it with the situation In Iraq. This quote shows the graveness and seriousness of the violence that people in Rio has to deal with on an everyday basis.

“The violence is terrible. We are living like we were in Iraq. We are at war, but we are not at war. There are shootings, in the morning, in the afternoon, in the evening, all the time. Lost bullets, morro fighting another morro. A lot of deaths, a lot of deaths” ²⁴⁶

²⁴² “Bem Longe Do Alvo.” *Carta Capital*, 19 October 2005, 12th edition Volume 364, p 26-30

²⁴³ Steve Kingstone, “UN Highlights Brazil’s Gun Crisis”.BBC News.

²⁴⁴ Luciana Phebo, “The Impact of Firearms on Public Health in Brazil”. Viva Rio / Iser

²⁴⁵ Interview with Marelene, 2005-10-19.

²⁴⁶ Interview with Marelene, 2005-10-19.

An international comparison shows that Brazil has the highest number of firearms-related deaths in the world.²⁴⁷ The risk of dying by guns in Brazil is 2.6 times higher than in the rest of the world, and the great majority of these deaths are homicides.²⁴⁸ The number of people dying from firearms is higher than what is the rate in traditionally violent countries, such as Colombia, El Salvador and South Africa, as well as the United States, a country known for its loose firearms regulations. For illustration, the Stockholm International Peace Research Institute estimates that between 1978 and 2000, a total of 39,000 people died as a result of the civil conflict in Colombia. In the same period, a total of 49,913 people died from small arms fire in the only in municipality of Rio de Janeiro.²⁴⁹ Many of the people I interviewed said that the violence was escalating and that the situation today is much worse than 10-15 years ago. There was a large increase in violent crime in the major cities of Brazil during the 1980s, and since the fall of the dictatorship until 1991 the homicide rate more than doubled in Rio de Janeiro.²⁵⁰ Among boys in the ages 15-24 years, the rate is over 250 homicides per 100.000 inhabitants and about half of all the victims of firearms are young people, and the vast majority males.²⁵¹ The homicide rates in Rio de Janeiro are exceptionally high and are, for example, more than 10 times higher in Rio de Janeiro than in New York.²⁵² This caused the President of the Brazilian Bar Association (Ordem dos Advogados) to in 2002 recommend that the Brazilian government to:

“recognize the state of war that Brazil finds itself, whereby criminal groups linked to drug trafficking already control extensive urban areas of important Brazilian cities such as Rio de Janeiro... In these areas [...] the

²⁴⁷ Luciana Phebo, “The Impact of Firearms on Public Health in Brazil”. Viva Rio / Iser, p 9.

²⁴⁸ Luciana Phebo, “The Impact of Firearms on Public Health in Brazil”. Viva Rio / Iser, p 9.

²⁴⁹ Luke Dowdney. “neither War nor Peace: international comparisons of children and youth in organised armed violence.” Children and Youth in Organized Armed Violence Program, Viva Rio. 2003, p 114-117.

²⁵⁰ Ibid p 9.

²⁵¹ Relatório de Cidadania III: Os jovens e os Direitos Humanos. Rede Observatórios de Direitos Humanos. 2002, p 191.

²⁵² The Economist “Getting Away with Murder”, February 22nd 2003, p 14.

civil population follows behavioural rules laid down by traffickers who are better armed than the police²⁵³. The reality can no longer be hidden we are in a state of war.”²⁵⁴

In 2005 the Brazilian government tried to respond to the high number of arms related deaths and on October 23rd 2005. The Brazilian people had the opportunity in a referendum to ban the sales of arms and ammunition to private persons.²⁵⁵ The Brazilians voted 64% against and 36 % for the ban.²⁵⁶

*“Now the 23rd of October we will have the referendum, but I as a citizen I don’t know what to vote. I am in-between. Who is robbing and killing? Often it is the state, then how can you trust in anyone?”*²⁵⁷

After the referendum Dennis Mintz, from the peace NGO *Sou da Paz* (I ‘m for peace) said: “We lost because people don’t have confidence in the government or the police.”²⁵⁸ The violence in Rio takes various forms, and the in the favelas there are drug factions fighting each other as well as the police. Luke Dowdney has estimated that there are over 10,000 armed bandits in Rio de Janeiro, and about 5000 of those are children.²⁵⁹ Although, a coordinator at São Martinho however, suggests that the number is much higher.²⁶⁰ The violence does not only affect the drug dealers but everyone that lives in the community and it creates a culture of violence that everyone has to live with. 15-year old

²⁵³ According to Luke Dowdney the children and adolescents in the drug factions frequently use Kalashnikov AK 47, Colt AR -15, H&K G3, Glock 9mm automatic pistol, Magnum .38, Baretta .45 automatic pistol., p 206.

²⁵⁴ Citation from OAB/Conselho Federal – Notícias 22/02/2002 in Luke Dowdney, “Children of the Drug Trade : A case study of Children in Organized Armed Violence in Rio de Janeiro.” Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 188.

²⁵⁵ Under existing law any Brazilian over 25 years of age can buy a firearm provided they pass background checks.

²⁵⁶ Steve Kingstone, “Personal Security Dominates Brazil Poll”. BBC News Online. www.news.bbc.co.uk/1/hi/world/americas/4371120.stm

²⁵⁷ Interview Marelene 2005-10-19.

²⁵⁸ “Brazilians reject gun sales ban”. BBC News Online. www.bbc.co.uk/1/world/americas/436859.stm . Monday October 24th, 2005

²⁵⁹ Luke Dowdney, “Children of the Drug Trade : A case study of Children in Organized Armed Violence in Rio de Janeiro.” Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 249.

²⁶⁰ Field Notes 2005-11-30.

Bakari says: *“There are shootings. It is common. I am used to it. In the beginning I was afraid but I have (already) customized. I am only scared when there is a lot of shooting”*²⁶¹

Belea living with her mum that earns minimum salary says that she has never been involved in violence or robbery but *“I have seen robberies on the street, heard about it on the radio and seen it on TV.”*²⁶² The violence has caused the middle and upper class Brazilians to take the law in their own hands. NGO worker Alain put it in plain words.

*“The result is that people have a feeling of being unprotected and insecure. So, many Brazilians have sought to arm themselves and hire protection, both in the form of private security companies and illegal guards and extermination groups, also known as ‘death squads.’*²⁶³
*[Particularly] in Rio in the suburbs and in poor areas, the population lives in conditions of extreme inequality, caught between organised crime and arbitrary police conduct, and they are subjected to violence and discrimination.”*²⁶⁴

The drug dealers are armed and use violence but mainly to defend themselves from other gangs and the police. Often are violent acts reprisals or ways of taking revenge and in November 2005 people hired by one of the drug factions sat fire on a public bus killing 5 people, including a two year old child.²⁶⁵

Also, the police in Rio de Janeiro have a widespread reputation of being extremely corrupt and very often violent. Professor Hoffman says that almost all polícia militar (military police)²⁶⁶ works extra as security guards to make extra money even though

²⁶¹ Interview with Bakari 15 year old favela resident, 2005-10-27.

²⁶² Interview with Belea 16 –year old student 2005-09-17.

²⁶³ “Death Squads are illegal groups, usually, made up of duty military and civil police officers, who carry out unlawful killings, usually of alleged criminal suspects.”²⁶³

²⁶⁴ Interview with Alain 2005-09-20.

²⁶⁵ *O dia* 2005-11-01.

²⁶⁶ Visible policing and the preservation of public order is the task of the military police. They are subject to the authority of the governor in each state of the country, but are considered as a subsidiary division of the army. As under the military governments, many of the crimes committed by military police personnel continue to be dealt with by military law; the military tribunals are presided by a civil judge but otherwise made up of military officers. Source: “Rio de Janeiro 2003: Candelária and Vigário Geral 10 years on.” Amnesty International 28th of August 2003. www.amnesty.org/index/engamr/190152003y

it is illegal.²⁶⁷ The police often use violence against street kids, poor and underprivileged children and adolescents. The police violence and corruption are widespread and in a UN report it was confirmed that the police force in Rio de Janeiro kill more people than any other police force in the world.²⁶⁸ Once I asked some of the staff where I worked as a volunteer if they had confidence in the police and the answer I got was: *“No! The police are very corrupt, it is what I see. Here the police all the time, perform exterminations, and robbery”*²⁶⁹ AI has reported that “torture and illegal killings are routinely resorted to by an over stretched and under resourced police force that is under enormous in pressure to resolve the country’s crime problem, and which is often corrupt.”²⁷⁰ In March 2005 at least 30 people, including children was killed in two attacks done by ‘death squads’ in the Baixada Fluminense area in Rio de Janeiro.²⁷¹ The most common target of the police is street children or poor children in general whom are seen as future bandits and the police does do not put any human value to the kids.

*“There was this one case where the police came and lined up 12 kids in front of a pool all naked with their arms tied for 5 hours. I went with their mothers to the police who claimed that the kids were drug dealers. I told them they were just kids but the police resisted. But, finally they released them. However, the same night the police came back and killed 5 kids. Then I was threatened by police, I had a gun to my head, and all this because I had denounced several military police.”*²⁷²

The police in Rio acts with prejudice and do not hesitate to judge before proven guilty. The practice of impunity is a “stamp mark” of the Brazilian police and justice system

²⁶⁷ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio., 2005-06-27.

²⁶⁸ Luke Dowdney, “Children of the Drug Trade : A case study of Children in Organized Armed Violence in Rio de Janeiro.” Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 187.

²⁶⁹ Interview with Venecia 2005-10-05.

²⁷⁰ “Amnesty International in Brazil.” Amnesty International. <http://web.amnesty.org/pages/bra-05-11-03-summary-eng>

²⁷¹ “Brazil Night of terror in Rio’s Baixada Fluminense District.” Amnesty International Press Release, 1st April 2005. www.Amnesty.org/library/index/engamr190122005?open&of=eng-bra

²⁷² Field Notes 2005-07-07.

and in a statement AI tells “While recognizing that the government has an obligation to ensure security for all Brazilians...brutal and repressive policing has contributed to the spiralling of violence, to the extent that even the police are no longer safe.”²⁷³

“They [children in the favela] are in the middle of the drug dealing and when the police show up the dealers throw them to the frontline [and] they are the ones that get the shit. They are the ones that will run risks It is about life or death. They (the police) will say they (the kids) are with the dealers. [The police say] we will kill him. Next time he is alone they could kill him.”²⁷⁴

Although, as mentioned earlier, the federal government has shown positive steps in promoting human rights, at the local level the corruption and the lack of respect for human rights and human value for all citizens is a tragic fact. The past three years, the State government in Rio de Janeiro has expressed their support for the actions taken by the police.²⁷⁵ In 2003 the Rio de Janeiro State Governor made a public statement in regards to the huge amount of deaths and the violence practiced by the police by saying: “We don’t want anyone to die, but if someone has to die, it is those who are stealing in society.”²⁷⁶

“I had a friend that knew a guy that was studying but on the side he was doing some sketchy things but I never thought anything would happen. One day when I hadn’t seen him for quite a while I asked my friend if he knew where he was and then he told me that the guy and his brother had tried to rob a store but the police caught them in the act and the were both shot to death.”²⁷⁷

When I tried to find an explanation for the violent behaviour of the police, the most frequent answer was the “*low salaries, the bad preparation, [and] it is an inadequate*

²⁷³ “Amnesty International in Brazil.” Amnesty International <http://web.amnesty.org/pages/bra-05-11-03-summary-eng>

²⁷⁴ Interview with Bakari 15 year old Favela resident, 2005-10-27.

²⁷⁵ “Rio de Janeiro 2003: Candelária and Vigário Geral 10 years on.” Amnesty International Online 28th of August 2003. www.amnesty.org/index/engamr/190152003y

²⁷⁶ Ibid, p 3.

²⁷⁷ Interview with Gouza 2005-10-08.

selection [of police]”²⁷⁸ “The corruption among the police is common and well-known and during my research I did not encounter single person that had confidence in the police to protect them. A 20-year old cabdriver living in a bairro carente told me: *I don’t trust in the police. They are corrupt. I think they are dodgier than the bandits.*”²⁷⁹ Many said that they were more scared of the police than of the drug dealers or the bandits. Numerous of people told stories of police taking bribes, being corrupt, and not acting in the name of the law.

*“I overheard my cousin [who is a police] talking to a friend on the phone, and I found out that he sells arms to the bandits. I heard that an AK-47(Kalashnikov AK-47assault rifle) is about 3000 Reais(\$US1500)”*²⁸⁰

Former street kid Felix says “*almost all police are looking for extra money and I would guess that 80 percent of the police are corrupt*”²⁸¹

Not only do the police use unnecessary violence against poor and children but they also frequently make business with the drug dealers to add to their low wages.

*“In the Favela there are so called Baile Funk²⁸² and if you go there you will see an arsenal of weapons. The drug-lords will show their guns. But the police will not do anything; usually they wait outside and never enter the Favela. They get money and then they don’t care about acting in the name of the law”*²⁸³

It is also common that the police sell captured stolen goods, particularly when it comes to drugs and weapons.

“There was a case when a guy who was robbing a bank got shot and then the police took him and confiscated his weapons. All the people at the scene and the guys’ friends that were with him said that he had two weapons: a pistol and a machine gun, but in the newspaper the next day and in the police report it said that the guy only had one weapon...The

²⁷⁸ Interview with Venecia 2005-10-05

²⁷⁹ Field Notes 2005-08-16

²⁸⁰ Interview with Gouza 2005-11-05

²⁸¹ Interview with Felix, former street kid and now working for a NGO 2005-10-05.

²⁸² Parties usually held within favela communities, that play *funk* music. Some *funk* parties are sponsored by local drug dealers as a method of increasing drug sales. Source: Dowdney p 257.

²⁸³ Interview with Felix, former street kid and now working for a NGO 2005-10-05.

other one the police sold. The police do this all the time. They can get up to 10,000Reais (4500USD) for a weapon like that.”²⁸⁴

*“The criminals divide with the police, can you believe this? The corruption in the police, they practice crime, they rob the drug dealers. The police will go there and divide the drugs and the robbery [with the criminals]. Have you already heard about this? But this exists, it is not a lie, it is true. Some police has already divided the earnings from trafficking, the result from a robbery. If they [the street kids] cannot trust in the police protect, to maintain order, and a series of other objectives. How can you trust in a police like that? And they say this, aunt, how can we trust in the police, how can we trust in the government when they want to sniff [drugs], [and] share the gains of trafficking and robbery.”*²⁸⁵

Corruption exists in all sectors of society and Marelene explains to me that this is what they call Falcatroia. *“It is Falcatroia. Do you know what Falcatroia is? Falcatroia is stealing, robbing in all parts. Today we see scandals in everything. There is robbery in health, there is robbery in the post service, there robbery in terms of food. Everywhere!”*²⁸⁶ Ivan says *“In Brazil the politicians are corrupt. They are part of the drug trade, part of the crime. They are involved; they are part of the problem”*.²⁸⁷ The corruption does not only exist among the police but runs all the way through the justice system causing a culture of impunity, corruption and violence. In regards to corruption, the Economist writes *“There is a considerable amount of public money stolen by corrupt politicians, officials and even judges.”*²⁸⁸ The corruption and inefficiency of the police and justice system in Brazil is appalling and *“the poor quality of local and civil police investigators is a contributing factor to the problem of impunity.”*²⁸⁹ A recent article by the Brazilian magazine *Veja* shows that

²⁸⁴ Ibid.

²⁸⁵ Interview with Renata 2005-10-24.

²⁸⁶ Interview with Marelene 2005-10-19.

²⁸⁷ Interview with Ivan 2005-11-30.

²⁸⁸ Make or Brake – A survey of Brazil. ” The economist 22nd February 2003, p 8.

²⁸⁹ “The struggle for land in Brazil: Rural violence continues.” Americas Watch, 1992, p 13.

only 3 percent of the homicides in Brazil are cleared up, which can be compared to 70 percent in the U.S.²⁹⁰ Additionally, there are 322 police for every 100,000 inhabitants to compare with 283 in the U.S. There are 7.73 judges per 100,000 inhabitants in Brazil and in Chile the number of judges is 3.22 per 100,000 inhabitants.²⁹¹ Favela president Isaac says: *“Brazil has this problem of chronic corruption. It is a culture that needs a lot of time to change”*.²⁹²

3.2.3 STREET KIDS²⁹³

Children are always vulnerable but in the bigger cities in Brazil, especially in Rio de Janeiro, children live under constant fear of being hurt or killed. Paul Jeffrey writes that “while violence against street children is widespread, the phenomenon takes on monstrous proportions in Brazil, where youngsters are regularly beaten, tortured and killed... From...1990-1993 4611 children...where murdered in Brazil.”²⁹⁴ Before ECA came into force, there was no legal protection for children. Today, the ECA, at least on paper guarantee a set of rights for children and it is one of the most protective statues in the world. Professor Paulo Jorge at PUC Rio says that children are extremely vulnerable and street kids are seen as others in Brazilian society. They are not seen as children but as criminals because they are on the street, and therefore they deserve to be exterminated. It is a culture of violence that

²⁹⁰ Rosana Zakabi, Ruth Costas, and Tiago Cordeiro. “7 Soluções contra o crime”. *Veja*. Abril edição 1928. 38 no 43, 26th of October, 2005, pp 64-72.

²⁹¹ Ibid pp 64-72.

²⁹² Interview with Isaac community president 2005-10-22

²⁹³ The term ‘street children’ generally refers to those children and youth who work or spend most of their time on the streets, as well as to the far smaller number of children and youth who sleep in the streets and are no longer connected to their families and communities. Source: Irene Rizzini, Gary Barker, Neide Cassaniga. “From Children to all Children – improving the Opportunities of Low Income Urban Children and Youth in Brazil.” Rio de Janeiro, Brazil, 1998, p 35.

²⁹⁴ Paul Jeffrey. “Targeted for Death: Brazil’s Street Children” in Kevin Danaher and Michael Shellenberger, eds. “Fighting for the Soul of Brazil.” A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 155.

educates via institutions and parents. Jorge says these kids do not have any self-esteem, any place to go, nothing.²⁹⁵ The ECA was originally going to be called the Statute of the minor but because of pressure from social movements and NGOs it was changed to the statute of the child and adolescent which does not carry the negative connotation like the word minor²⁹⁶ The ECA guarantees the children's rights to adequate housing, education, health care, and special protection. It recognizes that all of society, not just government, must take responsibility for street children.²⁹⁷ Title II, Art. 7 of the ECA recognize that: "The child and adolescent have the right to protection of life and health, through effective implementation of public policies that make possible...harmonious development in dignified conditions of existence"²⁹⁸ The NGO São Martinho, that reintegrates street children to their families, states that the human rights problems in Brazil are rooted in the huge young portion of the population that is being neglected. According to UNICEF more than 23 % of the rights of children and adolescents in Brazil are being neglected.²⁹⁹ Children and young people living in poverty are subject to the risk of violence not only on the street but also at home and in the family, where they may be subject to domestic and sexual violence. They are a group which is particularly vulnerable to abuse of power by the police and "death squads."

"Today, violence and the trafficking drive many kids away [from their homes]. They involve in trafficking and can't stay [at home] any more, and leave,[but] don't have anywhere to go but the streets." ³⁰⁰

²⁹⁵ Lecture notes Professor Paulo Jorge, PUC, Rio de Janeiro 2005-06-28.

²⁹⁶ Ibid.

²⁹⁷ Paul Jeffrey. "Targeted for Death: Brazil's Street Children" in Kevin Danaher and Michael Shellenberger, eds. "Fighting for the Soul of Brazil. A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 159

²⁹⁸ Irene Rizzini, Gary Barker, Neide Cassaniga. "From Children to all Children – improving the Opportunities of Low Income Urban Children and Youth in Brazil". Rio de Janeiro, Brazil, 1998, p 33.

²⁹⁹ Vivian Gama. "Projeto Bienal 2006-2007: Centro de Defesa dom Luciano Mendes." 2005, p 6.

³⁰⁰ Interview with Marcia 2005-10-20.

A survey done in 1988 showed that 54 percent of the children and adolescents in Brazil live in families that earn less than 35 USD per month.³⁰¹ Thus, the “street children do not so much run away or choose the streets as they are thrown out of homes where hunger, abuse, poverty and neglect make life under bridges and in bus station restrooms seem more peaceful than life at home.”³⁰² In this context, Dimenstein writes that a teen year old girl who sleeps on the steps of the municipal theatre in Rio once said: “On the street it’s better than at home.”³⁰³ In an interview, Venecia tells me that the: “*Street kid is a kid in social risk. He is far from the life of the community, he is far from the life in of a family, and he is subject to violence. He is not respected as a child because he is not in school. He is neglected by the family, and by the state.*”³⁰⁴

According to Dimenstein “the street can seem attractive to children who at home are unwanted, battered and hungry.”³⁰⁵ “During the day, the street children’s main concern is survival [that is]...food. To get it they beg, pick pockets, steal from shops, mug tourists, look after parked cars, shine shoes, or search litter bans.”³⁰⁶ Street children in Rio are noticeable since they “typically are barefoot, shirtless and seemingly untied to a home or a family...[and]...separated from all the laws and the roles that confer propriety, rights, and

³⁰¹ Gilberto Dimenstein. “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991, Introduction, p 2.

³⁰² Nancy Scheper-Hughes and Daniel Hoffman. “Kids Out of Place” in Kevin Danaher and Michael Shellenberger, eds. “Fighting for the Soul of Brazil.” A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 143.

³⁰³ Gilberto Dimenstein. “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991, p 3.

³⁰⁴ Interview with Venecia 2005-10-05.

³⁰⁵ Gilberto Dimenstein. “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991, p 2.

³⁰⁶ Ibid p 2.

citizenship.”³⁰⁷ Marcia works daily with the situation of the street kids and says the problem is not new but dates back to colonization.

*“It started with the colonization that was exploitative and not beneficial. The social classes were created then and they have never ceased, just become graver with time. So, it is a historical question. The problem of the street kid today is a historical problem, it is an economical problem, that is a historical problem, and therefore it is a historical problem that created these kids and has become permanent”*³⁰⁸

Article 19 of the ECA guarantees that “every child or adolescent has the right to be raised and educated in the company of his/her family, and in some cases, in a substitute family, assuming family and community life, in an environment free from drugs and alcohol dependents”³⁰⁹ However, for the kids on the streets this is something unknown and their reality is very different from the law.

*“They are on the street and not in their house. So, this is a right we have to fight a lot for. Their right to live within a family has been violated. So, he [the kid] is using his right to decide [to be on the street]. But the police don’t understand these problems and they take away the right of being on street. They beat, they throw pepper [and] they kill. So, the street kids that we work with are constantly having their rights violated.”*³¹⁰

The media in Brazil discriminates against the poor and particularly street kids. Marcia says: “All the media organs treat the problem of street kids with prejudice against the children. The use of media is prejudicial”³¹¹ Article 6, I of the ECA gives all children and adolescents “The right of freedom includes the aspect of ‘coming, going and being in public

³⁰⁷ Nancy Scheper-Hughes and Daniel Hoffman. “Kids Out of Place” in Kevin Danaher and Michael Shellenberger, eds. “Fighting for the Soul of Brazil.” A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 143.

³⁰⁸ Interview with Marcia 2005-10-20.

³⁰⁹ The Brazilian Embassy in the U.S. online. ”Human Rights.” www.mre.gov.br/cdbrasil/itamaraty/web/ingles/polsoe/desafio/apreseny/index.htm

³¹⁰ Interview with Marcia 2005-10-20.

³¹¹ Ibid.

places and communities, spaces safeguarding the legal restrictions.³¹² But in reality the prejudice and discrimination against street kids are huge.

Renata works daily with street kids and arranges activities, projects and excursions for the kids. She tells that she has seen the discrimination first hand. *“On Friday we brought the kids on the bus to do an excursion. We paid for their tickets, and then the driver said, ‘No, I don’t want these kids in my bus. ‘Look! The kids don’t enter here!’ Isn’t it absurd?’ So, it is difficult.”*³¹³ She continues to tell me that the police will not let the children stay at the beach anymore.

*“So, we choose a point, posto 3³¹⁴ that is neutral, without drugs users, without criminals, without these things. We stayed there for a while, then the government and the municipal police intervened and said that we could not do any kind of job there with the kids because it was increasing the number of kids,[and therefore] ruining the view of the beach, and making the tourists run away.”*³¹⁵

*“So, it’s difficult, the more you want to do your job, which I always will do, but there are other issues, outside of your reach, other instances. So it is super complicated. It’s like the population don’t want [the kids at the beach], Copacabana don’t want, the tourists don’t want because the kids are ruining the beach view. Absurd, isn’t it, It’s sad. So, what do you do? This is discrimination.”*³¹⁶

Renata continues to say *“Our people [here in Brazil] and the police want us to build a farm and fence them in there. Why don’t you do this?, they ask. Fence! Imagine!”*³¹⁷

Many young people who steal on a small scale, or who perform services or are employed by organized drug trafficking groups, are often killed by extermination groups, contracted by people who feel threatened and use hired killers to “clean up” the neighborhood.

³¹² The Brazilian Embassy in the U.S. online. “Human Rights.” www.mre.gov.br/cdbrasil/itamaraty/web/ingles/polsoe/desafio/apreseny/index.htm

³¹³ Interview with Renata 2005-10-24.

³¹⁴ Refers to the life guarding stations that are set up along the beaches in Rio. They are often used as reference points when people meet up at the beach.

³¹⁵ Interview with Renata 2005-10-24.

³¹⁶ Ibid.

³¹⁷ Ibid.

“Here in Copacabana³¹⁸ they kill the kids, during the night hours, they take the kids, drag them to the sand and kill the kids, throw pepper spray in the eyes of the kids, [and] they [the kids] can’t circulate there.”³¹⁹

Nevertheless, contrary to popular perception, few violent offences are committed by youths under the age of eighteen in Rio de Janeiro and Brazil. According to a report from Human Rights Watch “in 2001, for example, youths under the age of eighteen were identified as responsible for approximately 2.2 percent of homicides and 1.6 percent of robberies by threat or force (roubo), according to data from the state public security secretariat.”³²⁰ More recent data from the state public security secretariat and the juvenile court show that for youths under the age of eighteen are only responsible for less than one percent of homicides in each of 2003 and 2004 and between 1.5 and 3.6 percent of robberies by threat or force in 2003.³²¹ Contrary to another common misperception, “those serving sentences in juvenile detention facilities are not exclusively held for murder, robbery, and other violent offences.”³²²

Often Street children “end up exploited by adults who transform them into professional criminals”³²³ Food and affection “in exchange for sex is common among Brazilian street kids, the majority of whom are initiated to sex by nine or ten years old in the big cities. Both street girls and street boys are often used for passive anal intercourse...Younger street boys as well as girls are vulnerable to rape by older street

³¹⁸ Famous upper-middle class neighbourhood in Rio located right at the beach and also the place where most of the tourists stay.

³¹⁹ Interview with Renata 2005-10-24.

³²⁰ “In the Dark: Hidden Abuses Against Detained Youths in Rio de Janeiro.” A Human Rights Watch Report, 2005, p 7.

³²¹ Ibid p 7.

³²² Ibid p 7.

³²³ Gilberto Dimenstein “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991, p 3.

boys.”³²⁴ While working in Favlela Complexe de Maré I got to talk to a 12 year boy living on the streets and saw that he had unpleasant wounds all over his body. It turned out that he had caught syphilis from having sex with older guys.³²⁵ But he did not understand the graveness of the disease and took it with a laugh when an NGO worker told him that he needed to get medicine quick or he would risk dying.³²⁶ Frequently, the children sniff glue to escape from reality and forget the hunger³²⁷ and drugs are common among the kids even though they rarely use heavier drugs.³²⁸

The typical target of homicide in the State of Rio de Janeiro, from 1991 to July 1993, was a 17 year old black boy from a poor district. The target is not necessarily but often a “street child, and he is murdered basically through his vulnerability in the face of the violence directly or indirectly attributable to the traffic in drugs.”³²⁹

In one of my interviews I asked Renata who works in a project trying to help kids get off the streets and find other ways of living, how many of the children that are able to leave the streets. Below follows an extract from Interview with educator Renata.³³⁰

***J:** What chances do the kids have to leave the street and live normal lives?*

***R:** There are those who stay in this situation, there are those who get out of it, and there are those who die.*

³²⁴ Nancy Scheper-Hughes and Daniel Hoffman. “Kids Out of Place” in Kevin Danaher and Michael Shellenberger, eds. “Fighting for the Soul of Brazil.” A project of Global Exchange. Monthly Review Press, New York, N.Y., 1995, p 143.

³²⁵ At a later visit at the NGO I saw that the boy looked healthy again and I found out that he was brought to the doctor by one of the staff members at the NGO and got medicine.

³²⁶ Filed Notes 2005-09-16.

³²⁷ Gilberto Dimenstein. “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991, p 2.

³²⁸ Interview with Renata 2005-10-24.

³²⁹ “Relatório de Cidadania III: Os jovens e os Direitos Humanos.” Rede Observatórios de Direitos Humanos. 2002.

³³⁰ J: stands for Joakim(the interviewer) and R: for Renata (the interviewee)

J: A lot of people die?

R: Many, the majority dies.

J: At what age?

R: 12, 18, 17, 16 [years]. Normally when they don't want to pay the tip/bribe the police they die [from death squads and police violence]. [However,] there are regular people in society that kill too.³³¹

3.2.4 HEALTH, HUNGER and HOUSING

Professor Peter Lucas presents Rio de Janeiro by saying:

“Rio de Janeiro is among the most cosmopolitan cities in the world with its tropical climate and famous white beaches. Rio is undoubtedly the culture-capital of Brazil with a multi-billion-dollar tourist industry developed around the beach, soccer, music, and the cult of the body-beautiful. Even more surprising is the street life, the magnificent architecture, the museums, the bookshops, the cafes, the gardens and parks, and famous mosaic-tiled sidewalks where even strolling itself becomes an aesthetic experience. But within this breathtaking setting, there are also over 600 hillside favelas (shanty towns) where millions of poor people are concentrated often without the basic necessities such as water, food, health care, education, and employment.”³³²

The health situation for the people in Rio de Janeiro is directly tied to their income. Health insurance or coverage is universal for all Brazilians according to the Brazilian constitution but the middle and upper class all have private health insurance because the health service provided by the state is seen as inadequate. At the same time the big mass of people that are poor have to deal with the public health care. Nevertheless,

³³¹ Interview with Renata 2005-10-24.

³³² Lecture notes from Human Rights and Peace Education in Brazil 2005, Teachers College Columbia University, Professor Peter Lucas, June 27th 2005- July 15th 2005.

Professor Hoffman says that it “is the middle and upper class that will go to a court to claim public health coverage (service) when their private health insurance is insufficient.”³³³

*“The hospital doesn’t have open spots. Yesterday, one of our 8 year old kids broke a toe and he went by foot with his mum a distance of more or less 40 minutes, but nobody helped [them], he was not helped and had to return to his house without any treatment and wait for an open spot to do an examination.”*³³⁴

Many poor people are living in horrible conditions and Page writes that “every six seconds a Brazilian baby dies from diarrhea-related disease. Every thirty minutes one Brazilian contracts leprosy and another tuberculosis.”³³⁵ There is an estimated one million cases of malaria per year.³³⁶ Of the people over 40 years 10 percent of the population has diabetes.³³⁷ Among the poorer part of the population it is very common that young girls get pregnant very early and for girls under 24 years (all of Brazil) fifty percent has at least one child, and for girls under 20 years old 1 out of 4 girls have least one child³³⁸ One of the first days at my work at an NGO, I was talking to one of the employees when a young girl stopped by and she did not seem to be more than 14-15 years old but she was holding a child in her arms. Later that day they told me that the girl just turned 15 years old and that her child was 4 years old. I asked if this was common and they answered that most young people in these neighbourhoods start their sexual life when they are around 10-12 years old, of course without any sexual education whatsoever.

While the Constitution of Brazil does not expressively guarantee the right to adequate housing, Article 6 does consider housing to be a social right and requires positive

³³³ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio., 2005-06-27.

³³⁴ Interview with Marelene NGO Worker, 2005-10-19.

³³⁵ Joseph. A. Page. *The Brazilians*. De Capo Press, 1995, p 7.

³³⁶ Ibid p 7.

³³⁷ Radio News Broadcast 2005-11-07.

³³⁸ IBGE . “População jovem no Brasil: a dimensão demográfica.” 2005. www.ibge.com.br

action by the State as a means of implementing public housing policies.³³⁹ Still, many people in Brazil and Rio de Janeiro live in *favelas* located in steep locations prone to natural disasters such as landslides. In the past, several neighbourhoods have been destroyed by such natural disasters. While the Government of Brazil has taken some steps towards the prevention of such events, much more needs to be done in order to more fully ensure the safety and habitability of the *favelas* surrounding Rio de Janeiro.³⁴⁰ The lack of adequate housing with basic sanitation is widespread in Brazil and

“in São Paulo, Brazil’s largest and wealthiest city, ten percent of the population, over one million people, now live in favelas. Another three million live in *cortiços* – collective dwellings which are usually large old houses divided up into tiny cubicles, one for each family. Up to 40 or 50 families share one bathroom, cooking and washing facilities.”³⁴¹

In Rio de Janeiro more than one fourth of the population lives in favelas³⁴² and there is an estimated 600 favelas.³⁴³ This corresponds to about 1.5 million out of the 5.8 million people that live in slums, in sub-standard tenement buildings or extensions to existing buildings often without infrastructure such as water, sewage removal and electricity. Ten thousand families live in “high-risk conditions.”³⁴⁴

At my visits to the *Favela Morro de Babilônia* located behind the for foreigners and tourists well-known upper-middle class neighbourhood *Copacabana*, I got to see the reality of human rights violations. I got to participate when the Favela president and community association members met with municipal government officials. The meeting was

³³⁹Stuart Rob, ed. *Housing Rights in Brazil: Gross Inequalities and Inconsistencies*. Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003, p 6.

³⁴⁰ Stuart Rob, ed. *Housing Rights in Brazil: Gross Inequalities and Inconsistencies*. Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003, p 27.

³⁴¹ Gilberto Dimenstein “Brazil War on Children.” Latin America Bureau (Research and Action) Ltd, 1 Amwell Street, London EC1R 1UL, 1991 – Introduction.

³⁴² Ibid.

³⁴³ Patrick Neate. “Rio de Janeiro one day it all makes sense” in *Where you’re at*, p 215.

³⁴⁴ Rob Stuart, ed. “Housing Rights in Brazil: Gross Inequalities and Inconsistencies.” Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003 p 25.

regarding a water pump that they had been waiting over a year for the government to install. The favela president said. *“When something is wrong down there (referring to Copacabana) the government company comes to fix it the day after. But here it can take years. We are citizens too, we also pay taxes”*³⁴⁵ The need of water is an urgent problem³⁴⁶ in Brazil where 19 per cent of the households lack running water.³⁴⁷ In October 2005, the community started a campaign to buy a water tank themselves because they did no longer want to be dependent on the government.

“ The campaign to buy the water pump

*The community of Babilônia is aware enough to know that it does not depend on anybody for this important acquisition. Only our unification, It is a question about **honor**. Participate you too! Let’s show communitarian strength”*

(Pamphlet handed out by the community leader in Morro de Babilônia in their campaign to buy a water pump that the government failed to provide for years.)³⁴⁸

*“Now to the question of the [water] pump. It is the obligation of the state. We have to have water, we are citizens. And this, the constitution guarantees this, it is the obligation of the state to buy this, but they treat this with difficulty, we have to argue, we have to meet with a lot representatives to look for the possibility of getting a pump. It is annoying. It is annoying!”*³⁴⁹

The people at Morro de Babilônia do not pay rent or fees for electricity or water. The Situation of Favelas in Rio de Janeiro is very complex and a majority of the houses in favelas are built, illegally, thus, officially they do not exist (legally speaking) and they do not pay fees or taxes but this also means that the government neglects them in terms of providing services, such as water, electricity, security, education, health care, that the government is

³⁴⁵ Field Notes 2005-10-22.

³⁴⁶ Ironically, while I was writing this section a water shortage took place in Rio de Janeiro and all citizens where without water for a day.

³⁴⁷ “Make or Brake – A survey of Brazil”, The Economist February 22nd 2003, p 3.

³⁴⁸ Visit to the favela Morro de Babilônia, 2005-10-20.

³⁴⁹ Interview with Sandra 2005-10-22.

responsible to provide for all of its citizens. Nevertheless, NGOs and community councils are claiming their rights as citizens as manifested in the Brazilian constitution of 1988 and their human rights as manifested in domestic and international legislation. Community President Isaac tells that the government is not doing much to help the people in the favelas and that they are treated as second class citizens.

*“When we get some kind of benefit, when we get an improvement, it is, I will say this without being scared of being wrong, it is by chance, it is rare, we get a ride when the government wants to implement the urbanization of the city. Not always but in a majority of the cases, why? Because the favelas are a problem for the politician...Why? Because the favela has a lot of people that votes, and because the favela will vote for him, then the motive to do the job (construction), it is not like this, what is the necessity of your community? They don’t ask this question. When it comes it is already settled on. Then, when you say what are they doing to effectively improve our situation? It is very little, almost nothing. What you see, the attempts you see happening, is attempts to look for publicity, or political campaigning”*³⁵⁰

Centre on Housing Rights and Evictions (COHRE) in Geneva, Switzerland, specialized on housing rights reports that, “The Federal Government of Brazil is obligated, under both the International Covenant on Economic, Social and Cultural Rights and Article 21 of its own Constitution, to ensure that the benefits of its federal system are fully realised and that the detriments and dangers of such a system, such as the “race to the bottom” phenomenon, are controlled and ameliorated to the fullest possible extent.”³⁵¹

“I see a lot of attempts; I see a lot of actions but nothing in effect..’Only for the English to see’. It is an expression we have here in Brazil. For the ‘English to see’, means only for looks, a facade, it’s only for the tourists.”³⁵² [And] “when there are constructions, it is more to hinder an invasion. Because the persons down there (referring to the people living in normal apartments) don’t like it, don’t see this well. So, they use these constructions to stay well with the persons down there. Ahh, let’s give

³⁵⁰ Interview with Isaac 2005-10-22

³⁵¹ Rob Stuart, ed. “Housing Rights in Brazil: Gross Inequalities and Inconsistencies.” Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003 p 4.

³⁵² Interview with Isaac community president 2005-10-22.

*them living conditions with dignity, but in reality we are not living with dignity For example a family, sometimes with ten people, [live in a house] with 2 rooms and a very little living room, this is not dignity.”*³⁵³

In favela Complexo de Maré where Projeto Uerê operates, the same phenomena exist. When arriving it looks like the people are living quite nicely. The problem is that the government has constructed houses only at the front block so that when you pass by with car it looks like these people have proper housing, but if you stop and enter the community, step beyond the first block there are no more nice houses. Instead there are shacks and half done houses. Favela president Isaac says that *“The favelas are usually a big attraction for the opportunistic politicians.”*³⁵⁴

“They invest in the constructions that the tourist can see, neh? It is for the tourists to see that Rio is the “cidade maravilhosa” (the marvellous city), it’s beautiful, with new kiosks, everything paved, everything beautiful but the communities where the people in need lives is all ugly. They are prejudicing their image. What do they want to do? Removal! Their objective is this. But of course we fight for that this not to happen.” ³⁵⁵

COHRE states: “Clearly, as the situation now stands, the Government of Brazil must take serious steps towards ensuring the full enjoyment of economic, social and cultural rights, including the right to adequate housing, for everyone, everywhere within its jurisdiction.”³⁵⁶ Specifically, the Federal Government of Brazil is obligated to ensure that those housing policies that advance the right to adequate housing be replicated throughout Brazil. Indeed, such legislation should be considered a minimum core obligation of the Government of Brazil. The right to adequate housing in Brazil is very relevant and while many Brazilians reside in adequate housing, far too many live in wholly unacceptable

³⁵³ Interview with Sandra 2005-10-22.

³⁵⁴ Interview with Isaac 2005-10-22.

³⁵⁵ Interview with Sandra 2005-10-22.

³⁵⁶ Rob Stuart, ed. “Housing Rights in Brazil: Gross Inequalities and Inconsistencies.” Centre on Housing Rights and Evictions (COHRE), Geneva, Switzerland, 2003 p 5.

conditions – dwelling in *favelas*, in spaces that are way too small to offer a good living, or they are simply homeless.³⁵⁷ There are significant variations between States with respect to conditions of poverty; this suggests that economic structure and policies are important variables. Yet, beyond being merely variables, these political choices have important ramifications in the area of human rights. Indeed, State-level policies range from those that have achieved great success in fulfilling the right to adequate housing to those that are clear and intentional violations of that right.

On the day he was elected, President Luiz Inácio Lula da Silva announced his intention to put the highest priority on the eradication of hunger during his administration's four-year term of office. He stated: "*If by the end of my term of office, every Brazilian is able to have three meals a day, I will have accomplished my mission in life.*"³⁵⁸ Lula and the Special Ministry of Food Security initiated Zero Hunger (ZF) to combat hunger. The project, is a comprehensive set of policies and programs for food security involving nearly all ministries, all three levels of government (federal, state and local) and all of the Brazilian society. However, the root causes of hunger or lack of adequate food security is based in the country's structural features such as its economic model, income concentration, low wages, high unemployment rates and stagnant economic growth, especially in job creating sectors. Brazil is the world's fourth largest food exporter and produces more than enough food to fully satisfy the standard recommended nutritional needs of its entire population. The main reason behind lack of food in Brazil is not a shortage of food, but insufficient purchasing power.

³⁵⁷ Ibid p 25.

³⁵⁸ Statement by President Luiz Inácio Lula da Silva, October 28th 2002

"*Se ao final do meu mandato, cada brasileiro puder se alimentar três vezes ao dia, terei realizado a missão da minha vida.*"

*“We are a rich country, in terms of natural resources and food, but we are selling everything abroad I am not a pessimistic person but I don’t know how we can come back on the right track,[even though] I know how we got there.”*³⁵⁹

In 2003 the United Nations Special Rapporteur on the Right to Food, Jean Ziegler stated that hunger in Brazil is not a problem of food availability but of access to food and that Brazil have all the conditions to feed its population. Marelene said: *“Brazil disposes a lot of food as well. The big landowners throw away a lot of food. Throw it away, tons of corn, tons of beans, and rice.”*³⁶⁰ Professor Danaher confirms this fact and puts it bluntly:

*“Brazil is a huge country with just about every natural resource you could imagine. The country is a major producer of coffee, soybeans, corn, cocoa, sugar, oranges, animal products, wood, and a wide range of manufactured goods. The country’s area of natural forest is greater than that of Canada and the U.S. combined. Yet despite Brazil’s economic abundance, millions of Brazilians go hungry on a regular basis”.*³⁶¹

Brazil produces 2,960 kCal/day of nutrition for every inhabitant, well above the 1,900 kCal/day recommended minimum. Still millions of families lack sufficient quantities of quality food to meet their basic nutritional needs and maintain good health. A lot of people go hungry in Rio and other large metropolitan areas where unemployment rates are high and the costs of out-of-home meals and non-food expenses, such as housing, transportation, health care, education have increased substantially over the past decades. According to Marelene *“the hunger [in Brazil] continues, there are a lot of people living with famine (that are hungry).”*³⁶²

³⁵⁹ Interview with Venecia 2005-10-05.

³⁶⁰ Interview with Marelene 2005-10-20.

³⁶¹ Kevin Danaher, ed. “Brazil: Drowning in Debt “ in 50 years is enough: The Case Against The World Bank and the International Monetary Fund.” A project of Global Exchange. South End Press, Boston MA, 1994, pp 44-50.

³⁶² Interview with Marelene 2005-10-20.

*“Brazil doesn’t take advantage of its potentials. It is the biggest transporters of food. Brazil doesn’t need to have people going hungry. It exports all the food instead of using it for the people here in Brazil.”*³⁶³

According to project Zero Hunger, 46 million people in Brazil were living in a situation where they do not regularly have access to enough food to meet their basic needs and sustain active, healthy lives, thus being deprived of a decent life and denied one of the most fundamental of all human rights, the right to adequate food.³⁶⁴ Millions of families with extremely low incomes are trapped in a vicious cycle of hunger, aggravated by malfunctioning job creation policies, as well as insufficient farm policies. As a consequence, the poorest people are excluded from the food consumption market, which causes further drops in food production, with consequent declines in employment opportunities, thus perpetuating unemployment, continued social exclusion and economic marginalization.³⁶⁵

3.2.5 EDUCATION

The Brazilian educational system includes both public (federal, state, and municipal) and private institutions, ranging from pre-school, Primeiro Grau (elementary), and Segundo Grau (secondary) to university and post-graduate levels. Education is compulsory for ages seven through 14. Public education is free at all levels. In the public school system three meals are supposed to be provided by the government. Non-profit private schools are also eligible to receive public funding. The 1988 Brazilian Constitution as amended allocates at least 25 percent of state and local tax revenues to education, which means that Brazil is among the countries that spends most money on education in the world.

³⁶³ Interview with Bakari 15 year old favela resident, 2005-10-29.

³⁶⁴ The Brazilian Embassy Online – “Zero Hunger”.

³⁶⁵ Ibid.

The right to education is one of the fundamental rights recognized in the UDHR. Article 26(2) declares:

“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups shall further the activities of the United Nations for the maintenance of peace.”

Still, much of the human rights problems are rooted in deficiencies in the Brazilian education system. According to Marlene, there are many *children without access to school*³⁶⁶, especially, the poor people do not have access to education or have to go to schools that are inadequate and of poor quality.

*“There are a high number of teachers who are leigos, who are teachers only because they know how to read and write. They don’t have any knowledge after 4th grade”*³⁶⁷

With few exceptions only the middle class and the rich are able to enter University. The number of universities is growing but traditionally the universities have been for the elite. Compared to many other countries Brazil was late to institute its first university and it was not until 1922.³⁶⁸ Private schools and private health plans are prohibitively expensive for the majority of the population.

*“I as a teacher have noticed this: The children of the rich goes to private schools [, because the public schools are often poor,] until high school, when it is time to take the Vestibular (entrance test for university equivalent to SAT) they take the test and then they enter the public universities which are free and also are the best ones. So, the children of the rich take all the open spots [at the public universities that are free of charge] that the poor people could have had chance to take.”*³⁶⁹

³⁶⁶ Interview with Marelene 2005-10-19.

³⁶⁷ Interview with Marelene, 2005-10-19.

³⁶⁸ “Make or Brake – A survey of Brazil”, *The economist* 22nd February 2003, p 8.

³⁶⁹ Interview with Marelene, NGO Worker 2005-10-19.

Considering that the current minimum monthly salary in Brazil is equivalent of about 120 USD³⁷⁰ it is practically impossible for a large portion of the population to get access to these institutions. Less than 40 percent of the high-school-aged population is enrolled in school.³⁷¹ According to Yvonne de Bezerra de Mello at Projeto Uerê to get a job in Brazil you have to have at least a high school diploma but only 35%o of the Brazilians finish High School.³⁷² By the time the students are 14 they are supposed to be ready for secondary school, but 74 percent of state school pupils are at least one year behind, having to repeat part of their primary schooling because they failed to keep up. Many of these youngsters drop out and become delinquents.³⁷³ In reality “most young Brazilians still do not get a secondary education. According to the World Bank, only 33 per cent of Brazilian teenagers attend secondary school.”³⁷⁴ As far as higher education is concerned, “Most places at the free (i.e. taxpayer-financed) public universities go to the youngsters whose parents have enough money to put them through private schools first, whereas students from poor homes, if they are lucky enough to complete their secondary education in the dismal state schools, have to pay to go to universities.”³⁷⁵ Not only is the Brazilian education system very weak but a large portion of the people does not have access to education. The literacy rates have improved significantly over the past 50 years, and in 1950 the literacy was 50 percent and today it is 84 percent. Yet, there are still millions of people who cannot read or write and consequently are excluded from much of society and the job market.

³⁷⁰ Irene Rizzini, Gary Barker and Neide Cassaniga. “From Children to all Children – improving the Opportunities of Low Income Urban Children and Youth in Brazil.” Rio de Janeiro, Brazil, 1998.

³⁷¹ The Brazilian Embassy Online – “Education”

³⁷² Field Notes 2005-07-07.

³⁷³ “Make or Brake – A survey of Brazil”, The economist 22nd February 2003, p 13

³⁷⁴ Ibid p 13.

³⁷⁵ Ibid p 8.

*“In Brazil there is an enormous social exclusion in education, social exclusion in society. A few succeed to graduate primeiro grau, and very few graduate Segundo grau and even fewer enter university”*³⁷⁶

The Brazilian education system is often excluding and the quality of the teaching varies a lot. Even though English is mandatory³⁷⁷ in all public schools from *Segundo grau* almost all the people that learn English do so through expensive private courses because the English they are taught in the public school is not sufficient. One of the NGO workers confirms the poor quality of the teaching in public schools: *“The teachers [in public schools] today are not that interested in teaching because they are paid very badly.”*³⁷⁸ Only about 10 percent of the population completes university level education compared to about 40 percent in Sweden. Belie, a 16 year old student living in a lower class neighbourhood, tells how weak the public education is and that it is common that they lack books, and other necessities. *“They [the government] don’t give education as they should. Sometimes we don’t have any books. The education and the teaching are not good. It is very weak.”*³⁷⁹ Statistics from OECD shows that Brazilian students are far behind the other countries in math and reading skills.³⁸⁰ Brazil has 95 percent enrolment in primary education but many of the kids cannot read and write because the rules only allow students to stay in the grade that is equivalent to their age.³⁸¹ So, if a student falls behind there is no way he or she can re-take a year. The failure to promote students to the next grade is the main cause of dropping out of school. While working at Projeto Uerê in the Favela Complexo de Maré, I encountered numerous children that were between 7-15 years old and did not know how to

³⁷⁶ Interview with Marelene 2005-10-19.

³⁷⁷ However, this was recently changed and now students in public schools have an option between English and Spanish.

³⁷⁸ Interview with Marelene 2005-10-19.

³⁷⁹ Interview with Belie, 16 years old 2005-09-22.

³⁸⁰ Make or Brake – A survey of Brazil”, The economist 22nd February 2003, p 13.

³⁸¹ Field notes at Projeto Uerê 2005-07-07.

read and write sufficiently. Also the violence in the favelas is a reason for children dropping out of school or they simply do not go to school due to fear of getting hurt or killed. Shootings in public school are frequent.³⁸² Yvonne de Bezerra de Mello says that many of the kids are traumatized from their lack of family, shootings, and misery in the favelas. Moreover, she says that *“the teachers in public school can’t handle psycho traumatized kids.”*³⁸³

*“A lot of people are dying in schools, children killing other children and adolescents. But it is not only among the lower class. Children hitting children [and] adolescents hitting adolescents. The day before yesterday a friend killed another friend (in class) at school. So, the violence here is huge”*³⁸⁴

Bakari tells how the police and the gangs are in a constant battle and the schools are no exceptions. *“One day they [the bandits] went by my school to get someone and in the shooting seven or eight kids were hurt. But I had heard that they were coming and stayed home sleeping.”*³⁸⁵

According to 1999 data from the National Housing and Population Statistics Research, among the 1.8 million 15-to-24-year-old population of Metropolitan Rio de Janeiro 684,000 (38%) have not completed primary schooling. Only 216,000 (12%) have at least finished high school. Only looking at the favelas, 62% of the young people have not completed primary schooling, and barely 1 % has finished high school.³⁸⁶ The deficiencies in education have severe consequences for Brazilian society. In the context of poverty, the poor

³⁸² Field Notes 2005-07-07.

³⁸³ Field notes at Projeto Uerê 2005-07-07.

³⁸⁴ Interview with Marelene 2005-10-19.

³⁸⁵ Interview with Bakari 15 year old favela resident, 2005-10-27

³⁸⁶ Jailson de Souza e Silva “Life and Survival in Rio’s favelas” in *Human Rights in Brazil 2003: A report by the Social Network for Justice and Human Rights in partnership with Global Exchange*, São Paulo, 2003, p 153.

performance in school is associated with complex social and cultural factors. There is a need to continuously increase school attendance rates in Brazil. There exists a complicated relationship between poverty, health care and education. Failing your classes and dropping out of school are most common among the lower income classes. Not only are they factors that cause poverty, but they are also caused by it. For low-income families, keeping their children in a school when they are not making enough to sustain a family is an economic and psychological burden. Moreover, statistical data have demonstrated that regardless of whether or not a student works, the disparities between students' ages and grade levels are always much higher among the poorer sectors of the population. This fact highlights the immediate need to enhance the quality of education as a central factor in breaking this vicious cycle that maintains poverty in Brazil.

CHAPTER 4

4. INTRODUCTION

The findings reported in this chapter are derived mainly from my field research. This chapter will deal with human rights NGOs in Rio de Janeiro. During the summer and fall of 2005 I conducted research and worked as a volunteer for two non-governmental organizations in Rio de Janeiro in Brazil and I was interested in how the NGOs in Rio de Janeiro operating. Are they operating as grassroots NGOs or are they more like advocacy/fact finding NGOs? What kind of programs do the NGOs have and why did they choose these programs. What kind of professionals are working for the NGOs? Do NGOs have different views on human rights and what rights are the organizations prioritizing? How and where do the NGOs get their funding and how dependent are they on the 'will' of the donors? The chapter will give an overview of the structure of human rights NGOs in Brazil and concrete examples of NGOs working in the field. Lastly I will look at the role of NGOs vs. the role of State. This section is based on my interviews with NGO workers and non-NGO workers and observations.

4.1 HUMAN RIGHTS NGOS IN BRAZIL AND RIO DE JANEIRO

“There is a lot of NGOS [in Rio de Janeiro] but it is still only a drip in the ocean”³⁸⁷

All over Latin America the 1960s and 70s were decades of military regimes in Latin America and 18 out of 21 Latin American countries were under dictatorships.³⁸⁸ Brazil was no exception and was under dictatorship rule for over 20 years. This meant that civil and

³⁸⁷ Interview with Marelene 2005-10-19.

³⁸⁸ Kevin Danaher, ed. “Brazil: Drowning in Debt “ in 50 years is enough: The Case Against The World Bank and the International Monetary Fund. A project of Global Exchange. South End Press, Boston MA, 1994, p 44

political rights were practically inexistent. The mass emergence of NGOs began in the 1980s during the period of “*abertura*” (“opening”) or redemocratization culminating in the return to elections in 1985.³⁸⁹ The 1970s and 80s in Brazil saw an “unprecedented generation of social movements – of urban neighborhoods, women, environmentalists, the Catholic Church, lawyers and many more groups –joined in a sudden upsurge of mobilization against the military regime.”³⁹⁰ Military rule ended with the hand over to a civilian president elected by congress in 1985, however, with some lessening of control after 1979. Direct presidential elections were held in 1989.”³⁹¹ Political participation was gradually gained but it did not change social and economic situations. Thus, people started creating social movements and NGOs to deal with social and economic problems, i.e. street kids, housing rights, land reform etc.³⁹² At this period in time, NGOs started to become more specific and with the Rio summit in Rio de Janeiro 1992, where 152 heads of state met, NGOs had a great representation and got a lot of media attention. In this process NGOs in Brazil start to learn how to use the UN and how to traffic information nationally and internationally and get attention from media, donors, and foreign governments and IGOs. Two authors write that “The process of expanding the concept of human rights by means of political action by civil society has been constant in the United Nations conferences, particularly during the 1990s.”³⁹³ Sikkink and Keck argue that when NGOs cannot create change from within their country they start

³⁸⁹ Ibid, p 99-101.

³⁹⁰ Kathryn Hochstetler. “Democratizing Pressures from below? Social Movements in the new Brazilian Democracy,” in *Democratic Brazil : Actors, Institutions and Processes*. Peter R Kingstone and Timothy J Power, eds. University of Pittsburgh Press, 2000, p 162.

³⁹¹ Irene Rizzini, Gary Barker, Neide Cassaniga. ” From Children to all Children – improving the Opportunities of Low Income Urban Children and Youth in Brazil.” Rio de Janeiro, Brazil, 1998, p 35.

³⁹² Lecture notes from Human Rights and Peace Education in Brazil 2005, Teachers College Columbia University, professor Peter Lucas, 2005-06-27.

³⁹³ Jacqueline Pitanguy and Rosana Heringer. “Economic integration, Human Rights and Racism” in *Brazil: Women and Legislation against racism*. Citizenship, Studies, Information Action (CEPIA), Rio de Janeiro, August 2001. p 88.

turning to their foreign counter partners. Even though some NGOs were able to create change from within national borders, they started to discover the opportunities to put pressure through outside (foreign) media, NGOs and conferences.³⁹⁴ Hochstetler explains “Perhaps more important, the constant media coverage of the “Earth Summit [1992] ‘ gave the Brazilian population the opportunity to inform themselves about the vital role that NGOs were performing in their own society and a means to measure how much they had grown during the brief spaces that encompassed their existence.”³⁹⁵

Hochstetler argues that in Brazil, activists make a distinction between NGOs and Social Movements, where NGOs generally have more “financial and thus more institutional resources, which allow them to initiate long-term projects through institutionalized kinds of action”.³⁹⁶ Rio de Janeiro has one of the highest numbers of NGOs per capita in the world and numerous educators and NGOs are working inside and outside the favelas in Rio de Janeiro, and there are several schools promoting human rights and peace. A survey carried out in 1988 already showed that there were 1,208 NGOs in Brazil and in the last decade the number of NGOs has continued to increase. Around 100 of these organizations dealt exclusively with human rights, of which 85% had been created in the previous 15 years.³⁹⁷ The first National Conference on Human Rights in 1996 was attended by around 200 human rights NGOs.³⁹⁸ In the state of Rio de Janeiro it is estimated that over 200 NGOs operate, but

³⁹⁴ Lecture notes from Human Rights and Peace Education in Brazil 2005, Teachers College Columbia University, professor Peter Lucas, 2005-06-27.

³⁹⁵ Kathryn Hochstetler. “Democratizing Pressures from below? Social Movements in the New Brazilian Democracy,” in *Democratic Brazil : Actors, Institutions and Processes*. Kingstone, Peter R. and Power, Timothy J., ed. University of Pittsburgh Press, 2000, p 178.

³⁹⁶ Kathryn Hochstetler “Democratizing Pressures from below? Social Movements in the New Brazilian Democracy,” in *Democratic Brazil : Actors, Institutions and Processes*. Kingstone, Peter R. and Power, Timothy J., ed. University of Pittsburgh Press, 2000, p 179.

³⁹⁷ Brazilian Embassy Online – “Brazil in Brief: Civil Society”

³⁹⁸ Ibid.

one has to keep in mind that there are some organizations that never bother to register with the government and the actual number of NGOs might be higher than government statistics present. A majority of these organizations promote human rights in various forms and projects even though not all of them call themselves human rights NGOs. Until recently so called development NGOs³⁹⁹ did not use human rights language and did not frame themselves as human rights organizations. However, lately they have been connecting development with human rights. Many of these organizations operate as grassroots NGOs in favelas or *bairros carentes*. Consequently, Professor Hoffman argues that there often is a communication gap between Brazilian NGOs and the UN and international human rights organizations.⁴⁰⁰

4.2 STRUCTURE OF NGO'S IN RIO DE JANEIRO⁴⁰¹

The NGOs that I worked for and researched are mostly grassroots NGOs and only working with some functions similar to advocacy/fact finding NGOS. Most of them work with people in one or several communities. They focus almost exclusively on social, economic and culture rights, but many organizations had elements of political and civil rights as well. Many of the organizations focused on “the needs” of the community or the society. An outline of the structure (types) of human rights NGOs in Rio de Janeiro is presented below.⁴⁰² The structure can be divided into three levels, where at the top level the NGOs have a lot of contact with international human rights mechanisms; intermediate level where

³⁹⁹ Usually referring to NGOs working with Social and Economic Rights such as housing, water, alimentation, and poverty.

⁴⁰⁰ Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio., 2005-06-27.

⁴⁰¹ This section is based on Lecture notes from Human Rights and Peace Education in Brazil 2005, professor Florian Hoffman, PUC Rio de Janeiro , 2005-06-27

⁴⁰² The structure applies to all of human rights NGOs in Brazil but my study focus on organizations operating in Rio de Janeiro.

the organizations have some contact with international human rights organizations and mechanisms; and the grassroots level where the organization have little or no contact at all with the international human rights system. Understanding the structure of NGOs will prove important when I later look at human rights promotion and NGO funding. On each level I give a concrete example of an NGO operating in Rio and its vision, programs, functions and networks.

Top level (advocacy/fact finding)

International NGOs are totally hooked up to the international system. They are mostly fact finding and attempt to hold the government responsible by presenting fact reports about human rights abuses and disseminating reports to larger human rights networks and other states. They participate in what Sikkink and Keck call advocacy networks.⁴⁰³ They use international mechanisms to denounce violators and tend to focus on political and civil rights. These organizations usually have a legal profile and do not get to the bottom of the problem and argue that this is not their role. Examples: *Global Justice (JG)*⁴⁰⁴. Founded in 1999 and located in Rio de Janeiro and São Paulo. *Global Justice* promotes and protects human rights principally through the international mechanism of the Organization of American States (OAS) and the UN. They work directly with the OAS and regularly send reports to the UN on human rights violations in Brazil and they have sent over 100 reports. They also send fact reports on human rights to transnational human rights advocacy networks such as the International Federation for Human Rights (FIDH), and Amnesty International, Human

⁴⁰³ Margaret E. Keck and Kathryn Sikkink "New actors and new Forces: Transnational Activist Networks", p 551 in Robert Art., Robert J. Jervis., *International Politics: Enduring Concepts and Contemporary Issues*. 7th edition. Pearson Education, Inc. 2005

⁴⁰⁴ *Justiça Global*

Rights Watch and the Pastoral Commission on Land Rights (Comissão Pastoral de Terra) and the MST. They present reports on human rights to denounce human rights violators and work with lawyers to send information to the Inter-American Court. Their strategy is to take human rights cases to the Inter-American court, and through the court they will push the Brazilian government to implement public policies. They also work with human rights defenders in Brazil. Apart from promoting human rights through international mechanisms they produce reports on the situation on human rights in Brazil. JG takes part of international networks and other institutions that work with human rights on an international level. JG is considered to have strong credibility and Brazilian media give them a lot of exposure. Most of their work is research and they have researchers going to do field research for their reports. Their focus is police violence, violence in rural areas, and human rights defenders, but they take other cases if their funding allows. Their staff is either lawyers or sociologists. They offer human rights education in the form of training lawyers in international human rights law and mechanisms and how to use the media effectively in human rights advocacy.

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The objectives of the organization are:

- To train Brazilian human rights organizations to be able to utilize the international mechanisms in protecting human rights;
- To document human rights violations, including in areas of conflict and present denouncements through communication with other international human rights organizations;
- To promote compliance to international human rights law;
- To advice Brazilian NGOs how to access the national and international media;
- To strengthen international networks of human rights in helping Brazilian organizations;

⁴⁰⁵ Field Notes from visit to Global Justice 2005-07-11.

- To guarantee and represent victims in cases of individual human rights violations in the international sphere.⁴⁰⁶

Global Justice works almost exclusively to promote Political and Civil rights and is a great example of an advocacy/fact finding NGO. In their 2003 annual report on human rights in Brazil they discussed: Prison systems; Torture; Police Violence; Rural Conflicts; Indigenous, issues; Slave Labour; Racial discrimination; Sexual Orientation; Human rights defenders; Impunity and the Judiciary; Psiquiatric institutions and Human rights protection systems. The report only mentions structural problems in the introductory section; instead it focuses on individual stories and legal cases.⁴⁰⁷ JG has several foreign donors and one of the biggest ones is the Ford Foundation. They are also visible and promoted on international human rights websites and by advocacy networks.⁴⁰⁸

Intermediate

These are bigger Brazilian NGOs and they usually have an international component but the main part of their work is on the ground. Example: *Associação Beneficente São Martinho*⁴⁰⁹ SM like many other NGOs in Brazil was founded at the end of dictatorship in 1984 and officially instituted in 1988 as the Associação Beneficente São Martinho. SM is a non-profit civil entity and is a catholic organization. SM has a philanthropically and educational character. The organization works for the cause of children and adolescents in social risk,⁴¹⁰ and focuses on social, economic and culture rights and functions more like a grassroots NGO. SM offers an alternative road for children and adolescents living in the streets and in

⁴⁰⁶ "Programa de Capacitação : 'Marcio Baccarin Possebom.' Treinamento em mecanismos internacionais de direitos humanos e estratégias de Mídia. Centro de Justiça Global, p 2.

⁴⁰⁷ Sandra Carvalho. "Human Rights in Brazil 2003: Global Justice Annual Report. May 2004.

⁴⁰⁸ Internet research done by the author.

⁴⁰⁹ I will use the abbreviation SM for São Martinho.

⁴¹⁰ Social risk refers to the risk that children and adolescents living in underprivileged neighborhoods get involved in the drug trade, violence, and drop out of school. These neighborhoods often lack basic infrastructure, public spaces, and leisure activities, and adequate education and health facilities.

poor and underprivileged areas in Rio de Janeiro by providing social projects, sheltering and legal assistance. SM aims to offer hope and opportunities for children in the ages 6-18 that normally runs huge risks to get involved in drugs and crime and instead give them human dignity as well as affection and develop a sense of citizenship. Out of the children that they attend, 94 percent come from the lower class and 95 percent from *Zona Norte*⁴¹¹.

SM has several social projects that offer sports and cultural activities for children. SM also has community houses for children living in the streets, and it gives them a place to sleep, eat and live until they can return to their families. The Center for Defence (Centro de Defesa) provides free legal assistance to underprivileged children and adolescents that have been involved in crime. SM has a range of professions within its staff and they include; psychologists, lawyers, teachers (physical education music, art, and theatre), social workers, administrators, and doctors. SM also has so called educators that seek up street kids and talk to them and try to change their situation.⁴¹² All the educators have to take courses. “We have to take at least two courses per year to be able to continue to work at our position”, says Marelene⁴¹³. SM also has Núcleos⁴¹⁴ where they offer sports, art workshops, English classes, help with home work, drumming classes, theatre, *capoeira*⁴¹⁵ classes, and literacy classes for children in *bairros carentes* and children at social risk. A small section of SM occasionally

⁴¹¹ Rio de Janeiro is divided into zones (south, north, east) and “zona norte” is where most of the people of the city live but also where almost all the poor people live and the biggest *favelas* are located.

⁴¹² “Rizzini describes the educator as “Another important legacy of the street children’s programs is that of developing a philosophy and a profession of staff to work with street children – the street educator. This educator, who is both outreach worker, advocate and friend, may be either a volunteer or trained adult staff or youth (in some cases street educators are former street youths who approaches the street child, befriends them and works with them to resolve their immediate needs. Street educators generally serve as the first point of contact to organizations and other options (education, vocational training, health services, income generation, etc.) that a given NGO or governmental program may offer.” Source: Irene Rizzini, Gary Barker, Neide Cassaniga, “From Children to all Children – improving the Opportunities of Low Income Urban Children and Youth in Brazil”. Rio de Janeiro, Brazil, 1998, p 15.

⁴¹³ Interview with Marelene 2005-10-19.

⁴¹⁴ Activity centers.

⁴¹⁵ Brazilian martial art.

conducts research and sends reports to ANGOs, most commonly to AI. The organization was founded to help the children on the street and has over the years grown in size and scope.

One of the staff members explain:

“It wasn’t like we sat down one day and thought what kind of activity we should have. No, a group started with activity in the streets and then the street (the problems) gave us our other focuses”.⁴¹⁶

In explaining way they have chosen the current structures and activities the employees at SM said that all the programs are based on the needs of the children and adolescents they work for.

“The focus of SM was born out the street kid. Then in reality it is he/she that determines, actually it is his wants/wishes and needs that he has that determine all the other areas of action in SM.”⁴¹⁷ We have a residential house⁴¹⁸ because the kids need it, the kid need somewhere to live and stay temporarily before he/she can return to his family. We have Mundo do trabalho⁴¹⁹ because the kid has the need to help his family, and then we try to help them to enter the job market, to generate income for this family, so that it doesn’t generate new kids that will end up on the streets, Then his family has to repeat the story of being on the streets. So, the focus of SM follows the needs of the street kid. In reality all the projects of São Martinho follow the needs and necessities of the street children and their situation in the streets.”⁴²⁰

The work of SM is what is referred to as positive peace (human rights) and a staff member says: *“our work here at the Núcleo is preventative.”⁴²¹* They said they focus on building up from the ground and that the family and children are the base and the future of Brazil and Marelene said: *“We are working with children and adolescents. We are working with the family which is the base of everything.”⁴²²*

⁴¹⁶ Interview with Marcia. 2005-10-20.

⁴¹⁷ Ibid.

⁴¹⁸ Functions like a temporary orphanage.

⁴¹⁹ Mundo do Trabalho literally means the World of Work and is inserting kids into the job market by offering internships.

⁴²⁰ Interview with Marcia 2005-10-20.

⁴²¹ Interview with Elane 2005-09-28.

⁴²² Interview with Marelene 2005-10-19.

When asked about the meaning HR and the importance of human rights many of the staff was critical of western organizations that only deal with political civil rights. There was also skepticism against the ideology of Western NGOs, and the principal critique was that many HR organizations in Europe and the U.S. are elite based without any connection to a community.

“All big institutions [HR organizations] reproduce the thoughts (opinions) of the elites. They are a minority in numbers, the intellectuals that direct these organizations and all these fights for political rights”⁴²³

As discussed previously in Chapter 2 ANGOs tend to focus more on specific rights while GROs are more inclusive and often see the basic rights of food and housing as the primary focus. One of the workers was very critical to the “narrow minded” view of international human rights organizations.

“I received this report about the space of the confinement and it had a detailed analysis about the conditions, the boy, the violence he suffers from, a detailed analysis of the space, which is important, we need this ...but why did the teenager get in prison in the first place?”⁴²⁴

She continued to say:

“But why did [the poor kid] get imprisoned in the first place? Why did he start robbing? Why did he get involved in drug dealing (trafficking). Why does the community have as much drug dealing? Why do the drug dealers have as much power in the favelas? Because the public power (government) is absent. Because it’s the drug dealers that bring transport, health care and security.”⁴²⁵

Grassroots

Brazilian grassroots NGOs are working on an internal paradigm and are victim based. Usually they are not legally conscious, and the language they use reads very different

⁴²³ Interview with Marcia 2005-10-20.

⁴²⁴ Interview with Marcia NGO worker, 2005-10-20.

⁴²⁵ Interview with Marcia 2005-10-20.

from international and intermediate level organizations. An example is Projeto Uerê. The organization is situated in the *favela* area *Complexo de Maré*, which has over 100,000 inhabitants and consists of various favelas. At Uerê the children are offered a meal a day and the project also offers health care and emotional support. The project works with 300 kids in a favela by giving them psychological assistance; teaching the children daily routines and citizenship. One of the goals of the project is to provide homework assistance and classes in English, mathematics, geography, theatre, basically keep children out of drugs and violence. Some of the kids have also received scholarships to go to private schools which are known to offer better quality than the public schools. The scholarships are funded by private donations from foreigners.⁴²⁶ The president of the NGO says “*the project tries to make them believe that they can have a ‘normal job’ and become citizens. Be someone! That poverty is not here to be forever.*”⁴²⁷ The project aims to teach kids human rights in the context of citizenship because the “*kids here don’t have the norms and routines that ‘normal’ kids have.*”⁴²⁸ The children in the project are between 3 and 18 years old. The director of the program stresses the importance of helping the children to be able to live normal lives, and the fact that less and less projects are working in the favelas because of the complicated situation of drugs and violence. All the staff come from the favela (or at least from poorer neighbourhoods), but they need a high school diploma to get hired. The staff from other parts usually cannot handle the violent situation and traumatic experiences that the children live with. I got the opportunity to interview some of the children at Uerê. One of the kids tells how Uerê has changed his life. For many of the children it is the only opportunity they have to return to school, prepare for the job market and try to live a normal life.

⁴²⁶ Visit to Projeto Uerê 7th of July 2005, Presentation of the organization by Yvonne Berreira de Mello

⁴²⁷ Ibid

⁴²⁸ Ibid

*“I found Uerê through a Christmas Party, and only the kids that were participating in the project were given gifts, and they told me that I had to be in the project for a year to be able to join. So, when January came I signed up for the project. And it was a lift in [my] life. It was a bettering in my life.”*⁴²⁹

For many of these children the grassroots NGOs that are working in the favelas or in the bairros carentes are an opportunity that they would not otherwise have.

*“Uerê is good because it takes people away from drugs and trafficking, take people away from the streets, they are always around to help with your studies. It is always good to come here.”*⁴³⁰

4.3 NGO FUNDING IN BRAZIL AND RIO DE JANEIRO IN PARTICULAR

This section will serve as an example of how and where NGOs in Rio de Janeiro get their funds and what their relationships are with the donors. However, this research cannot serve as a survey of all NGOs in Rio de Janeiro or Brazil but my results can serve as an example and perhaps show a trend. According to Hochstetler

*“NGO resources [in Brazil] largely come from governmental and international sources – nearly 5,500 Brazilian NGOs receive 400 million \$US annually from international sources- and when the dollar weakened against the Real after the plan real [in the early 90s,] sharply lowered inflation, 86 percent of the NGOs in Brazil reported they were cutting employees and programs.”*⁴³¹

Moreover, “international human rights groups have...been critical support for national human rights groups in Brazil... [and]...international NGOs generally have supported the work of Brazilian NGOs...by donating money and promoting global

⁴²⁹ Interview with Bruno 2005-10-27.

⁴³⁰ Interview with Bruno 2005-10-27.

⁴³¹ Kathryn Hochstetler “Democratizing Pressures from below? Social Movements in the New Brazilian Democracy,” in *Democratic Brazil : Actors, Institutions and Processes*. Kingstone, Peter R. and Power, Timothy J., ed. University of Pittsburgh Press, 2000, p 179.

communications networks.”⁴³² In 1996 NGOs influenced or controlled 1.4 billion Reais, (close to \$US 1.2 billion) in funds “administered by the ministry of the Environment the ministry of Social Security and Welfare, and international banks”⁴³³ Since then “many NGOs have turned to governmental funding sources, with an astounding 70 percent of Brazilian NGOs reporting some kind of partnership with government agencies in 1996.”⁴³⁴ As Hochstetler critically points out “such large sums of money inevitably raise issues of the autonomy of the NGOs from the organizations and agencies that fund them.”⁴³⁵ NGOs are independent from the state, and they always have to look for funds. Even though most of them are operated as non-profit organization the hunt for funds is always a key issue for any NGO. Further Hoschseteller holds that: “Supported almost entirely by foreign non-government funding agencies, Brazilian NGOs have not historically cultivated relations with government and, far from substituting for the State, have maintained a constant opposition to it.”⁴³⁶ The biggest donor for human rights NGOs in Latin America and Brazil is the Ford Foundation, but many European funders are also important and according to Keck and Sikkink, the Ford Foundation represented more than half of all the funding for international human rights work in 1993.⁴³⁷ Funding for human rights NGOs in Rio mainly comes from the Netherlands, Scandinavia and Canada.⁴³⁸ The reality today is that Brazilian NGOs now receive less aid than in the early 1990s, because now Africa is seen as the ‘poor and needy’.

⁴³² Ibid p 176.

⁴³³ Ibid p 179.

⁴³⁴ Ibid p 179.

⁴³⁵ Ibid p 179.

⁴³⁶ Ibid p 179

⁴³⁷ Margaret E Keck and Kathryn Sikkink,. “Activists Beyond Borders: advocacy networks in international politics.” Cornell University Press, 1998, p 98.

⁴³⁸ Margaret E Keck and Kathryn Sikkink,. “Activists Beyond Borders: advocacy networks in international politics.” Cornell University Press, 1998, p 98.

Media and the UN influence this view. In 1993 when the Candelária tragedy⁴³⁹ occurred in Rio de Janeiro, Brazil was on everybody's mouth. But *"today Brazil is not seen as poor enough to get aid and instead the donors will give it to Peru or Bolivia."*⁴⁴⁰

A majority of the NGOs that I visited, talked to or researched said that a big part of their funding came from international donors. It was also very common to have one or many foreigners high up in the organization. The organization IBISS was founded and is run by Dutch people, and every year it receives volunteers from Holland. The president of the NGO São Martinho, where I worked, is Dutch and Centro de Defesa (the Centre for Defence)⁴⁴¹ has until today been funded almost completely by Dutch donors.⁴⁴² SM's Núcleo in Vicente Carvalho receives 50 percent of their funding from an English organization called Jubilee Action.⁴⁴³ It is common that the NGOs create independent projects or sectors that have to find funds independently of the organization as a whole. This way they can attract funds for specific projects, rather than trying to get funding for the organization itself, particularly, from Europe.⁴⁴⁴ The organizations that had a "fit" with the view of foreign NGOs, governments or corporation's view of human rights received a lot more funding. One of the critiques of NGOs mentioned in Chapter 1 was that they depend on funding from western donors which do not always have the same ideas of what should be done with the money. The most frequent countries that were mentioned as donors in Rio de Janeiro were Holland, Switzerland, Norway, Belgium, Sweden Italy, and the UK.⁴⁴⁵

⁴³⁹ The Candelária massacre took place in Rio de Janeiro in 1993. Innocent and unarmed civilians and children were brutally slaughtered by members of Rio's Military Police force.

⁴⁴⁰ Interview with Marcia 2005-10-20

⁴⁴¹ One sector of the program that works with legal rights

⁴⁴² Field Notes 2005-11-01.

⁴⁴³ Interview with Ivan 2005-11-23.

⁴⁴⁴ Could include the U.S. and other rich countries as well but it was rare to hear about American funders.

⁴⁴⁵ Field Notes.

Even though none of the organizations I spoke to said that they had changed their image in order to attract more funding, Ivan at São Martinho said *“They will tell us ‘we pay for this but only if you do this.’ They say what they want. Unfortunately, it is like this, they think they know better what we need.”*⁴⁴⁶ He continued to say:

*“The international donors are much like the World Bank. I was once in a project that they (the WB) funded and we were supposed to have a meeting with them to discuss what and how they could help. But when they got to the meeting they had already decided what they wanted to build, where they wanted to build and how they wanted to build it. Their experts believe they know better than us.”*⁴⁴⁷

Many of the people I interviewed but also people I spoke to in the field mentions that in Brazil there is no culture of giving money to NGOs or social projects.⁴⁴⁸

*“The Brazilian firms don’t have a culture of investing in non-profit and education. So, our non-profit sector is suffering. The project has run out of funds and today it does not have any funds anymore. We are dependent on the interest of foreign firms to invest in this sector. So, we are dependent on other programs to get funds.”*⁴⁴⁹

The notion of social exclusion and the elite’s negligence of the poor are present in all areas of Brazilian society including funding for NGOs working with social issues. A representative at Viva Rio said that funding in Brazil is doing business and that is why it is so difficult to attract donors.⁴⁵⁰

“The Brazilian firms and CEOs⁴⁵¹ are not accustomed and do not have a culture of investing in social projects. I think it has to do with our history

⁴⁴⁶ Interview with Ivan 2005-11-23.

⁴⁴⁷ Ibid.

⁴⁴⁸ Interview Caetano NGO worker 2005-07-27.

⁴⁴⁹ Interview Caetano NGO worker 2005-07-27.

⁴⁵⁰ Field Notes 2006-06-29.

⁴⁵¹ Chief Executive Officer.⁴⁵¹ Field Notes.

⁴⁵¹ Interview with Ivan 2005-11-23.

⁴⁵¹ Ibid.

⁴⁵¹ Interview Caetano NGO worker 2005-07-27.

⁴⁵¹ Interview Caetano NGO worker 2005-07-27.

⁴⁵¹ Field Notes 2006-06-29.

⁴⁵¹ Chief Executive Officer.

in Brazil; our colonization was a complicated process. We have always been a colonization of exploitation. So, the elite that have money have always here in Brazil been very distant from the poor people.”⁴⁵²

Others mentioned that they had to work with media, celebrities and artists to get people to donate money.

“So, do go around this you have to be creative. We had a campaign for the fight of dengue⁴⁵³ and we put up a show with Roberto Carlos, a famous Brazilian singer, and we put him singing in front of an infected area. It was a success and we got a lot of funds but if we would have just said we have a campaign to fight the dengue we wouldn’t have gotten a single centavo.⁴⁵⁴ So, I think it is a question of culture. People don’t want to invest in social projects. Instead they prefer to invest in security, and to live in a fenced house whereas outside the favela and the poverty continue to grow.”⁴⁵⁵

NGOs that have projects or ideas that are more in line with the business community and follow the social trend⁴⁵⁶ tends to attract more funding. This is obvious in the case of the NGO Committee for the Democratization of Information (CDI) and Projeto Uerê. CDI has rather simple but effective concept and message which is to bring computers into poor or lower class neighbourhoods in Brazil but now also in other parts of South America and through this educate and empower for the most part poor people. The concept has been a success story in terms of funding and has expanded vastly since the start in 1995. Today, they are working with “digital inclusion” in 19 Brazilian states, 30 cities and 9 countries in South America. The organization has a great amount of corporate funding, among others from IBM who has donated both computers and equipment to the organization. This way IBM can spread their brand to remote areas that otherwise would not be plausible to target. Also the

⁴⁵² Interview with Caetano 2005-07-27.

⁴⁵³ Infectious disease spread by mosquitoes.

⁴⁵⁴ Brazilian currency 1 Reais = 100 centavos.

⁴⁵⁵ Interview with Caetano 2005-07-27.

⁴⁵⁶ With social trends I mean both issues, i.e. what people perceive as urgent and important, but also in terms of technology. For example cell-phones and computers are the trend at the moment.

Brazilian giant Petrobras along with other prominent corporations are supporting the project. At my visit on June 30th 2005, I got to watch a very professional presentation that reminded me of a business presentation and the concept seemed fairly easy and straightforward. The president of the organization Baggio uses the slogan “with Digital exclusion follows social exclusion.”⁴⁵⁷ However, at Projeto Uerê there has always been a shortage of money and the director Yvonne Bezerra de Mello has often herself stepped in with funds to keep the project going. Uerê works with children and adolescents in a *favela* in Complexo de Maré offers literacy classes, dance, music, sports, English, mathematics and Portuguese classes to underprivileged children but it is a work that does not necessarily trendy or receive much attention from media. Still, the need for these projects is never ending in many parts of the world. Hence, the difference is that CDI and Baggio work with the concept of Digital inclusion which is seen “hip” or trendy, it is right at this moment. The idea that poor people get access to computers and therefore become included in society and get all the opportunities that computers offer is more attractive for companies and donors. At Projeto Uerê a group of American individuals have sponsored scholarships for a number of children in the project, for them to go to private schools. But the project is often short of money. At CDI 12 percent of the funding comes from international entities and the majority of the funding comes from private companies. So, the NGOs have to think about how they frame themselves within Brazil and internationally. In the Scandinavian countries but also in Holland, it is common to invest in social projects abroad and it has higher status among common people than in Brazil. Thus, for an organization like Projeto Uerê it might be easier to look for funds abroad than within Brazil. Christine Ricardo at the NGO *Instituto Pro*

⁴⁵⁷ Field Notes 2005-06-30.

*Mundo*⁴⁵⁸ said: “NGOs depend on funding for what they can address”.⁴⁵⁹ “[We] need to attract donors and [the project] needs to be framed for donors, and [we] cannot always do the projects we want. [The question is] what are people willing to give money to?”⁴⁶⁰

Viva Rio is the largest NGO in Rio de Janeiro, and perhaps in Brazil. With over 900 employees some have suggested that is rather a business than a non-profit NGO.⁴⁶¹ About 50 percent of the funding that Viva Rio receives is from international (foreign) entities. Some of the funders are Ford Foundation, DFID – Department for International Development (Great Britain) and World Vision. Since Viva Rio is such a large organization, each section of the organization receives funding from different sources. For example, Luke Dowdney, who is an English citizen has brought in most of the funds for his project Luta Pela Paz (Fight for Peace),⁴⁶² a boxing club operating in poor neighbourhoods and aiming at taking the kids away from the streets, and drugs and violence, through British donors. Dowdney recently published research at Viva Rio that was almost exclusively founded by foreign donors among others Save the Children Sweden. Critics of NGOs have argued (as discussed in ch.1) that NGOs are not accountable to anyone but Jessica Galeira at Viva Rio says “we are accountable to our donors because without them we can’t do anything.”⁴⁶³ Therefore accountability and evaluation becomes important in applying for funds. Another important issue in terms of NGOs is how much the donor dictates what they want to see or have done. All donors have an objective and then the question is how much this conflict with the objective of the NGO. Ms. Ricardo holds that “what we can do[to be able to get funding

⁴⁵⁸ NGO working for Women’s Rights.

⁴⁵⁹ Presentation by Christine Ricardo from the NGO Instituto Pro Mundo, 2005-06-29

⁴⁶⁰ Presentation by Christine Ricardo from the NGO Instituto Pro Mundo, 2005-06-29

⁴⁶¹ Interview with Tiago 2005-09-15.

⁴⁶² A boxing club operating in *favelas* aiming at helping children and adolescents away from the streets, drugs and violence by training team on boxing and citizenship rights.

⁴⁶³ Presentation by Christine Ricardo from the NGO Instituto Pro Mundo, 2005-06-29.

*for the projects we want to do], is to educate the public, educate the donors or educate the target group in order for them to realize the importance of the issue.*⁴⁶⁴ Peter Lucas claims that “all NGOs in Rio de Janeiro are struggling [with funds] and changing”⁴⁶⁵ At the time I was working with São Martinho and Uerê, they were both struggling for funds and São Martinho had to lay off some of their staff at the lower levels of the organizations.

As mentioned earlier, the Ford Foundation represents a substantial amount of the NGO funding in Rio de Janeiro and Brazil. However, I did not encounter any of the grassroots NGOs receiving funding from the foundation except from certain research projects. Global Justice founded as late as 1999 already has several international donors among them the Ford Foundation. JG has a good amount of funding and has through their international networking received great attention and funding. They also mainly work with civil and political rights which better fits with the view of the international human rights movement.

4.4 THE ROLE OF THE STATE VS. THE ROLE OF NGOS

In the previous chapter I described some of the human right violations that take place in Rio de Janeiro. In this section I will include a short discussion on the role of the State vs. the role of NGOs in serving citizens and protecting human rights, and what should be the role of NGOs? Even though globalization has changed the climate for NGOs and the role of the state has changed the fact still remains that “States still set the baseline for global governance as they maintain territorial order, create social space for NGOs and civil society,

⁴⁶⁴ Presentation by Christine Ricardo from the NGO Instituto Pro Mundo, 2005-06-29

⁴⁶⁵ Field notes 2005-07-11.

and participate in intergovernmental ‘international society’ “⁴⁶⁶ In Brazil, all NGOs need to register with the government and many times they also receive funds from the government. There are basically two different views among the interviewees, where the first one holds that in an ideal world there are not any human rights violations, and thus, NGOs are not needed because the State would provide all the services and never violate the rights of its citizens. Most of the people I talked to ascribed to this view. One of NGO employees said that “*my goal with my work is that the government would take on all these necessities of social rights which are the responsibility of the government.*”⁴⁶⁷ The second view is that the NGOs complement the State and NGOs are a part of society just like the citizens. Every citizen has to do his or her part to contribute and make society work. The view that the state has the ultimate responsibility for its citizens and that NGOs are doing the job that the government is failing to execute.

*“Our job is to complement the state. We are offering the children here in the community an opportunity to have access to education, culture, everything that is in the ECA, which is legalized. But we can only be a complement; our action should not be to assume this job for SM instead of the state”*⁴⁶⁸

*“If the state were doing what it is obliged to do according to the ECA, we wouldn’t be here. If people would have had all that they have right to in the ECA, we wouldn’t be here. You wouldn’t need an NGO.”*⁴⁶⁹

Some scholars⁴⁷⁰ have warned that NGOs might take over the job of the government but a representative at the NGO Viva Rio argues that there is “*no danger that civil society will take over for the state [in Brazil] because the challenge is so big*”.⁴⁷¹ At

⁴⁶⁶ Alison Brysk. “Conclusion: from Rights to Reality” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 247.

⁴⁶⁷ Interview with Marcia 2005-10-20

⁴⁶⁸ Interview with Elane 2005-09-27

⁴⁶⁹ Interview with Marelene 2005-10-19.

⁴⁷⁰ See chapter 1.5

⁴⁷¹ Field Notes 2005-06-29.

São Martinho they argue that NGOs can provide certain rights but cannot cope with the challenge of performing the job of the state because NGOs are constantly short of funds.

“Were we operate we are missing resources in the area of sports, health, leisure,[and] food. The children today are having their rights violated in the right to a family, if that was not the case SM would not have residential houses. The right to play because we are giving them this. [We offer] sports, leisure, food, education, health. SM is giving food to the children because that right [to food] is being violated. But we cannot cope with everything. How can a NGO that is fighting to survive (is struggling to get funds) help everyone give a life with dignity, I think that this has to be the role of the government”⁴⁷²

I did not have the opportunity to interview any government officials but I asked the NGO workers what the government thought of the NGOs. I learned that the government sponsors certain projects that it believes is good. It looks kind of like when a donor comes in with money for a project. The programs they do not believe in they do not fund, but I was told that they respect all the projects. I asked about the programs for the street kids that São Martinho offers *“They respect us very well but they don’t necessarily believe in what we do.”*⁴⁷³ Denis Mintz at the São Paulo based NGO *Sou da Paz* (I’m for/of peace) believes that *“civil society should not do what the government is not doing. [Because] Nobody votes for the leader of an NGO, people vote for mayors, so, we want [the people] to engage and affect them [the mayors] by empowering people.”*⁴⁷⁴

*I think like this, when the constitution says you should have this and that etc. I think that the NGO is doing the job of the society; it is your job to do this too, even if you belong to an NGO, because we are a part of society. Even so the government has to be in the frontline. Has to be in the frontline.”*⁴⁷⁵

⁴⁷² Interview with Marelene 2005-10-05.

⁴⁷³ Interview with Marcia 2005-10-20.

⁴⁷⁴ Interview with Denis Mintz 2005-06-27.

⁴⁷⁵ Interview with Venecia 2005-10-05.

5. FINAL CONCLUSION AND ANALYSIS

Brazil was as a dictatorship for 20 years, but is today a democracy and the central government has gone through an immense transformation since the end of dictatorship in 1984. Brazil is now a signatory to all the major international human rights legislation and the 1988 constitution guarantees equal rights for all, and it recognizes human rights as one of its primary governing principles. Also the creation of the ECA, which is one of the most protective statutes for children in the world, has been an important step in strengthening human rights norms and legislation in Brazil. However, at the state level, problems still remain grave, and in spite of these positive developments the human rights violations in Brazil and, particularly, in Rio de Janeiro are still numerous. In my interviews people described a reality of poverty, inequality, racism violence and social exclusion. Particularly the poor are being discriminated against. All the problems encountered in daily life in Rio are perpetuated for the poor. Being poor in Rio, means that you do not have the same access to security, health, education, housing and jobs. As one of the NGO workers said “*We live in a society where a lot of people don’t have access to things*”⁴⁷⁶

Millions of people live in inadequate housing without running and clean water and a functioning sewage system, and the *favelas* are growing rapidly without any real action from the government. In Rio More than one fourth of the population lives in *favelas*. To illustrate, in an interview with a the community leader of a *favela*, he told me that the government for a long time has ignored to provide the community with a water pump for the provision of running water to all the people in the community.

⁴⁷⁶ Interview with Venecia 2005-10-05.

Twenty years of dictatorship has left a culture of oppression, practice of torture and impunity by government agents. The poor are more vulnerable to violence and they are more likely to be involved in crime due to lower educational levels, lower incomes and less access to important positions in society. They are also more likely to be accused and suspected of committing a crime.

Brutal violence is everyday life in Brazil and in Rio de Janeiro the problem has reached even higher stakes and the number of child deaths due to firearms is greater than in some countries in conflict. The interviewees spoke of the police killing street kids, and of shootings in the schools located in poorer neighbourhoods. Consequently, the children were many times scared to even go to school. Thus, there is a connection between poverty, lack of security in *favelas* and *bairros carentes* and access to education.

The policing against street kids and people living in *favela* communities are violent and repressive. Under the dictatorship the police was trained to act as a military, and still today Rio has the most violent police in the world, and they kill more people than any other police in the world. The police are paid very badly and this encourages them to take bribes and to not follow the law. Their salary is not more than two to three minimum wages, which is about \$250-350 a month, a salary that makes living and supporting a family difficult. In an already problematic situation the police is many times just as corrupt as the criminals and they accept bribes, perform executions and treat, particularly, the poor with prejudice. Also, the availability of guns in Rio has enabled the bandits to arm themselves and in many areas in Rio the police no longer control the security, and in these areas the security is provided by the drug factions. Thus, also here there is connection between income, economic opportunity and issues of public security and access to social services.

The most vulnerable target by police violence is the street kid. They are many and they are suffering from an enormous discrimination from the rest of society. The desperation, caused by the lack of opportunities for social mobility and a life of dignity has made many youth in underprivileged neighbourhoods to hit the streets, rob and commit petty as well as serious crimes. It has also caused a large part of the poor youth to become involved in the drug trade often with horrendous consequences where a majority die young. Research done by Dowdney, shows the connection between crime and poverty. He points out that three of the main reasons for the increase in violence and the organized drug trafficking in Rio de Janeiro are: 1. poverty, which causes social exclusion where the poor do not have access to their basic rights; 2. the external debt has weakened the government's chances to respond and implement policies and social projects and; 3. the opening up of markets and borders has made it easier to smuggle arms and drugs across borders.⁴⁷⁷

The human rights problems in Rio de Janeiro are many and complex. It is difficult to point at one factor that has created this atmosphere but based on my interviews I find that there are certain elements and factors that seem to always come back and relate to each other and those are the existent conditions of extreme inequality and poverty and a "culture of violence" that create a society of struggle and social exclusion. In fact, the wealthy elite who are in minority rule the country while the majority is living in poverty or with a salary that is not sufficient to live a good life. This proves that there is a correlation between issues such as poverty, which is related to social and economic rights and security, crime and violence, which related to political and civil rights. I would argue that the main reasons behind the

⁴⁷⁷ Luke Dowdney, "Children of the Drug Trade: A case study of Children in Organized Armed Violence in Rio de Janeiro." Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 180-181.

violence in Rio is inequality and social exclusion in education, health care, housing and lack of opportunities for social mobility caused by inequality and poverty.

Moreover, almost all of the interviewees mentioned the ideology of capitalism riding on globalization is seen as perpetuating the situation of human rights in Rio de Janeiro. In a country where only 5% makes more than 2000Reais (\$US1000)⁴⁷⁸ the want for material things in order to be someone causes social stress on society. Young poor people that do not have money look for shortcuts in form stealing and drug dealing in order to be able to buy what society requires from you.

Globalization is not a new phenomena but globalization has never been as deep and global as today. Whether globalization is a positive or a negative force is debatable but many agree that it has accelerated and is today stronger and more influential than ever before. Globalization has intensified in the past 15-20 year and as well has the number of human rights NGOs, and the extensiveness of actors promoting and working with human rights. It is more common that governments and IGOs use human rights norms in their work and rhetoric.

Some scholars argue that globalization is the spread of the neoliberal ideas and policies around the world. Neoliberal policies have opened the world's markets and borders with a focus on capitalism, individualism and free trade. Following this argument, these policies have in turn led some to argue that states have lost control and state sovereignty has weakened. The neoliberal policy that has spurred globalization has also lead to the downsizing of state services and privatization of earlier public goods, and increased and sharpened the differences between the haves and the have-nots on the local, the national and

⁴⁷⁸ Interview with Juliana 2005-11-01.

international level. The current international economic system has weakened state power, especially, for a developing country like Brazil. Loans from the IMF and the World Bank and the structural adjustment policies a condition for receiving the loans, have had disastrous effects for Brazil. Today Brazil has to pay more money to serve its debt than it spends on health care, education and housing. This has worsened the already unequal situation in Brazil and increased the social exclusion that troubles the country. Due to its debt and current economic model, Brazil produces to export and even though Brazil has more natural resources than most countries in the world and is one of the biggest food producers in the world, millions of people still go hungry in Brazil including Rio de Janeiro. With the intensification of globalization, consumerism and opening up of borders, the drug trade in Rio de Janeiro has increased and taken new forms. Even though there is not a direct link between globalization and the increased and more sophisticated drug trade, the new liberal policies have facilitated the advancement of drug factions. Globalization is a threat to, mainly, social, economic and cultural rights.

Human Rights NGOs in Rio de Janeiro play a vital role in upholding, promoting and protecting human rights. Rio de Janeiro has more NGOs than most other cities in the world, and these forces are creating hope for several thousands of people whose rights are being violated. The majority of the human rights NGOs are grassroots NGOs, and they work in communities trying to give the poorer part of the population a chance of a better life for poor, street kids and other groups by providing, housing, food, education, health care, job training and many other services. These organizations look for the needs of the communities and try to address the human rights violations from below. They rarely lobby foreign governments but are rather more concerned with the work in the community. There are also

human rights organizations working with advocacy and fact finding, and lobbying the government.

My research shows that human rights NGOs in Rio are strongly influenced by foreign NGOs, countries and INGOs. Even though, many NGOs are working in accordance with Brazilian norms and are finding creative solutions to “Brazilian problems,” they are to large extent dependent on foreign funding. A majority of the organizations receive a substantial part of their funding from abroad and many times there are foreigners high up in the organizational structure. It is also common that foreigners bring funding from their home countries for specific projects that they have initiated.

However, I would argue that there is a gap between what the GNGOs consider the most urgent human rights violations and what the larger human rights networks tend to promote and fund. Clifford has argued that it “is not random; nor does it result from a rough meritocracy of suffering in which the worst abuses attract the greatest international action...”⁴⁷⁹ Since many of the NGOs in Rio de Janeiro receive large portions of their funding from abroad it is important for them to profile themselves in such a way that they attract European or American donors. The trend seems to be that the organizations with a better “fit” to what these donors are looking for also receive more funding. However, as pointed out there seems to be a gap between what the western advocacy NGOs are portraying and lobbying for in the west and what the Brazilians themselves and GNGOs consider to be the most urgent violations of human rights in Rio de Janeiro. Marelene, an NGO worker in

⁴⁷⁹ Bob Clifford. “Globalization and the Social Construction of Human Rights Campaigns” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 133.

Rio de Janeiro, said: *All these problems are rooted in inequality. It is inequality that won't let people flourish*"⁴⁸⁰

Hence, despite the global strengthening of the human rights regime and the increased number of signatories to international treaties, this development has gone unrealized for many victims of human rights violations, particularly, those of social and economic character. Further, human rights NGOs working with social and economic rights in Rio have suffered from this inattention because the key international NGOs have defined human rights as a core set of civil and political rights. Violations outside of this frame of rights are less likely to catch the attention of the international human rights community and donors. Thus, it has become more important for human rights NGOs to make use of marketing skills to present themselves to international donors who are looking for possible "value fits".

The dominant forces of globalization are to a large extent the U.S. and Europe, who through international financial institutions such as the IMF and the World Bank have power to influence the policies of the poorer states. Also in the field of human rights there is a dominance of western ideas and norms. Predominantly, in the U.S. there is a focus on civil and political rights. NGOs that work with social, economical and culture rights are many times not considered human rights organizations but rather development organizations or social project, thus, downplaying their importance. Political and civil rights are often seen as more concrete and avoid ideological discussions. Law schools and courts bring more prestige than social and development work. Nevertheless, the fact is that to change the way people

⁴⁸⁰ Interview with Marelene 2005-10-19.

live politics have to be used, and in this context human rights scholar Donnelly points out that:

“Human rights are *not* politically or morally neutral...Whatever their moral or legal justifications, human rights are *also* part of (national and international) political, economic, and cultural struggles. And they are specially associated with the self-understandings and foreign policies of “the West” in general and the United States in particular.”⁴⁸¹

In general the richer countries tend to put more emphasis on political and civil rights, and this is reflected in what projects they choose to fund. Bob Clifford confirms this picture by saying “Despite rapid globalization and tremendous expansion in the contemporary human rights regime, international attention to human rights issues remains spotty...and ‘for every voice that is amplified’ by transnational networks many others are ignored.”⁴⁸² The fact is that the richer countries still have much influence in deciding what rights should be protected. The HR NGOs in Rio are dependent on foreign funding and are therefore to a large extent dependent on their donors. This is exemplified in the case of CDI and Projeto Uerê. Basically, the richer countries to large extent have a large influence, which organizations should receive support and what issues should be focused on, but also how these issues should be solved. My interviews at São Martinho confirm this feature. Even though the relationship between the donor and the NGO often is a positive one, it is clear that some organizations receive more aid and attention than others. The U.S. State department human rights report emphasis civil and political rights without saying much of social and economic rights.

⁴⁸¹ Jack Donnelly. “Human Rights, Globalizing flows, and State Power” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 230.

⁴⁸² Bob Clifford. “Globalization and the Social Construction of Human Rights Campaigns” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 133.

Hence, in a globalized world also the human rights NGOs in Rio de Janeiro are influenced by decisions made by international organizations, multinational corporations and banks, and foreign governments. The largest donors as well as the largest NGOs, which are based out of Europe and the U.S., influence the work of local human rights organizations in Rio de Janeiro.

Former UN high commissioner of human rights, Mary Robinson, has criticized this trend. In an article in *Human Rights quarterly* she writes that “In the interest of ensuring that ESC rights are taken more seriously as obligations, international human rights organizations should not be unduly limited in identifying the targets of their naming and the means of their shaming.”⁴⁸³

As argued in chapter 1, the organizations that have more contact with international networks tend to attract more funding and be more successful in getting their human rights violations addressed internationally and this seems to be the case also in Rio. Clifford writes: “the extent to which violations...’fit’ or ’match’ those recognized by international networks” determines which groups will gain visibility and receive funds. It is also clear that the people suffering from human rights violations do not have equal access to human rights NGOs and resources, and “a key question therefore becomes which group and [NGOs in Rio de Janeiro] can best exploit globalization”⁴⁸⁴ as well as the increased awareness and transnational connectiveness that it has brought with it.

⁴⁸³ Mary Robinson “Advancing Economical, Social and Culture Rights: the way forward”. *Human Rights quarterly* 26. (2004) p 870.

⁴⁸⁴ Bob Clifford. “Globalization and the Social Construction of Human Rights Campaigns” in Alison Brysk, ed. *Globalization and Human Rights*. University of California Press Berkeley and Los Angeles, California, 2002, p 134.

Nevertheless, there is a growing consensus among human rights activist to treat all rights equally, but the reality is that there still tends to be a strong focus on political and civil rights. Still, the two human rights giants in the in the international arena, AI⁴⁸⁵ and HRW, almost exclusively place attention and founding on issues pertaining to civil and political rights. This is the reason why organizations in Rio, such as Global Justice, are able to attract more funding than for example Projeto Uerê.

However, in regards to social and economic rights it is important to not forget that the State is the most important actor. In the case of Rio de Janeiro it is foremost the Brazilian government that can change the domestic inequalities that causes much of the other human rights violations. Yet, we shall not forget that Brazil every year has to pay enormous amounts to service its debt. This puts constraints on the government to address human rights violations of social and economic character. This, in turn has an affect on issues of security and violence. If the Brazilian government and the international community are taking its human rights obligations seriously, my study seems to suggest, that there is a need to put more focus on addressing social and economical rights. This includes advocating for debt relief, denouncing rights related to social exclusion and giving more resources and attention to GNGOs in Rio de Janeiro working with these rights. Perhaps it is not the role of organizations such as AI or HRW, which are doing what they do very effectively, to advocate for these rights and changes, but it seems unlikely that issues of violence and security will improve without addressing the issues of social and economical character. The people I interviewed were critical to the international human rights advocacy networks and Marcia at the NGO São Martinho said that the strong focus on political and civil rights do not

⁴⁸⁵ Despite critique from human rights activists in U.S. Amnesty International have recently started to promote Social, Economic and Culture Rights.

go to the bottom of the problem. For example, in regards to reports on overcrowded prisons she said:

“But why did [the poor kid] get imprisoned in the first place? Why did he start robbing? Why did he get involved in drug dealing (trafficking). Why does the community have as much have drug dealing? Why do the drug dealers have as much power in the favelas? Because the public power (government) is absent. Because it’s the drug dealers that bring transport, health care and security.”⁴⁸⁶

Hence, the human rights violations in Rio need to be addressed not only from the political and civil rights perspective but there are many underlying structural issues that needs to be solved in order to protect all human rights.

It is important to remember that just like violations of political and civil rights, violations of economic, social and cultural rights are not just a matter of inadequate resources, but they are a matter of policy. And lobbying for policy changes is what the large human rights networks mainly are doing.

My research also seems to suggest that the negligence and that the lack of funding and lobbying for social and economic rights and support for NGOs that deal with these rights from the Brazilian elite in Rio de Janeiro is a part of the problem. Given that NGOs can only address “one problem at the time,” the state continues to be an important actor. The only party that has control over all instances is still the state. SM, for example, addresses only one the problem namely the one of street kids and poor youth, which it does excellently and it is much more effective than the state in this area. But it cannot cope with all the factors behind children ending up on the streets. Hence, cooperation between the two seems to be the only way to solve the human rights problems in Rio de Janeiro

⁴⁸⁶ Interview with Marcia 2005-10-20.

Globalization has been portrayed as double edged sword by some scholars, and this image seems to fit the human rights situation in Rio as well. Globalization has facilitated transnational networks and cooperation across borders and given Brazilian NGOs a chance to make their voice heard internationally and a way to lobby their own government or receive funds for their work. At the same time, the forces behind globalization have increased inequality, weakened the Brazilian governments opportunities to implement innovative policies. Also foreign debt exacerbated by neoliberal policies is restraining Brazil in its ways to address human rights violations. Further, the opening up of borders has also increased transnational crime, such as drug trafficking and since the 1980s the drug trafficking in Rio has grown extensively and reached much stronger power which in its turn have lead to increased violence in the city. The dominance of capitalistic ideas and globalization has also opened up for new possible markets for the drug trade and organized crime and violence.⁴⁸⁷

There are two ways in which the international community is neglecting social and economic rights in Rio de Janeiro. The first is the bias towards civil and political rights by international donors and human rights networks. The second one is how Brazil is restrained in its domestic policy due to huge foreign debts to international banks, creating a sort of dependency on the richer countries. Thus, it is rather lack of political will from the Brazilian government and the international community than lack of resources that hinders these rights to be addressed, and it can therefore not be used as an excuse to deny, people these rights.

Compliance with international human rights treaties as well as with the Brazilian legislation will only be possible after structural changes have been made, changes that ensure full respect and protection of social and economic rights. The defence of basic human rights

⁴⁸⁷ Luke Dowdney, "Children of the Drug Trade : A case study of Children in Organized Armed Violence in Rio de Janeiro." Viva Rio/ISER 7 Letras, Rio de Janeiro, 2003, p 180-181.

depends on ending a policy ending inequalities. As the South African Constitution says: “It is only if there is a willingness to protect the worst and the weakest among us that all of us can be secure our own rights will be protected”⁴⁸⁸

All human rights issues are important, and it is equally important that NGOs and governments to not compromise with some rights because of ideological or financial reasons. That is, to fully promote social and economic rights. I am finishing this paper with a quote from the Secretary General Kofi Annan that I believe reflects the human rights situation for the people and the NGOs in Rio de Janeiro.

“Gross economic and social inequalities is an enduring reality in countries of all political colours, and all levels of development. In the midst of plenty, many are still unable to access even minimum levels of food, water, education, health care and housing. This is not only the result of lack of resources, but also unwillingness, negligence and discrimination by governments and others....Violations of Social, Economic and Culture rights are often linked with Civil and Political rights, and no human right can be realized in isolation, the two are mutually reinforcing each other and only together can they produce a just and equal society.”⁴⁸⁹

⁴⁸⁸ “Rio de Janeiro 2003: Candelária and Vigário Geral 10 years on.” Amnesty International 28th of August 2003. www.amnesty.org/index/engamr/190152003y, p 6.

⁴⁸⁹ Kofi Annan in “Human Rights for Human Dignity: A primer on economic, social and culture rights.” Amnesty International Online. web.amnesty.org/library/index/engpo/340092005?open&of=ENGBRA.

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