



Civil Society and Citizen Security in Brazil: *A Fragile but Evolving Relationship*

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The relationship between civil society and public safety officials in Brazil has evolved steadily over the past three decades. Human rights groups and academics are increasingly involved in discussions with members of the police and government officials about how to improve both the effectiveness and accountability of public safety policies. Despite certain political openings for rights-respecting policies at the state and federal level, deep-seated obstacles remain that frequently hinder the reforms' potential for success.

Introduction

Brazil since re-democratization has witnessed relatively significant advances in public policies with regard to health, education, racial, and gender equality. Much of this progress is the result of the actions of vibrant and dynamic civil society organizations and social movements that pressed for change while in opposition to state and federal governments and then built upon those changes when political openings allowed for participation as elected political actors.

Most of those changes were codified in the Democratic Constitution of 1988 that, on paper at least, changed virtually all aspects of government, decentralized many government functions, and allowed for the creation of citizen councils at the local level as oversight mechanisms for health, education, and the environment, among other policy areas.

Of all public policy arenas, however, public safety has been the hardest to change. With the exception of the nominal and symbolic change of the role of the police from national security (*segurança nacional*) to public safety (*segurança pública*), signifying a progression from protecting the state to protecting individual citizens, the 1988 Constitution left police institutions unchanged from the model implanted in 1964 at the start of the Military Regime. The Constitution's Article 144 maintained the primary responsibility for public safety at the state level as well as the hierarchical structure of the Military Police¹ and its role

as the maintainer of order “on the street.” The separate investigatory Civil Police was charged with carrying out its role with little communication and coordination with the Military Police. In the intervening years, the two institutions expanded their ranks and consolidated their separate corporate identities, increasing resistance to calls for unification or integration of functions.

Thus, serving a constitutionally-mandated federal system with 26 states and the Federal District, Brasília, Brazil's police forces are organized into state-level jurisdictions with the exception of the Federal Police, which has the formal responsibility for national borders, airports and ports, and such trans-border criminal activities as drug-trading and money laundering. The two police services that have the most direct impact on citizen security—the Military Police and the Civil Police—generally reflect the longstanding history and culture of their particular states and regions—a variable whose implications are great for attempts to foster institutional change.

There are advantages and disadvantages to having the primary jurisdiction of the police at the state level. The primary advantages are the flexibility to innovate and the potential for state-level change despite the formal constraints of the Constitution. The past decade has seen significant progress in a number of states—São Paulo, Rio de Janeiro, Minas Gerais, Pernambuco, Rio Grande do Sul, and Ceará, for example, instituted innovative practices that have had varying degrees of permanence.

¹ Despite its name and recent past history of closer relations to the Armed Forces, the Military Police today is one of two civilian police forces under the control of each state government.

As in many countries in the region, the over-arching trend in public safety policies in Brazil is a swinging pendulum of innovations versus retraction with proactive, forward-thinking policies frequently followed by a return to traditional reactive, and frequently repressive, crime-fighting policies.

These advances occur in particular political moments when gubernatorial visions and particular political coalitions of the moment allow for the implantation of innovative policies that are occasionally adapted in other states. The most successful example of state-to-state learning is the *Fica Vivo!* (Stay Alive!) program in Belo Horizonte in the state of Minas Gerais, which significantly reduced homicide rates in low-income neighborhoods through multisectoral partnerships between the Military and Civil Police, the municipal Education and Health Departments, the Federal University of Minas Gerais and the Prosecutor's Office. The program was then adapted with similar results in Recife, the capitol of the Northeastern state of Pernambuco, in a project called *Pacto Pela Vida* (Pact for Life), which recently won a United Nations award

for good governance. *Pacto Pela Vida* has now been introduced in Bahia to help reduce that state's elevated homicide rates.

The disadvantage of such an arrangement is that, officially, federal bodies, such as the Justice Ministry, for example, and municipal authorities cannot have primary responsibility for public safety programs even when it makes sense to have responsibility lie there. In Brazil's largest states with both large metropolitan urban areas and vast rural expanses, to have the jurisdiction solely in the hands of state authorities can be inefficient and ineffective.

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Civil Society and Public Safety

Throughout the 1980s and early 1990s, civil society organizations and academics were by and large reluctant to engage the issues of public safety and police reform since these actors were the targets of the Military Regime and victims of police repression. Throughout this period, traditional human rights organizations took on the necessary role of denouncing specific human rights



Photo: Lúcia Sebe / Imprensa MG

At-risk youth in Minas Gerais participate in a soccer league as part of the *Fica Vivo!* Program

abuses practiced by the police, but the larger and more complex issues of institutional change, requiring engagement with the more progressive elements of the police, have been far more challenging. Collaborating with progressive police in efforts to affect institutional change, until very recently, was seen as a betrayal of human rights principles and priorities. A new generation of rights organizations willing to partner with progressive police elements to work for change was seen as selling out, too close to government, or labeled with the pejorative term *chapa branca*, referring to white government vehicle license plates.

The resistance of civil society actors to participate in public safety policy deliberations was most certainly also a result of constitutional limits on such participation. One of the most interesting features of the 1988 Constitution was the creation of new institutional structures for the formulation, implementation, and monitoring of public policies as a way of insuring accountability in governance. The Public Policy Councils (*Conselhos*) at municipal, state, and federal levels were given the formal juridical responsibility for promoting transparency in all public policy areas *except that of public safety*. The National Public Safety Council (*Conselho Nacional de Segurança Pública*, CONASP), allowed for by the 1988 Constitution was different from other policy councils in that it was limited to a consultative role (as opposed to a deliberative role). Its members were appointed by the minister or other government officials instead of through a free election.

It was only during the two terms of the Luiz Inácio Lula da Silva administration

(2002-2010), first under the leadership of Luiz Eduardo Soares as National Secretary for Public Safety under the Justice Ministry (2002), and followed by the initiative of Justice Minister Tarso Genro in Lula's second administration, that CONASP was expanded to include freely elected civil society representatives and took on a deliberative role.

The enhanced role of CONASP was one of the many demands of the first National Conference on Public Safety (*Conferência Nacional de Segurança Pública*, CONSEG) organized by the National Secretariat of Public Safety in 2009. CONSEG brought together public safety personnel, researchers, and civil society organizations from throughout the country. After 1,433 preparatory conferences at local, state, and federal levels to establish a basic framework for a working text, the final report, while reflecting the inevitable conflicts of such a diverse set of actors, nevertheless set forth the basic principles of what has come to be known as the “new paradigm” of Brazilian public safety:

- 1) crime prevention rather than repression;
- 2) federal and municipal levels sharing responsibility with state jurisdictions for public safety policies through decentralized programs;
- 3) problems of crime and violence as seen through a multicausal and multisectoral lens involving various segments of government and not just the police; and
- 4) the rights of citizens as an integral theme of all public safety policies.

For the first time, the notion of *segurança cidadã* (citizen security) appears in official government language.

The “new paradigm” would be expressed through various vehicles, the most prominent of which was the National Program of Public Safety with Citizenship (*Programa Nacional de Segurança Pública com Cidadania*, Pronasci). Although begun in 2007 at the beginning of Lula’s second term under the leadership of Tarso Genro, Pronasci reached an accelerated pace only in 2009. Through federal financing of states and municipalities, Pronasci sought to articulate public safety policies with social programs prioritizing prevention.

While Pronasci was far from perfect in terms of management of its multi-faceted agenda, it was nevertheless a significant departure in terms of its violence prevention and human rights foci and the enhanced role of the Federal Government in financing municipal-level programs. Once again, however, discontinuity of public policies ruled the day, and funding for Pronasci was sharply curtailed at the start of Dilma Rousseff’s administration in 2011. In an example of the critical but constructive role of civil society organizations, the long-standing Brasilia-based NGO, the Institute for Socioeconomic Studies (*Instituto de Estudos Socioeconômicos*, INESC), pioneers in the analysis and monitoring of Federal Government budgets, sharply criticized the management of Pronasci but strongly advocated for its continuation after a thorough revision of management practices and priorities (Graça, 2012). Pronasci remains a reduced and second-tier program.

Civil Society Impact at the Federal Level

In addition to the issue of *who* represents civil society in public safety debates at the national level, a second key issue is what kind of civil society intervention can have the most effective impact and can be recognized by key ministries and legislative bodies that have the power to make meaningful changes. Given relative autonomy at the state level, what kind of intervention can be productively made at the federal level? And finally, what can be done at the national level to create an ongoing space for discussion of proactive and progressive public safety policy rather than merely reacting to inevitable and frequently recurring public safety crises?

The Brazilian Forum for Public Safety (*Fórum Brasileiro de Segurança Pública*) was founded in 2006 to address such issues. With a mission to create a permanent space for dialogue, it has established a national presence as an independent, non-partisan voice for applied research and technical assistance and a stage for the open discussion of key issues of public safety reform. Since its founding, the Forum’s mission has been to bring to the table actors and organizations that historically did not communicate or, worse, denounced each other publicly. Comprising three communities—progressive police with a reform agenda, applied academics, and civil society organizations willing to engage the police and public safety policies—it has, since its founding six years ago, become a national reference for reform efforts.

Through applied research, the publication of Brazil’s first journal dedicated to public

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safety and policing (*Revista Brasileira de Segurança Pública*), an annual report monitoring public safety policy nation-wide (*Anuário*), an annual national meeting that has brought together 5,200 representatives of all three communities over the course of six years, and an interactive website (forumseguranca.org.br), the Forum has played the crucial role of articulating and supporting a national network of actors to engage in unprecedented conversations. Cross-cutting all these activities is the aim to foster transparency, carry out objective policy evaluation, and provide access to information as tools for accountability in public safety policy.

The *Anuário* is an example of the delicate balance of partnering with the federal government, of remaining sufficiently independent to criticize when necessary, and developing the credibility and influence, through a high-quality publication, to change government policy. The *Anuário* reports each year on key elements of public safety policy in all twenty-six states and the Federal District, relying on SENASP to furnish data on every state. SENASP, in turn, relies on each state to furnish its own public safety data. With the publication of the first *Anuário* in 2007, it became obvious that public safety data was of poor quality and lacked consistency from state to state.

The Forum's analyses of the data, pointing out the problems, reinforced the need for improvement of information gathering as the basis for transparency and improving public safety policy. With

each subsequent publication, and with the important role of the media throughout the country in disseminating, interpreting, and calling attention to the importance of reliable and credible public safety data, the Justice Ministry became convinced of the need to improve and regularize the reporting process. With the Forum's assistance, in 2012 the Ministry created the National Information System for Public Security, Prisons, and Drugs (*Sistema Nacional de Informações de Segurança Pública, Prisionais e sobre Drogas*, SINESP).

Recognizing that police accountability and transparency of public safety practices are among the most pressing and most difficult issues to address, the question remains—how does the Forum create mechanisms for effective *and* respectful policing and how to most convincingly approach these issues *with* and not just in opposition to the police? With a significant police presence within the body of the Forum's members and with at least half of the Forum's Board of Directors from the ranks of the various police organizations (Military, Civil, and Federal), the choice of research topics, the governance of the Forum, and its priorities and future directions are all determined in partnership with forward-thinking police.

The quality of the Forum's publications and the visibility of such events as the Annual Meeting have given the Forum credibility at the national level, resulting in demands for the Forum's help in formulating new public safety policy. For example, the Forum

has been asked to assist the Sub-Committee for Public Safety of the National Congress in proposing a Constitutional Amendment to “de-constitutionalize” the police—that is, to release the police organizations from the constraints of the outdated Constitutional article that legally prevents the kinds of structural reform so badly needed. Additionally the Justice Ministry has requested the Forum’s help in designing the implementation of the Unified System for Public Safety (*Sistema Único de Segurança Pública*, SUSP). The Forum, in short, has been asked to help carry out the “new paradigm” for public safety in Brazil.

Strategies for Advocacy

As these examples of civil society participation in public safety have shown, there has been a slow but evolving shift in the willingness of civil society actors and organizations to, first, become involved with the issue at all and, second, engage in a manner that is critically constructive in a non-ideological and non-partisan way. What are the most effective ways that civil society organization can advocate for reforms in the coming years?

As foregoing examples have noted, there

are numerous experiences of successful municipal, state, and federal level innovations in public safety that have been linked to a particular political administration or to a particular moment in history. Those advances are frequently eroded when that political moment has passed and new political actors are concerned with forging new identities or have different priorities. Progress made in one moment is inevitably lost in subsequent moments. It is critical that civil society actors advocate for the maintenance or reformulation, if necessary, of government programs when those have been shown to advance the cause of respectful and effective public safety policies.

Two programs mentioned in this essay, *Pronasci* at the federal level and *Fica Vivo!* at the state level in Minas Gerais, the first showing potential but in need of revision, and the second a proven success but not institutionalized as a permanent policy, should be the targets of advocacy efforts by civil society actors. Advances in civil society opportunities to promote accountability and transparency should not go unrealized. Those advances show that societal participation is both possible and essential.

For further reading, see:

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Cover Photo: Members of the Military and Civil Police in the state of Amazonas participate in a training program on community policing, violence prevention, and human rights. Photo by Nonato Duarte, Amazonas State Government Communication Agency.

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