



**Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva**

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to present herewith attached comments with regard to Allegation Letter 9/2019.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, August 27th, 2019

*Office of the High Commissioner for Human Rights
Special Procedures Branch*

AL BRA 9/2019

With reference to communication AL BRA 9/2019, the Federative Republic of reaffirms its commitment to the protection of human rights in public security activities. The measures taken to ensure public order and security must promote and respect human rights, in line with the international human rights obligations undertaken by the Brazilian State.

In response to the request for detailed information on the rules of engagement of both the police and the armed forces employed in public security operations with regard to the lethal use of force, as well as on the competent jurisdiction in such cases, it should be noted that the Office of Federal Intervention on Public Security in the State of Rio de Janeiro (GIFRJ) approved, on May 29, 2018, the Strategic Plan for the Federal Intervention on the field of Public Security in the State of Rio de Janeiro, updated on October 11, 2018.

In addition, the GIFRJ approved the Legacy Plan, which includes activities carried out by the Office of Federal Intervention on Public Security in the State of Rio de Janeiro and the respective secretariats and public security agencies involved in the planning of actions and means necessary for the continuation of the legacy generated during the period of federal intervention.

The National Plan and Policy of Public Security and Social Defense, instituted in 2018 by the Brazilian federal government and valid for ten years, should also be highlighted. The Brazilian states, Federal District and municipalities should establish their respective public policies, in compliance with the guidelines of national policy, especially for the analysis and confrontation of the risks to the harmony of social coexistence, with emphasis on emergencies and on interstate and transnational crimes.

The National Policy is carried out in accordance with the following principles:

- I - respect for the legal system and for individual and collective rights and guarantees;
- II - protection, appreciation and recognition of public security professionals;
- III - protection of human rights, respect for fundamental rights and promotion of the citizenship and the dignity of the human person;
- IV - efficiency in the prevention and control of criminal offenses;
- V - efficiency in prosecuting and investigating criminal offenses;
- VI - efficiency in preventing and reducing risks in emergency situations and disasters that affect life, property and the environment;
- VII - participation and social control;
- VIII - peaceful resolution of conflicts;
- IX - moderate and proportional use of force;
- X - protection of life, property and the environment;
- XI - publicity of non-confidential information;
- XII - promotion of the production of knowledge about public safety;

XIII - optimization of the material, human and financial resources of the institutions;
XIV - simplicity, informality, procedural economy and timeliness in the service rendered to society;
XV - harmonic and collaborative relationship between the Powers; and
XVI - transparency, liability and accountability.

In addition, the National Policy has the following guidelines:

I - immediate service to the citizen;
II - strategic and systemic planning;
III - strengthening of prevention and peaceful conflict resolution actions, prioritizing policies to reduce violent lethality, with emphasis on vulnerable groups;
IV - integrated action among the Union, the States, the Federal District and the Municipalities in public security actions and transversal policies for the preservation of life, the environment and the dignity of the human person;
V - coordination, cooperation and collaboration of public security bodies and institutions in the planning, execution, monitoring and evaluation of actions, respecting their respective legal attributions and promoting the rationalization of means based on best practices;
VI - continuing and qualified training and capacity-building of public security professionals, in line with the national curriculum;
VII - strengthening of public security institutions through investments and the development of structuring projects and technological innovation;
VIII - systematization and sharing of public security, prison and drug information at the national level;
IX - performance based on research, studies and diagnostics in areas of public security interest;
X - priority, qualified and humanized care to people in vulnerable situation;
XI - standardization of structures, training, technology, and equipment of public security interest;
XII - emphasis on proximity policing actions, focusing on problem solving;
XIII - modernization of the system and legislation according to social evolution;
XIV - social participation in public security matters;
XV - integration among the Legislative, Executive and Judiciary branches in the improvement and application of criminal legislation;
XVI - collaboration of the Judiciary, the Federal Prosecutor's Office and the Public Defender's Office in the elaboration of strategies and goals to achieve the objectives of this Policy;
XVII - promotion of public policies aimed at the social reintegration of former prisoners;
XVIII - (VETOED);
XIX - encouraging the development of programs and projects focused on the promotion of a culture of peace, community security and the integration of security policies with social policies existing in other bodies and entities not belonging to the public security system;
XX - staff distribution according to technical criteria;

XXI - common police and military firefighter deontology, respecting the legal regimes and the peculiarities of each institution;
XXII - police occurrence registration unit;
XXIII - use of integrated electronic information and data system;
XXIV - (VETOED);
XXV - incentive to designate career servants for leadership positions, taking into account the degree, qualification, merit and experience of the servant in the specific police activity;
XXVI - celebration of partnership agreements and protocols with private surveillance agencies, respecting the bidding law.

The objectives of the National Policy are, in turn, to:

I - foster integration in strategic and operational actions, public security intelligence activities and crisis and incidents management;
II - support the actions to maintain public order and the safety of people, property, the environment, and goods and rights;
III - encourage measures for the modernization of equipment, investigation and forensics, and for the standardization of technology of public security bodies and institutions;
IV - encourage and support the implementation of actions to prevent violence and crime, with priority to those related to the lethality of the young black population, women and other vulnerable groups;
V - promote social participation in public security Councils;
VI - stimulate the production and publication of studies and diagnostics for the formulation and evaluation of public policies;
VII - promote the interoperability of public security systems;
VIII - encourage and expand the prevention, control and inspection actions for the repression of cross-border crimes;
IX - stimulate the exchange of public security intelligence information with similar foreign institutions;
X - integrate and share public security, prison and drug information;
XI - stimulate the standardization of the training and capacity-building of public security professionals, respecting the specificities and regional diversities, in line with this Policy, at the federal, state, district and municipal levels;
XII - promote the improvement of the application and the enforcement of measures regarding the restriction of rights and alternative sentences to prison;
XIII - promote the improvement of enforcement of prison sentences taking into consideration the seriousness of the crimes committed;
XIV - (Vetoed);
XV - Rationalize and humanize the penitentiary system and other incarceration sites;
XVI - promote studies, research and publications on drug and damage reduction policies with regard to drug users and groups with whom they live;
XVII - foment permanent actions to combat the organized crime and corruption;

XVIII - establish monitoring and evaluation mechanisms for the implemented actions;

XIX - promote a collaborative relationship between law enforcement agencies and members of the judicial system for the construction of strategies and the development of the necessary actions to reach established goals;

XX - encourage the granting of protective measures in favor of people in vulnerable situations;

XXI - promote the creation of protection mechanisms for public agents who are members of the national system of public security, as well as for their families;

XXII – promote and encourage the elaboration, the implementation and the monitoring of actions to enhance work conditions, health, the quality of life and the security of public agents who are members of the national system of public security;

XXIII – prioritize policies aiming at reducing violent lethality;

XXIV - strengthen investigation mechanisms of heinous crimes and homicides;

XXV - strengthen inspection actions of fire and ammunition to reduce armed violence;

XXVI - strengthen prevention and repression actions of cybercrimes;

Single paragraph. The established goals will guide the formulation of the National Plan for Public Security and Social Defense, a document that will establish strategies, goals, indicators and actions to achieve the same goals.

Bill No. 3969/2018, currently being processed, by the Legislative Assembly of the State of Rio de Janeiro, aims at establishing the State Policy of Public Security and Social Defense (PESPDS). Reflecting the National Policy, the bill inserts expressly in the State Policy the principles of respect for individual and collective rights and freedoms, of protection of human and fundamental rights, as well as of peaceful resolution of conflicts. The encouragement and support for actions against violence and crime are among the goals of the state policy, in particular with regards to crimes and violence against women, black population and vulnerable groups.

The filing of administrative proceeding n. E-23/001/723/2016, within the framework of State Secretariat for Social Development and Human Rights of Rio de Janeiro (SDSDH / RJ), which aims at establishing the Working Group on the Reduction of Violent Deaths in the State of Rio de Janeiro. The Working Group will be comprised by representatives of different organs of the state of Rio de Janeiro, namely: the SDSDH/ RJ, the State Police, the Investigative Police, the State Cabinet and the Public Prosecution Office. The proceeding that sets up the Working Group is currently under the analysis and review by the recently elected state Government. Its main goal consists of analysing measures and policies aimed at reducing violent deaths in the state of Rio de Janeiro.

Within the measures taken to reduce violent deaths, a technical cooperation agreement establishing the Committee for the Prevention of

Homicide among Teenagers in Rio de Janeiro was signed by the following institutions: Legislative Assembly of the State of Rio de Janeiro (ALERJ); State Cabinet of Rio de Janeiro; Center for the Defense of the Rights of the Child and Adolescent (CEDECA/RJ); Health Promotion Center (CEDAPS); State Council for the Defense of Children and Adolescent (CEDCA / RJ); State Public Defender's Office (DPRJ); State police; Investigative Police; Secretariat of Social Development and Rights Humans; Institute of Religious Studies (ISER); Pereira Passos Institute (IPP); Lab for the Analysis of Violence of the State University of Rio de Janeiro (LAV / UERJ); "Luta pela Paz" (NGO); Public Prosecutor's Office of the State of Rio de Janeiro; "Movimento Moleque" (NGO); "Favelas" Observatory of Rio de Janeiro (NGO); Appeal Court of the State of Rio de Janeiro; and the United Nations Children's Fund (UNICEF).

The aforementioned Committee aims to establish partnerships between the signatory institutions, within the scope of their official and social activities, for the development of joint actions and strategies aimed at the preventing homicides of adolescents in the State and the city of Rio de Janeiro.

In the context of the State Council for the Defense of Children and Adolescents (CEDCA/RJ), a Working Group on State Policy for the Prevention and Fighting Against Homicides of Children and Adolescents was established in order to gather and analyze data in relation to lethality, the causes, and the perpetrators of homicides against children and adolescents in the State of Rio de Janeiro, and to elaborate a State policy to address this issue. In addition, it aims at facilitating the participation of adolescents and civil society, in addition to the activities of governmental bodies, in the policy's elaboration and in the disseminating, through campaigns, the mechanisms to guarantee the rights of children and adolescents.

Regarding the provision of information on measures taken by the State to require that all law enforcement officials receive professional human rights training, with particular emphasis on the State's obligation to respect and protect fundamental rights, such as the right to life and to personal integrity, we note that the subject "Human Rights" is an essential part of the training curriculum of soldiers and officers. It is also included in other specific training courses, available to both the Civil and the Military Police.

In this regard, in 2018, experts from the former Secretariat for the Promotion, Defense and Guarantee of Human Rights of the State of Rio de Janeiro, which is currently placed within the scope of the SDSDH/RJ, organized 23 training sessions on racial equality and religious freedom, of which 15 were focused on the training of public security agents. In total, 478 local police agents, 192 civil police agents and 350 military police agents received training in human rights and racial equality.

The SDSDH/RJ promoted activities in the context of the Working Group to Combat Racial Discrimination and Religious Intolerance at the former Rio de Janeiro State Security Secretariat - a state agency to which the Civil and

Military Police were linked to. It is noteworthy that, in 2019, the Civil and the Military Police had their institutional status elevated, becoming state secretariats.

Regarding the Working Group, one of the outcomes of the mentioned activities was the “ValoraSeg” application, which aims to help, guide and train public security agents while assisting citizens. The content includes information on vulnerable populations and human rights, particularly issues related to racism, racial discrimination, religious intolerance and women, among others.

The State of Rio de Janeiro developed the State Plan for the Promotion of Racial Equality, based on the equality of rights without distinction of race, color, sex, age, generation and place of residence. The guidelines of the State plan include the incorporation of racial concerns within the scope of governmental action, through the establishment of partnerships between the secretariats and State agencies, ensuring the inclusion of a perspective that promotes racial equality in all governmental policies. It also ensures public safety and access to justice for all citizens, regardless of race, ethnicity, religion and place of residence.

It is also noteworthy that, in December 2018, the Police Station for Racial and Intolerance Crimes (Decradi) was established in accordance with Law No. 5931/2011. Decradi’s purpose is to combat all crimes motivated by prejudice or intolerance committed against persons, entities or public or private property.