

Through the Lens of Brazil: The Changing Dynamics of Human Rights and Global Philanthropy in Emerging Powers

Funder Learning Visit to Rio de Janeiro
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Public Security and Access to Justice

An in focus discussion circle

Speakers: **Paul Jansen**, Director, Hivos-South Africa

Ines Mindlin Lafer, Founder, Better and Jacob Lafer Foundation

- Ines described the public security situation in Latin America and Brazil.
 - Latin America has a particularly strict attitude towards public security.
 - Brazil criminalizes poverty:
 - The justice system is mainly filled with poor, black, and residents of favelas.
 - These people have no access to judicial defense and often have no way out.
 - There are three police forces in Brazil: military, civil police, and pacification, which are closely linked to the justice system.
 - The civil forces are responsible for collecting evidence for judicial cases.
 - There are more than 600 favelas in Rio, 30 of which have UPP presence (public pacification forces aimed to eliminate drug trafficking).
 - Drug cartels pay off the police to be able to continue their work.
- Paul said that South Africa's situation is quite similar to that of Brazil.
 - It has a progressive constitution but lacks implementation, so the rhetoric does not translate to the ground.
 - Many citizens don't know the law, and not all defendants have access to representation.
 - There were small legal advice offices in rural communities, not funded by the government (due to a lack of funding), that played a crucial role in helping marginalized communities to access justice. Grantmakers fund many of them now, but as funding leaves South Africa as a middle income and emerging market country, the funding for these offices vanishes as well.
 - Grantmakers got together to develop a joint strategy. They recognized that it is the government's role to support these systems and asked them to do so.
 - The government said there were limited funds, but would be willing to consider funding these offices if grantmakers could prove the economic cost-benefit for the government to do so. The grantmakers are funding research show the economic benefits of legal aid and assistance through these community offices.
 - The grantmakers and NGOs will present the research to South Africa's government in September.
 - Many of the issues in South Africa are reflected on the rest of the continent.
 - There exists a dual justice system of formal structures and a traditional system through local chiefs and traditional courts.

- Communities tend to use the traditional courts more, because they are the only way to access justice, the government is promoting it, and because they don't trust the formal structures (still seen as a "white" system).
 - About 90% of inmates in Kenya are young people arrested for petty crimes. They often get tied up in crime networks and come out more hardened criminals.
- Ines drew a comparison to Brazil's prison populations.
 - People working on justice issues are trying to conceptualize alternatives to incarceration, such as community service or restorative justice, especially in areas such as drug possession.
- South Africa's police force is known for brutality and corruption. When the police gets away with using excessive force, the public assumes it can get away with crimes as well. The Ministry of Police is silent.
 - There was a commitment to training a new police force when apartheid ended in South Africa, but it went downhill as funds ran out
- Similarly, Brazil does not have efficient external oversight mechanisms for police, which civil society is working to change.
 - Police abuse cases are rarely investigated, though cases that receive a lot of media coverage can lead to judgments.
 - There is pressure to demilitarize what is seen as an outdated police force that doesn't know how to deal with the public.
- Both Brazil and South Africa have prosecution services that can investigate crimes (building on the work of the civil police in Brazil).
 - In South Africa, the office has been criminalized for coming out with reports critical of the ruling party
- Brazil's judiciary system is independent of political parties but is not particularly effective. Cases can last for decades, even after a conviction
- Media coverage of trials often means that defendants are judged guilty by the public regardless of their sentence

Strategies for Grantmakers/Discussion

- Funding research to show that the current legal system isn't working.
- Public policy training and advocacy projects that can influence the system.
 - Funders with limited oversight capabilities can look to macro-level change, rather than grassroots organizations
- Training media on the importance of fair coverage of trials, or building independent media.
- Political will is key in all circumstances. Training police can only work if there's a commitment to change. Grantmakers can focus on exposing injustices in the system
- Targeting training schools or judicial academies to incorporate a human rights lens
- Bringing government and civil society together to talk through the problems in a "non-critical dialogue."
- How can funders fight the perceptions that groups working in human rights and criminal justice are supporting criminals?
 - The media can often be sensationalist.
 - One strategy to counter this is to have dialogues broadcast on public radio to share open discussion from both sides.
- Funders can also get their grantees to think about how they frame issues.
 - Public surveys, nuanced case studies, and focus groups can illuminate public opinion and help craft the message
- There is a tradeoff between democracy failing to provide public good and autocracy providing it. The public in some countries may yearn for the return of a strong leader in

place of a weak democratic system that fails to preserve public security. If you look at a case like Rwanda, there is clear evidence that democracy provides sustainable security. Security that is dependent on an individual leader is not sustainable.

Panelist Biographies:



Paul Jansen
Country Director, Hivos-South Africa

Paul Jansen is currently the country director for Hivos, the Dutch Institute for Co-operation with Developing Countries, in South Africa. The portfolio of the Hivos South Africa office has an exclusive focus on human rights issues in the country with four program streams: refugees and migrants, gender-based violence/violence against women and girls, access to justice/transparency and accountability for marginalized communities, and sexual health and diversity rights. Before his appointment in Johannesburg, he was the program officer for LGBT Rights/MSM and HIV in the Hivos Head Office in The Hague, The Netherlands. He obtained his Master's degree in development studies at Utrecht University, The Netherlands in 1998. He serves further as an advisory board member in the Asian-Pacific Coalition on Male Sexual Health (APCOM).



Inês Lafer
Founder and Director, Instituto Betty e Jacob Lafer

Inês manages Instituto Betty e Jacob Lafer and works as a consultant and coach for the development of philanthropic initiatives and public policies, with a focus on children and adolescents. Inês started her career as a psychologist, and worked as a consultant for local government projects in several cities, in the area of social assistance for children and adolescents. She was Program Manager at the Maria Cecília Souto Vidigal Foundation, technical assistant at the City Committee for Human Rights in São Paulo, and project manager at Instituto para o Desenvolvimento do Investimento Social (IDIS). She holds a degree in Psychology, post-degrees in psychoanalysis and human rights, and a Master's degree in Public Administration.