

## MAIN PUBLICATIONS

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- Pinheiro PS. 2004. Monitorando Direitos Humanos para a ONU. *Política Externa, São Paulo*. **13**:21-32.
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### Center for the Study of Violence

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## RESEARCH, INNOVATION AND DISSEMINATION CENTERS (RIDC)

## MAIN RESEARCHERS

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The Center for the Study of Violence (NEV/USP) was created during the Brazilian democratic transition, in 1987, and it is one of the Support Centers for Research of the University of São Paulo.

The aim of NEV's research program is to analyze the obstacles to the implementation of democratic rule of law, identifying what has changed, as well as what has not, both in society and in the justice system, in the realm of ideas, values and norms towards human rights, law, justice and the institutions that should enforce them and unravel the connections between permanence and change in an authoritarian culture through the process of democratization in Brazil. The key question is: what kind of democracy prospers, in an environment of continued violation of human rights, and how change can take place so that a 'good' democracy can develop. Continued human rights violations, though no longer a state policy, result from the endemic omission of the State to punish state agents involved in such violations, and to effectively implement social and economic rights. Our challenges are multiple but a key one resides in that gross human rights violations, combined with the violation of social, economic and cultural rights converge to feed the powerlessness of citizens in relation to the state, and this in turn affects their trust in the efficacy of democracy moreover in beliefs about human rights as universal rights. This continued presence of gross human rights violations, and of profound inequalities in the access to rights, prevents cooperation and solidarity among the needy sectors of the society, and generates powerful obstacles for the re-socialization of authoritarian beliefs and values into democratic ones.

Nowadays the team is formed by researchers of the areas of social sciences, law, history, psychology, public health, statistics and literature.

## MAIN RESEARCH TOPICS

### Democracy, rule of law and human rights

#### Monitoring Human Rights Violations

The analysis of the democratic rule of law entails the examination of the legal system; the state and the government; courts, law enforcement and prisons; rules that govern state institutions; rights and guarantees for social participation and access to civil and human rights. This is what the two main research lines of the NEV aim to do: assess the functioning of the justice system (the rule of law) and democracy while monitoring access to human rights and societal reactions. The major actor here is the state, but not the only one. Focus is also placed on society for if the state has legitimacy this emanates from the people.

The two research lines, together, measure quality of democracy at different levels:

- 1- at a broader level, by monitoring the access to rights by the population. We try to identify the degree of protection enjoyed by the population to exercise participation and competition, and moreover to demand responses from authorities, i.e. exercise vertical accountability. These demand that people do not feel fear, enjoy civil and political freedom, have access to information and are not coerced by living in extreme conditions of economic need;
- 2 - at the institutional level, by investigating how successful the criminal justice system is to secure the right to life and thus to prevent fear, in particular assessing how far the criminal justice system is capable of guaranteeing the equality of citizens before the law, and what the system reveals about the application of the rule of law in the public security area;
- 3 - at societal level by following the impact on individuals of the continued exposure to violence on their trust in democracy and its institutions and in their attitudes and values toward human rights.

The following post-doctoral opportunities are envisaged for the next three year-period:

#### Socioeconomic Development and Human Rights

This project will explore the relations between socioeconomic development and human rights, with focus on questions about employment, unemployment and labor market. The project will contribute to the development of worthy labor concept, which is present in some specialized literature analyses.

#### Economic Cost of Human Rights Violations

This theme has been imposed on academic debate and it needs a sophisticated methodological treatment. Applicants should have a PhD degree in Economy Science and be expert on the themes, as proved by publications in international journals.

### Social Communication

There is yet strong resistance to recognize the respect for human rights as a basis for a peaceful society, which in some social groups are identified as bandit rights. To overcome this resistance through a deliberate programme of information dissemination for strengthening the political, socioeconomic and civil rights, we need previous scientific knowledge about how to set up ties between transmitter and receptor of messages in specific social contexts that are usually ways of violence, crime and gross human rights violations.

#### The extra-judicial mechanisms of reparation for the victims of violations of human rights: the Latin-American experiences/ Truth Commissions in Latin-American States: a Comparative Study

The project shall comprehend a comparative study concerning the most representative Truth Commissions in Latin-American States such as: Argentina, Chile, Peru and Uruguay. The analysis shall comprise: (i) historical aspects; (ii) legitimacy and popular representation, and (iii) application of the mechanisms of truth, justice, reconciliation and reparations.

#### The extra-judicial mechanisms of reparation for the victims of violations of human rights: the Latin-American experiences/ Truth Commission in Peru and South Africa: a Comparative Study

The main purpose of this research is to evaluate the models of Truth Commissions that were adopted in Peru and South Africa, since both have been defined as successful experiences regarding the reconciliation process and the right to memory. After a comparative study, the elaboration of a critical analysis concerning both mechanisms is expected, in order to contribute to the democracy and construction of the Rule of Law in the Brazilian context.

## SUMMARY OF RESULTS TO DATE AND PERSPECTIVES



### Monitoring human rights violations

This research has allowed us to follow how access to human rights change through time across the national territory. Data from the databases have resulted in analysis of the relation between civil rights/socio-economic rights and homicide/gross human rights violations. The databases have been used to inform the UN Special Reporter, and have also been used to monitor the implementation of recommendations to reduce torture in Brazil.

### Democracy, rule of law and human rights

In Brazil public policies in the area of security are historically authoritarian. There is intense bureaucratic resistance in governmental agencies to external analysis of their actions. There is also an enduring disjunction between the normative-institutional scenario and the results of governmental actions and this cannot be solely attributed to the elites. The policies for the area of criminal law were not able to establish a new paradigm for the organization or functioning of the police and prison apparatuses, in accordance with democratic principles and with constitutional norms. This, combined with the growth of the prison population, has created fertile ground for prison rebellions and riots.

### Exposure to violence and socially shared representations and attitudes to justice, rights and punishment and human rights.

This research combines quantitative (survey) and qualitative sources (focus groups discussions) and reveals that exposure to violence increases fear, reduce the rejection of gross human rights violations and increase the calls for more severe forms of punishment. Feelings of fear and insecurity, as shown by the survey data analysis, is supported by the raise in violent criminal offenses observed in São Paulo

since the beginning of the 1980's, including gross human rights violations. This growth was not followed by a proportional increase in the number of inquests and penal processes. The data collected by the project suggests that the rates of impunity for these crimes are higher than in other countries such as the United States.

The poor results of the law enforcement agencies to prevent and to punish violence, coupled with the obstacles that citizens find in having access to justice, could well encourage private forms of "justice" (lynching and executions). They also foster collective fear and insecurity, resulting in a vicious cycle in which poor performance further reduces public trust in the justice system as well as in the agents of the system. How can political trust of citizens in democratic institutions be improved, in particular in the institutions that detain the monopoly of use of physical force to contain violence and crime? Many believe that the more severe the punishment, the greater is citizens' trust in law enforcement agencies, thus ensuring the respect for and the internal cohesion of the public order.

### Integrated Theory on Human Rights

This project is to analyze the relations between the international legal system of human rights and Brazilian laws, as well as the role of agents and institutions in the implementation of a human rights regime. A key innovation is the experience of the Network of Youth Human Rights Observatories. These observatories were established in underprivileged communities in Brazil. They enabled youth to report the Human Rights situation in their communities, to raise authorities' and society's awareness about the problems, evaluate the local impact of public policies and identify possible local measures to solve the problems and finally to build up an enabling environment for more effective and efficacious forms of interventions by youth.