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## List of Issues

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**“Preventing Torture and Other Forms of Violence by Acting on their  
Economic, Social and Cultural Root Causes”**



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## **POVERTY AND VIOLENCE IN BRAZIL: OVERVIEW**

Brazil is a country strongly characterized by deep-rooted socio-economic disparities and inequalities. The 2003 UNDP Report on Human Development indicated that “the richest 10 per cent of households have 70 times the income of the poorest 10 per cent”.<sup>1</sup> Poverty and inequality in Brazil are well-entrenched dimensions that inevitably represent the root causes of increasing levels of conflict and violence between haves and have not.

The poorest segments of Brazilian society face a continue struggle against hunger and are more likely to be recruited by organized crime or to be victim of police violence. Indeed, higher levels of violence are particularly concentrated in socially excluded communities since the most marginalized sectors remain outside the protection of the state and are therefore double victimized: they suffer hunger and they are criminalized with violent repressive acts by the police. Millions of Brazilians are therefore caught in a vicious cycle of poverty, violence and lack of state protection.

Amnesty International has recently documented in the most recent years a wide-range of human rights violations in Brazil, including, among others, more than 1,000 people killed in confrontations with the police, denied access to land, forced labour, forced evictions and violent attacks on rural land activists, anti-dam campaigners, urban squatter movements and Indigenous peoples.<sup>2</sup>

## **LAND CONFLICT**

*Land conflict: inequalities in land distribution and denied access to land*

Access to land is a crucial issue in Brazil since, to a large extent, it represents one of the primary causes of conflicts and it is strictly linked to a wide-range of human rights violations.

Land conflict is engendered by blatant inequalities in land distribution, denied access to land, poorly planned agrarian reform and lack of implementation of relevant national provisions. All the more, access to land is challenged by the new trends of global economy such as agribusiness and biofuels, development projects and foreign companies' investments, along with government modernization and liberalization policy.

Land in Brazil is concentrated in the hands of a few landowners (*latifúndios*): 1% of landowners hold 45% of all land; 100 million hectares are uncultivated, and 55 thousand properties are qualified as unproductive. On the other hand, access to land is denied to 5 million Brazilian families, and the other rural properties are undersized and fragmented plots of land.<sup>3</sup> In the 2006 Report on human rights violations in Brazil, OMCT had indicated that the intensification of land conflicts along with the increase of evicted families from occupied lands, contributed to the amplification of violence and killings of peasants and rural workers.<sup>4</sup>

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<sup>1</sup> *Human Development Report, 2003*, UNDP, p. 62, [www.undp.org/hdr2003](http://www.undp.org/hdr2003)

<sup>2</sup> Amnesty International, Report on Brazil, 2007

<sup>3</sup> Report of the Special Rapporteur on adequate housing. Mission to Brazil E/CN.4/2005/48/Add.3 §39

<sup>4</sup> OMCT, *Human Rights Violations in Brazil*, May 2006

In most cases, violence is inflicted by powerful non-state actors. Indeed, owners of large estates, powerful companies and other national and international economic companies are the most responsible for the violation of the rights of peasants, rural workers, indigenous people and other vulnerable communities.<sup>5</sup>

Those fighting for the land, including indigenous peoples and land activists are constantly at risk of violent attacks and harassment, that often result in killings and deaths. Land activists' leaders are frequently criminalized and targeted by landowners. The Catholic Church's Pastoral Land Commission reported that during 2007 there were 25 killings related to conflicts due to land, in this regard, Amnesty International pointed out that such killings often imply the participation, knowledge, or acquiescence of state officials.<sup>6</sup>

#### *Land conflict and national legislation*

The Brazilian Constitution explicitly provides for the right to land, more specifically, article 184 foresees a mechanism of expropriation of plots of land for social interest purposes. However, this provision has been poorly implemented and it was left to the judiciary to solve disputes on land conflicts and to evaluate the degree of the "social interest" involved in rural properties.

Furthermore, the Land Statute (*Estatuto de Terra*) - in force since 1964 and revised in 1988 - constitutes the legal instrument supposedly created in order to address land issues by dealing with the so-called "land social function" principle. Nevertheless, as a matter of facts, the Land Statute does not adequately address the issues of idle and underused lands. In fact, these are the key elements of the struggle for an agrarian reform that could better meet the constitutional provision on the social function and the demarcation of unused lands. This struggle has recurrently encountered the strong opposition from landowners ensuing frequently in violence and killings.

In addition, while the Constitution of Brazil foresees special courts for land disputes, no special courts have been established yet to solve land conflicts cases and the final court ruling continues to be arbitrarily and individually decided case by case. In fact, besides the fact that the most vulnerable face the problem access to justice due to the high cost for legal counseling, the judiciary system is not yet trained to address and rule the effective implementation of socio-economic rights. In this respect, cases involving conflicts and human rights violations resulting from large-scale development projects remained unaddressed.<sup>7</sup>

#### *Land conflict: Indigenous peoples and minorities*

Disputes for land rights have caused violent reactions against Brazilian indigenous peoples as well as Afro-Brazilian communities claiming for their lands. Consequently, violence and killings have repeatedly tainted the relations between indigenous peoples and other minorities on one side, and landowners on the other. Indeed, economic liberalization policy and agri-business activities have challenged any attempt to obtain indigenous land titles. In addition, indigenous leaders and other land activists have been

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<sup>5</sup> Report of the Special Representative on human rights defenders. Mission to Brazil A/HRC/4/37/Add.2

<sup>6</sup> US Department of State, country reports on human rights, Brazil, 2007

<sup>7</sup> Report of the Special Rapporteur on adequate housing. Mission to Brazil E/CN.4/2005/48/Add.3

killed by gunmen hired by landowners and other agri-businessmen in search of access to indigenous lands for economic exploitation.<sup>8</sup>

## **BIOFUELS: ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND VIOLENCE**

The growing interest for ethanol industry exacerbates land conflict in Brazil and supports the logic of occupation and concentration of rural areas by multinational agribusiness.

In Brazil the production of ethanol is mainly extracted from the cultivation of sugarcane. This cultivation imposes hardest working conditions to fieldworkers. Sugarcane cutters are paid according to their output, provided that they reach the minimum amount assessed by the employer. In most of cases this means working intensively for 10/12 hours per day in high temperatures; at times, parents have to bring with them also their children in order to manage to achieve the fixed output.<sup>9</sup> Cutters come principally from the northeast region and in general employers prefer migrants since, being faraway from their families, they are more likely to better tolerate any abuse.<sup>10</sup>

The increase in the need for sugarcane cutters also supports the already well developed traffic of human beings. The Brazilian journal *Jornal do Valor* elucidated the dynamics of this recruiting process that lead to slave-like working conditions: “there is a manpower middleman who covers the poorer states. He chooses the youngest ones, and once they are on the bus to go to the city for the contract, they already get their first debt for the transportation”.<sup>11</sup> Thereafter, the middleman becomes the owner of this manpower by collecting workers’ debts.<sup>12</sup>

The Brazilian Landless Workers’ Movement (MST) has denounced the “slavery” conditions faced by workers in sugarcane plantations emphasizing that “the social cost of this policy is the overexploitation of labour (...) in precarious conditions which have already caused the deaths of hundreds of workers”.<sup>13</sup> MST has also indicated that the current model of production for bio-energy is characterized by the same elements that have historically been the cause of the oppression such as the appropriation of land, concentration of ownership and the exploitation of the labour force.<sup>14</sup> Furthermore, agroindustrial corporations, large landowners and security forces are all involved in forced evictions linked biofuel production.<sup>15</sup>

## **FORCED LABOUR**

The 2007 US State Department Report on Brazil documented that approximately 25,000 Brazilian victims, predominantly men, are trafficked within the country for forced

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<sup>8</sup> Minority Rights Group International: State of the World’s Minorities, 2006 *Latin America. Indigenous peoples*.

<sup>9</sup> Americas Programme. *Americas Programme Discussion Paper*, 6 March 2007

<sup>10</sup> Americas Programme Report, 23 July 2007

<sup>11</sup> *Jornal do Valor*, Sao Paulo, 17 May 2007

<sup>12</sup> Americas Programme Report, 23 July 2007

<sup>13</sup> <http://ipsnews.net/news.asp?idnews=38051>

<sup>14</sup> Movimento dos Trabalhadores Rurais Sem Terra (MST), “Full tanks at the cost of empty stomachs: the expansion of the sugarcane industry in Latin America”, 28 February 2007, [www.mstbrazil.org/?q=sugarcaneindustrybrazillatinamericamstanalysis2007](http://www.mstbrazil.org/?q=sugarcaneindustrybrazillatinamericamstanalysis2007).

<sup>15</sup> Interim Report of the Special Rapporteur on the right to food, A/62/289

agricultural labour. Frequently forced labourers are trafficked in remote regions where the escape is difficult, mostly to areas of the Amazon and the central state of Mato Grosso. Forced labour and the connected trafficking of workers are a real and concrete problem in Brazil, in particular as regards forest clearing, logging, and harvesting sugarcane, and in general it affects young men coming from low income families and extreme poor regions of the Northeast.<sup>16</sup>

Victims of forced labour are taken to isolated estates where are forced to work in harsh conditions for paying back those debts related to travel, food and accommodation costs cumulated with the employer. Frequently their documents are confiscated and armed guards are used to keep them from fleeing.<sup>17</sup>

## HOUSING RIGHTS AND VIOLENCE

### *Overview*

Homelessness, landlessness and housing inadequacy represent the result of historical inequalities, marginalization of the poor and discrimination against Afro-Brazilian and indigenous communities.<sup>18</sup> Housing deficit and inadequacy is a concrete problem in Brazil that affects 6.6 million people living in precarious settlements, including slums (*favelas*) and the so-called *cortiços*, irregular and clandestine dwellings or degraded housing estates. Housing and lands of socially vulnerable groups are also frequently jeopardized by large-scale development projects such as the construction of hydroelectric power stations, the extension of airports or the beautification projects of historic centres.<sup>19</sup>

### *Current concerns related to urban areas*

Over recent years, Brazil has experienced the phenomenon of growing migration flows towards urban centres. Such urbanization trend resulted in approximately 82 per cent of the country's population living in urban areas that were not prepared for such a fast expansion. Consequently, this rapid urban overpopulation has led to a number of problems, including the increase in homelessness, poverty and violence.<sup>20</sup> Homeless generally come from the poor inland and the northeastern regions and are often victims of police abuse and extreme social exclusion.<sup>21</sup>

### *Forced Evictions:*

- Urban:

*Operação Cata-Tralha* case: police violence was registered in the frame of the project so-called *Operação Cata-Tralha* (Operation Trash Search) activated in Rio de Janeiro. Reportedly, municipal and military police together with urban agencies seize, regularly and violently, belongings of the city homeless, including identity cards and other official documentation, food and medication.<sup>22</sup>

<sup>16</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>17</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>18</sup> Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3 § 14

<sup>19</sup> Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3

<sup>20</sup> "An estimated 10,000 people sleep in the streets of the São Paulo metropolitan area, while 2,500 are homeless in the city of Rio de Janeiro". Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3

<sup>21</sup> Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3

<sup>22</sup> Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3

*Heliopolis* slum case: in 1993 police irrupted into the slum and evicted all dwellers. The eviction resulted in violent protests and clashes with armed police, including arrest of communities' leaders, injuries and threats. Following this brutal fight, the court ordered the suspension of the eviction. Fifteen years later, the inhabitants still feel at risk of new evictions.

- Rural:

*Alcântara* case: The establishment of the Alcântara Satellite Launch Centre led to the eviction of several local communities during 1980s that were subsequently and temporary relocated in the so-called *Agrovilas*. However, this short-term solution turned out to represent a serious problem. Indeed, whereas prior to the eviction, the inhabitants of the *Agrovilas* were self-sufficient and had easily access their daily sustenance, after the displacement they lost self-sufficiency and therefore their livelihoods.<sup>23</sup>

## **VIOLENCE AGAINST ECONOMIC SOCIAL AND CULTURAL RIGHTS DEFENDERS**

### *Overview*

Economic social and cultural rights defenders struggling against marginalization, land grabbing and forced labour continue to be threatened and harmed by gunmen or private militias commissioned by strong private and public actors such as large-estate owners, private companies, and others that want to maintain their privileges. These protests are constantly silenced with violence and, frequently, with the active or passive complicity of the State. Violence is also inflicted to punish the leaders that protest against illegal acquisition of lands or for their support of landless poor people occupying idle land.<sup>24</sup>

This phenomenon characterizes in particular rural areas - such as the state of Pará – where violence against economic, social and cultural rights defenders is mainly rooted in conflicts over land, exploitation of natural resources, rights of minorities and indigenous peoples. In all these cases, the rural poor population is left vulnerable with respect to the exploitation of powerful economic forces due to the absence of any kind of State protection. In turn, impunity of these abuses constitutes another concrete problem, since the judges remain subject to external influences and the police is reluctant to investigate. In many cases also State officials that try to apply the rule of law are victims of abuses aimed at preventing the establishment of the State authority in remote rural areas, so that violations of economic social and cultural rights continue to remain unaddressed.<sup>25</sup>

The organization Movement of People Affected by Dams reported that its leaders and members are constantly arrested and detained because of their action in defence of those affected by dams.<sup>26</sup>

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<sup>23</sup> Report of the Special Rapporteur on adequate housing E/CN.4/2005/48/Add.3

<sup>24</sup> Report of the Special Rapporteur on the situation of human rights defenders. Mission to Brazil A/HRC/4/37/Add.2

<sup>25</sup> Report of the Special Rapporteur on the situation of human rights defenders. Mission to Brazil A/HRC/4/37/Add.2

<sup>26</sup> Report of the Special Rapporteur on the situation of human rights defenders. Mission to Brazil A/HRC/4/37/Add.2

### *Union activists*

Also rural labour union leaders experience violence, intimidation and killings. In this respect, the Pastoral Land Commission (CPT) denounced the fact that in rural areas violence regularly results in the victimization of unions' leaders and in the impunity for the perpetrators. During 2007, the CPT also reported 25 killings for conflicts related to land, including five rural labor leaders.<sup>27</sup>

### *Indigenous peoples and minorities*

Despite the fact that article 231 of the Constitution provides for the rights of indigenous communities and the Transitional Constitution Provisions provides for the rights of the Quilombola communities, the demarcation of these lands has been consistently resisted and accompanied by conflicts. Therefore defenders of the rights of indigenous and Quilombola communities live in constant fear of harm and death threats by powerful landowners.<sup>28</sup>

## **VIOLENCE AGAINST MINORITIES AND INDIGENOUS PEOPLES**

### **Indigenous peoples**

Indigenous peoples face socio-economic precariousness and insecurity due to a process of incursion of their lands entailing the destruction of their economy, culture and identity.<sup>29</sup>

### *Violence inflicted on Xukuru and Truká indigenous groups*

Xukuru, Truká groups live in conditions of social marginalization, economic deprivation and extreme poverty and are frequently victims of police violence, including murder attempts against those defending their land rights.

In June 2005 the Truká leader was murdered with his young son, in front of their family and community; members of the police were publicly recognized as the murderers. However, the responsible were neither arrested nor investigated. As a matter of facts, Truká leaders are constantly criminalized by the federal police.<sup>30</sup>

Following a series of conflict and clashes, due to the economic interest of private companies, the Xukuru were recognized the right to their land. However, the current Xukuru leader - whose father and ex Xukuru leader, was assassinated in 1998 - still receives regular death threats and survived an ambush in 2003, in which two of his friends were killed.<sup>31</sup>

### *Violence against indigenous children*

A situation of particular concern regards the indigenous children due to the illegal settlements of prospectors (*Garimpeiros*) on indigenous lands. Their presence inside

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<sup>27</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>28</sup> Report of the Special Rapporteur on the situation of human rights defenders. Mission to Brazil A/HRC/4/37/Add.2

<sup>29</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>30</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>31</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3



villages puts in danger indigenous culture and generates violence and exploitation, including sexual exploitation of indigenous children.<sup>32</sup>

### **Afro-Brazilian communities**

Poverty, discrimination, exploitation and marginalization are all dimensions that characterizes the lives of Afro-Brazilian. Afro-Brazilian are poor and victimised. They also believe that institutional violence, racism and criminalization against Afro-Brazilians is aimed at maintaining the privileges of the rich white elite. Half of the black population live in extreme poverty; 90 per cent of the inhabitants of *favelas* are black, living in degrading conditions; children get easily involved with drug dealers and exposed to police violence.<sup>33</sup>

Afro-Brazilian women represent a category that is particularly vulnerable to violence, especially as regards those living in poor areas. In particular, those employed as domestic workers are constantly exploited and exposed to sexual abuse by the employer, they are also left without any social security protection. Afro-Brazilian women living in poor areas are the primary victims of drug dealers and domestic violence.<sup>34</sup>

### **Quilombola communities**

Quilombolas communities are facing consistent hardship in the recognition of their land, and for this reason are living in insecurity and extremely precarious social and economic conditions. The community of the Piraña Quilombo was expelled and almost exterminated by settlers who invaded their village.<sup>35</sup> The Quilombo Parateka are receiving death threats from gunmen hired by those who occupies their land. Many of them had and have to leave their community and lands in order to survive. Those who remained are in the hands of the landowners, living and working in slave-like conditions.<sup>36</sup>

## **POVERTY AND HUMAN TRAFFICKING**

Poverty is closely related to trafficking. The north-east region registers the highest poverty and social inequality with the highest concentration of trafficking routes. These data confirm the direct link between poverty, inequalities and trafficking.<sup>37</sup>

The persons trapped in trafficking web principally come from low-income families. While women are trafficked within and outside the country, young men are mainly trafficked internally as slave labourers. According to the 2006 Report of the UN Office on Drugs and Crime, Brazilian women are among the primary victims of international trafficking related to the European sex industry.<sup>38</sup>

<sup>32</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>33</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>34</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>35</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>36</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3

<sup>37</sup> Report of the Special Rapporteur on sale of children E/CN.4/2004/9/Add.2

<sup>38</sup> 2007 US State Department Country Report on Human Rights- Brazil

As mentioned above, the trafficking of rural workers for recruiting forced laborers represent another serious problem. According to the International Labour Organization, in 2007, approximately 25,000 victims were trafficked and transported in remote areas in the central western part of the country for the purpose of forced agricultural labor.<sup>39</sup>

## POVERTY AND VIOLENCE AGAINST WOMEN

Despite of the fact that *de jure* the Brazilian legislation adequately provides for instruments protecting the rights of the women, the situation is *de facto* characterized by a consistent gap in the way those rights are unevenly implemented as for men and women. This is particularly manifested among women of most vulnerable sectors, such as Afro-Brazilian women and women from other marginalize groups; this situation is exacerbated by regional, economic and social disparities.<sup>40</sup>

### *Poverty, domestic violence and sexual exploitation*

Women victims of domestic violence are frequently forced to continue sharing the same household with their partners/perpetrators; this is due to the lack of means and alternative housing. In addition, domestic violence is rarely punished with incarceration, but rather with financial fines. This turns out against victims of violence who are forced to remain in their household. They end up to be double punished by a decrease in the family's global income, therefore in most of cases the victim withdraws the case and keep co-inhabiting with the perpetrator.<sup>41</sup>

Other expressions of the *de facto* gender inequality are found in the poorest sectors, where often mothers are obliged to engage in prostitution activities direct linked to sexual abuse, in order to ensure the survival of their children.<sup>42</sup>

### *Violence against Afro-Brazilian women domestic workers.*

Poor Afro-Brazilian women are even more exposed to violence and are frequently victims of drug dealers. 1/5 of Afro-Brazilian women work as domestic workers without legal protection and social security; for this reason, they are often underpaid, subject to violence and exploitation, including sexual abuse.<sup>43</sup>

### *Violence against rural women*

In rural areas, the dimension of women inequality and poverty is accompanied by a high degree of illiteracy and make them even more exposed to violence.<sup>44</sup> Furthermore, rural women face the problem of the lack of official documentation, such as personal identity cards, that are necessary tools in order to access some basic economic, social and cultural rights - such as social security and ownership of land - and obtain therefore the financial independence to flee from violence.<sup>45</sup>

<sup>39</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>40</sup> CEDAW/C/BRA/CO/

<sup>41</sup> OMCT, *Human Rights Violations in Brazil*, May 2006

<sup>42</sup> Report of the Special Rapporteur on sale of children E/CN.4/2004/9/Add.2

<sup>43</sup> Report of the Special Rapporteur on contemporary forms of racism E/CN.4/2006/16/dd.3.

CEDAW/C/BRA/CO.

<sup>44</sup> CEDAW/C/BRA/CO.

<sup>45</sup> CEDAW/C/BRA/CO.

## POVERTY AND VIOLENCE AGAINST CHILDREN

### *Violence against street children*

Street children is a serious problem in Brazil. They represent an extremely vulnerable part of the population since poverty and lack of education are the grounds for violence. Indeed, many children working in streets are victims of acts of violence, particularly by police officers, and on a regular basis recruited in the prostitution sector.<sup>46</sup>

### *Violence against children in conflict with law*

In the 2006 Report on the human rights violations in Brazil, OMCT has indicated that the life of a large part of Brazilian children is marked by violence, discrimination and by the total absence of rights. Social policy does not adequately address the real motives that drive children to infringe the law. Children in conflict with law are criminalized by the police and are victims of violence by police officers. This violence continues to remain unpunished due to the lack of interest in judging crimes whose victims are poor and black.<sup>47</sup>

### *Child trafficking and child sexual exploitation*

Extreme poverty is the primary root cause of child prostitution. A study carried out in 2006 by the University of Brasilia, the National Secretariat for Human Rights, and UNICEF documented the presence of commercial sex activities of children and adolescents in 927 of 5,561 municipalities.<sup>48</sup> The dimension of child sexual exploitation reflects the distinct economic and social conditions of different regions of the country.<sup>49</sup> In fact, often sexually exploited children and adolescents are the most marginalized of society, living often without birth registration.<sup>50</sup>

In addition, also intrafamily sexual exploitation is strictly connected related to the situation of poverty. It regularly occurs in most marginalized areas where the presence of the state institutions and social programmes is absent. In other cases, adolescents enter into prostitution themselves, this phenomenon is in particular manifested in areas where male manpower is concentrated, such as mining areas, harbours, large building sites, patrol stations, motorways and major roads with a high rate of truck traffic.<sup>51</sup>

### *Child belonging to minorities:*

Poverty and ethnic origin are two concurring factors that make children belonging to minorities more vulnerable to violence and discrimination. In general, Afro-Brazilian children, indigenous children and children belonging to other minorities come from poor classes. It is reported that 90 per cent of killed children come from Afro-Brazilian community.<sup>52</sup>

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<sup>46</sup> OMCT, *Human Rights Violations in Brazil*, May 2006

<sup>47</sup> OMCT, *Human Rights Violations in Brazil*, May 2006

<sup>48</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>49</sup> 2007 US State Department Country Report on Human Rights- Brazil

<sup>50</sup> Report of the Special Rapporteur on sale of children E/CN.4/2004/9/Add.2

<sup>51</sup> Report of the Special Rapporteur on sale of children E/CN.4/2004/9/Add.2

<sup>52</sup> OMCT, *Human Rights Violations in Brazil*, May 2006