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# DISCOVERING THE RIO DE JANEIRO STATE PUBLIC DEFENDER'S OFFICE

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**DEFENSORIA PÚBLICA**  
DO ESTADO DO RIO DE JANEIRO



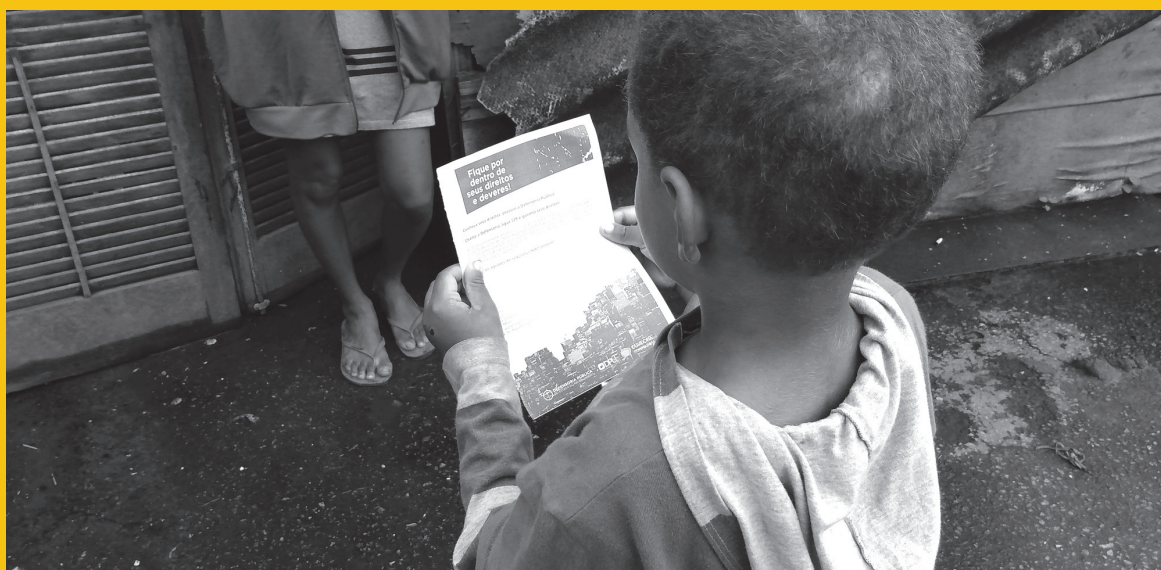


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# UNDERSTANDING THE PUBLIC DEFENDER'S OFFICE

The Public Defender's Office (PDO-RJ) in the State of Rio de Janeiro offers full and free legal assistance and guidance to vulnerable citizens, such as children, the elderly, the disabled, refugees, indebted persons, female victims of gender-based violence, victims of racial or sexual prejudice and those who cannot afford to pay for legal aid services. The PDO-RJ also promotes the defense of human rights, as well as individual and collective rights, as provided for in the Constitution. Free access to legal assistance covers attorney's fees, expert fees, legal or out-of-court expenses.





## AN INDEPENDENT BODY

The PDO-RJ firmly enforces the principle of citizenship, even if this implies litigation against the state itself and other powers. The institution enjoys budgetary, administrative and operational autonomy.

### THE CAUSES WE CHAMPION

- Combatting over-incarceration with strong defense of custody hearings
- Defending victims of police violence
- Dignity in dealing with transsexuals
- Respect for homosexual rights
- Petitions for writ of habeas corpus to prevent the detainment of children and adolescents without evidence of misconduct, ensuring the right to come and go
- Mediating out-of-court settlements to compensate victims of major consumer accidents
- Eradicating under-registration by providing for the issuance of civil or vital records
- Ensuring students' placement in schools and daycare centers, ensuring access to education
- Ensuring access to housing and health
- Individual legal assistance to economically disadvantaged citizens







# OUR NUMBERS

## 777

**Public defenders**

Professionals trained in Brazilian law (board certified attorneys) with at least two years of proven experience, who are vested in office after passing rigorous tests within public tendering processes.

## 2.6 million

**people assisted every year**

The figures refers to the service provided by the Citizen Relationship Center (CRC) through the hotline 129 and online assistance offered through the PDO-RJ website.

## 92 cities

**PDO-RJ has offices in every county of the state**

## 1.3 thousand

**State employees**





# OUR WORK

To better serve the population, the Public Defender's Office in Rio de Janeiro (PDO-RJ) has several centers and thematic projects to represent and advise citizens individually, but also acts strategically in order to benefit the largest number of people. The institution also promotes relevant projects on education for rights, aiming to spread the word among society, especially the most vulnerable population, on their legal guarantees. Some of these initiatives are detailed below:





Cecilia Franco nasceu no coração da defensora  
Glauce Franco  
sempre e  
feliz e grat



## ACCESS TO HEALTH

The Coordination for Health and Collective Guardianship monitors public health provision by the state and its municipalities. The PDO-RJ proposes in-court and out-of-court measures to settle issues regarding the service and supply of free medicine.

Public defenders acting within the Coordination make regular visits to all centers in the capital and other cities in the state. PDO-RJ also works in collaboration with the Dispute Resolution Chambers, seeking out-of-court settlements to citizens' filed claims.

Of the lawsuits in the health realm pending in the State Court of Appeals in Rio de Janeiro,

**70%**

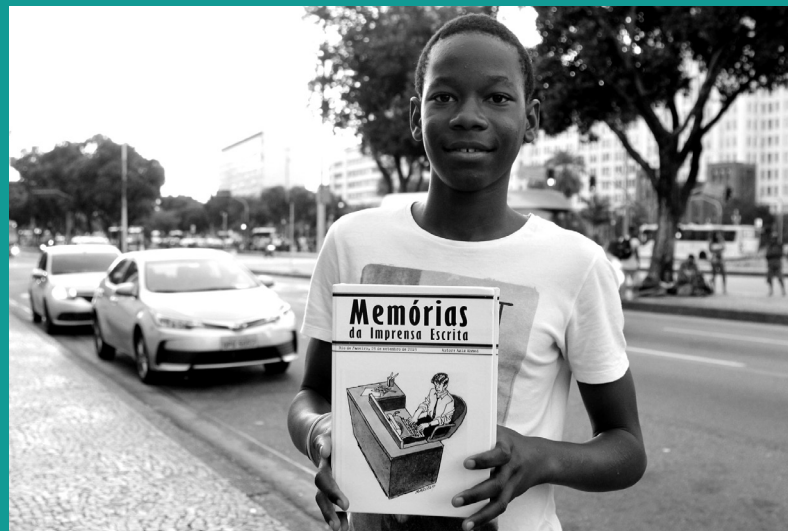
of them were filed by the PDO-RJ

## CHILDHOOD AND YOUTH AFFAIRS

The Coordination for the Defense of the Rights of Children and Adolescents (Cdedica) works on two fronts: the protective front, acting to ensure basic rights, such as education; and the socio-educational front, assisting young people involved in criminal offenses. The PDO-RJ advocates and works both in individual and collective cases to assure adequate conditions of resocialization for these adolescents and understands that the current system needs urgent adaptation. That is why the institution is spearheading a movement seeking to end overcrowding in the detainment units and attentively monitors the fulfillment of such measure. The PDO-RJ also has a firm stance against lowering the age of majority from 18 years of age to 16.

**30**

Public Civil Actions were filed by Cdedica in three years





## DEFENSE OF WOMEN'S RIGHTS

The Center for the Defense of the Rights of Female Victims of Gender-Based Violence (Nudem) provides legal guidance and advocates for women in any case of gender-based violence, regardless of social class or income level. Currently, women who are victims of abuses are able to consult with defenders in all domestic and family violence courts. The cases handled are diverse – including situations of physical aggression, psychological or sexual violence, collective rapes, obstetric violence and institutional violence against detainees, among others.

Nudem's performance was reinforced with the establishment of the Coordination for the Defense of Women's Rights, in September 2016, to foster an institutional policy that is gender-sensitive across all PDO-RJ units that serve women in situations of violence.

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# 1,100

average amount of  
women seeking help  
from Nudem every year

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# 3,557

the average of individual  
actions to safeguard  
women's rights

**Cat calls are definitely  
not compliments**

#AMulherNaDefensoria



## HUMAN RIGHTS

The Center for the Defense of Human Rights at the Public Defender's Office in Rio de Janeiro works on all kinds of violations of collective or individual rights and freedoms. An example is the legal assistance provided to families of victims of police and state violence, in lawsuits claiming compensation from the state and also as an assistant prosecutor.

Such work does not prevent the center from assisting families of military police officers killed on duty.

The work in favor of sexual diversity, the fight against racism, religious intolerance and racial inequality is performed under the scope of the Center for the Defense of Human Rights, as well as the support to refugees, who receive assistance to obtain their residence permit and have access to basic rights.

## FIGHT AGAINST RACISM

The mission of the Center against Racial Inequality (Nucora) is the defense of those whose rights were violated due to their origin, color, ethnic-racial identity or religious orientation. Its work includes representing victims of racism, advocating to preserve the university quota system and the rights of the remaining *quilombo* communities.







## SEXUAL DIVERSITY

In addition to the collective practice and in individual cases, the Center for the Defense of Sexual Diversity and Homosexual Rights (Nudiversis) fosters public policies aimed at promoting the rights of the LGBTI population. Its work includes legally assisting transsexual individuals, for instance in civil requalification processes (change of names and gender), as well as assisting victims of homo-transphobia, including in proposing compensation measures. Nudiversis fiercely advocated for the Supreme Court to recognize those citizens' right to change their civil record, regardless of having undergone sexual resignation surgery or having to submit medical reports. In another striking performance, the center managed to get favorable decision for an action declaring unconstitutional a municipal law that prohibited a gender approach at schools. Recently, the PDO-RJ obtained an unprecedented decision in the state sphere allowing an eight-year-old transgender child to change genders in the civil record.

600

Out-of-court requests  
for civil requalification  
submitted to Nudiversis

## HOMELESS POPULATION

Through Nudedh, the PDO-RJ plays an important role with the homeless population. One of its institutional actions is the *Ronda de Direitos Humanos* [Human Rights Patrol], which takes place periodically in different areas of the city, aimed at verifying whether street dwellers have been suffering any kind of violence from government agencies, such as the City Guard and the Military Police. The PDO-RJ collects field information to examine such violations and seeks to act against any type of "sanitation" policy possibly being implemented.



## CRIMINAL DEFENSE

The Criminal Defense Coordination acts on defining public policies for access to justice in the criminal realm. It also guides the work of the Center for the Penitentiary System (Nuspen), Center for Public Prisons and Provisional Prisoner Support (Nucapp) and Center for Custody Hearings (Nudac).

Rio de Janeiro's prison system requires constant attention from the Public Defender's Office (PDO-RJ). Through Nuspen, the institution promotes scheduled inspections at prison units.

In a recent action, the Inter-American Commission on Human Rights, an entity of the Organization of American States, ordered the Brazilian government to resolve the overcrowding in the Plácido de Sá Carvalho Criminal Institute, which is part of the Bangu prison complex. This is a result of just one of the several actions promoted by the PDO-RJ in this realm. The institution seeks to ensure the provision of medical care by gynecologists for women and pregnant women and the promotion of custody hearings.

## CIVIL AND VITAL RECORDS

The DPO-RJ also promotes social actions to eradicate under-registration, working to provide the most vulnerable with dignity and the right to citizenship. On these occasions, the assisted population is referred to civil identification centers and other centers responsible for issuing documents and granting access to social benefits, such as financial and food aids.

### OVER-INCARCERATION

**27,242**

the amount of inmates  
Rio de Janeiro's prison  
system is able to absorb.

**52,871**

current detainees

\*Data from 9/30/2019

Over

**90%**

of defendants are  
represented by  
public defenders



## CONSUMER PROTECTION

The mission of the Center for Consumer Protection (Nudecon) is to assist disadvantaged or over-indebted consumers. Defenders work on cases related to the poor provision of services such as water, energy and telephony supply, sewage disposal, public transportation, health and banking services. Many of these cases have been settled through agreements with the companies involved. In four years, 16 cooperation terms were entered into. The center also assists over-indebted individuals and victims of major consumer accidents. Its practice has become a benchmark for public defenders all over Brazil.

25,476

people  
served

in four years

76

public civil  
actions

underway\*

\* January 2019

61%

indebtedness  
cases

were settled  
under conditions agreed  
by the parties.

## MILITARY AUDIT

PDO-RJ's Military Audit defends Military police officers and firefighters in the state of Rio de Janeiro. The PDO-RJ contributes in almost half of the cases in the Military Justice involving officers and firefighters. About 100 hearings are conducted every month in cases of alleged violations of the Military Criminal Code and violations committed on duty.



## FAMILY LAW

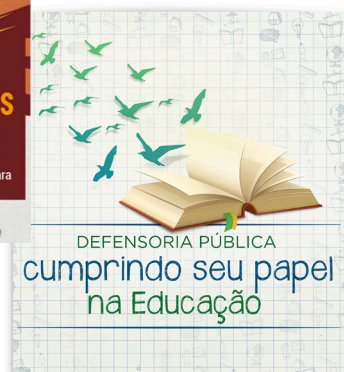
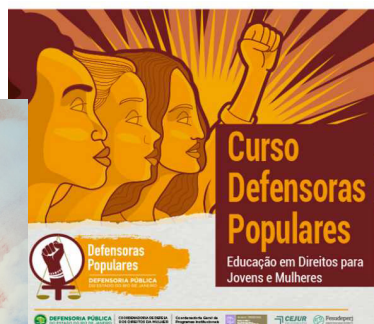
In the civil and family areas, the highlights are inventories, permits, findings of presumed death and *post mortem* stable union acknowledgements. The PDO-RJ develops a DNA program, carrying out *in vivo* and post mortem examinations for parenthood investigations, death rectification and proof of genetic kinship in order to ensure the right to citizenship. Most of the lawsuits filed by Rio de Janeiro's public defenders fall into the realm of Family Law.

## HOUSING RIGHTS

The Center for Land and Housing (Nuth) is responsible for ensuring the right to housing, working in cases of displacements, evictions, repossessions and other land conflicts. Mega events, such as the World Cup and the Olympics, ended up generating several violations. Real estate speculation excludes from the city the poorest citizens already living in precarious conditions. Vila Autódromo, Estradinha, Gamboa, Parque Columbia, Cidade de Deus and Metrô Mangureira are some of the locations where Nuth has mediated against family dislodgments to ensure relocations. The center also monitors administrative procedures that pose a risk to the tenure and housing of vulnerable communities and promotes land regularization through the legitimation of ownership or demarcation.







## EDUCATION FOR RIGHTS

One of the constitutional attributions of the Public Defender's Office is the promotion of Education for Rights. In addition to an extensive program of courses and events held in partnership with its Center for Legal Studies (Cejur), the institution also develops innovative programs for society, such as:

### PEACEKEEPERS

Training for community leaders and residents on conflict mediation and basic rights. The project has been carried out in several cities and has trained over 250 individuals in two years.

### ACCELERATING SCHOOLING

The project offers Portuguese, Mathematics, History and Geography classes for homeless people. Participants also visit cultural and tourist facilities. For many of them, it is a first contact with these attractions. Started in 2017, over 250 students have already been trained.

### POPULAR DEFENDERS

Aiming to raise population awareness, especially among women living in the outskirts, the course focuses on the education for rights and the discussion of issues related to the condition of women within the Brazilian society.

### PDO FULFILLING ITS ROLE IN EDUCATION

The program focuses on valuing and raising awareness among education managers, as well as promoting debates to help foster positive transformations in the school environment of state educational units. Defenders visit schools to debate with teacher on topics related to the Statute of the Child and Adolescent (ECA), violence against women and conflict mediation.

## COMMUNICATIONS

Aware that strategic litigation takes place not only in the legal environment, but also through data collection and communication efficiency, the Public Defender's Office in Rio de Janeiro invests in the relationship with the press and in the publication of abundant material for the education for rights. The Communications Division is responsible for the institution's publicity and information channels, which include social media, its website and internal and external

# 8,610

radio, TV, internet and  
print pieces and articles  
mention the PDO-RJ  
(January to August 2019)

# 102,000

Facebook followers



newsletters. In addition, the department works on the construction of narratives to streamline the defense of the assisted citizens, disseminating the voices of those who, most of the time, are forgotten. This work has been instrumental in cases such as that of the 159 men illegally arrested for allegedly participating in one of the state's militias, in April 2018. Through an intense work with the press, the DPO-RJ managed to show society that most of those arrested had no police record, were employed and not connected to the organized crime. They were all released.



## OMBUDSMAN'S OFFICE

In order to strengthen the dialogue between the Public Defender's Office and society, the Ombudsman's Office became an external body in 2016. The Ombudsman-General position is now held by a non-member of the Defender's career. It is the Ombudsman's role to contribute to streamline the access to the Public Defender's Office and improve the services offered. The work carried out with residents of communities throughout the state of Rio de Janeiro deserves mention, such as the *Circuito Favela por Direitos* [Favela for Rights Circuit] program, providing qualified and permanent assistance in slum areas of the state's metropolitan region.

Its first year's report pointed to a series of violations committed against residents during police operations.

### APPROACH

- threat/physical aggression
- prohibition to film/cell phone checking

### STATE-LED LETHALITY

- prohibition to provide aid
- crime scene change

### IMPACTS

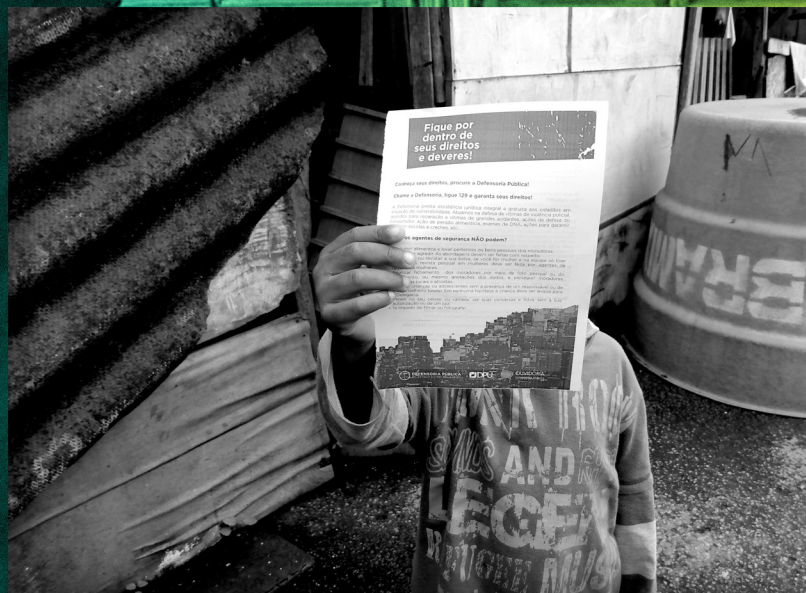
- movement restriction
- psychological trauma

### POLICE OPERATIONS

- random shots
- operations on school hours  
(opening and closing hours)

### HOME VIOLATIONS

- occupation
- sexual violence
- damage to property in the residence









# INTERNATIONAL PERFORMANCE

The Public Defender's Office has a strong presence in international organizations, especially in reporting human rights violations. Some of the cases are mentioned below:

## PROVISIONS FOR THE EVARISTO DE MORAES PENITENTIARY

The Inter-American Commission on Human Rights notified the Brazilian government of the poor conditions of the Evaristo de Moraes penitentiary. Among other measures, the decision establishes the necessary actions to protect the lives, personal integrity and health of the more than 3,700 unit inmates, due to violations such as:

Overcrowding rate of

**252.17%**

**High death rate,**  
mostly from  
unknown causes

**Lack of ventilation,**  
beds and lighting

## PROHIBITION OF NEW ADMISSIONS TO THE PLÁCIDO DE SÁ CARVALHO PENITENTIARY

The Inter-American Court on Human Rights has ruled, following a complaint from the PDO-RJ, that the unit cannot receive new prisoners and that one day served at that prison should count as two.

Overcrowding rate

of **198%**

**70 detainees**

died between 2016 and 2018, many due to health and overcrowding issues.

## MILITARY JUSTICE

DPO-RJ appealed to the Inter-American Commission on Human Rights in opposition to Law 13,491, which transferred from the Common Justice to the Military Justice the authority to prosecute and judge civilian killings attributed to members of the Armed Forces. Effective since October 2017, the rule establishes a special jurisdiction for the military, thus making it difficult for state agents to be held accountable through impartial and independent investigations. It therefore goes against the jurisprudence of the Inter-American Court and international standards of human rights protection.



## TRANSGENDER AND LGBTI+ POPULATION RIGHTS

In May 2017, PDO-RJ representatives were in Costa Rica, at a public hearing promoted by the Inter-American Court on Human Rights, to advocate for the establishment of a parameter for Latin American and Caribbean countries in cases where transgender individuals wish to change their names and genders in official documents. The goal is to expedite the procedure and that it be offered free of charge.

In November 2018, Commission representatives were in Rio de Janeiro and met with members of the LGBTI+ population. At the time, LGBTI+ human rights defenders reported that even after regulated by the National Council of Justice (CNJ), some registry offices still pose barriers to civil requalification. The lack of public policies and prejudice were two other aspects addressed in the occasion.



## HEALTH AND HOSPITAL COVERAGE

The Public Defender's Office identified a deficit of 1,000 beds in public hospitals in the city of Rio de Janeiro alone, including federal, state and municipal units. When all avenues for negotiation had been exhausted, the institution reported the matter to the Inter-American Commission on Human Rights (IACHR) in May 2018, requesting measures to effectively protect the lives and physical integrity of those waiting in the ICU queue.

**The situation was defined as “cruel, inhuman and degrading”.**

Find out why:

- **1,071 discarded beds** in state, municipal and federal networks
- **Lack of structural conditions** within the hospital environment
- **Up to three people die each night** waiting to be transferred to the ICU
- **Delays in complying with court measures** such as admissions and transfers



# SURVEYS

The Board of Studies and Research on Access to Justice develops a strategic work in the verification of data that support the PDO-RJ's practice. The information is fundamental to the institution's performance in the judicial sphere. In addition, the surveys have broad repercussion, fostering the relevant debate among society.

Find out more:





## CUSTODY HEARINGS

Based on questionnaires applied by public defenders to assist defendants in custody hearings, several reports are produced to support PDO-RJ's strategic work, with information such as release rates at the hearings, the treatment provided to prisoners upon arrest and the defendants' social profile.



# 6,374 cases in one year

**96%** of them assisted by a public defender

## Low recurrence

only **5.28%** of defendants returned to a custody hearing

## Youth

**83.9%** of the defendants were 18 to 36 years old

## Low education level

**65%** of the defendants completed **elementary school only**

## Torture

Three out of 10 reported being beaten upon arrest, **79.7% of whom were black**



## CRIMINALIZATION OF ABORTION

Research on the criminalization processes of abortion, in addition to the impactful results revealing the structural racism underlying the justice system, was presented by the Public Defender's Office in the application for admission as *amicus curiae* in ADPF Nº 442 that discusses the constitutional character of abortion criminalization in Brazil.

### 55 criminal proceedings

against women who had abortions were initiated between 2005 and 2017.

Most cases involve women aged **18-36 years** who already have children and live in outlying neighborhoods. **None had a criminal record** and only one had attended college.

**54.2% of women prosecuted are black.**

## CIVIL REQUALIFICATION PROCESSES IN THE STATE OF RIO DE JANEIRO

Between 2010 and 2016, of the 170 civil readjustment claims filed with the Rio de Janeiro Court of Justice, only 69 were appraised – out of which only 47 were completed. Some of these claims have awaited appraisal for up to five years. The study contributed to the work conducted by the Center for the Defense of Homosexual Rights and Sexual Diversity (Nudiversis) in expediting the requalification procedure.



## HOSPITAL BEDS

The periodic reports on the lawsuits elaborated by public defenders working the night shift aim to identify critical aspects regarding the lack of vacant beds in public hospitals throughout the state of Rio de Janeiro, based on factual data. Such initiative supports the Coordination of Health and Collective Guardianship in the adoption of strategies to effectively improve the municipal and state public health system (which can be replicated in other states, according to their specificities).

**1,071**

disused beds in state,  
municipal and federal  
networks

**3 people**

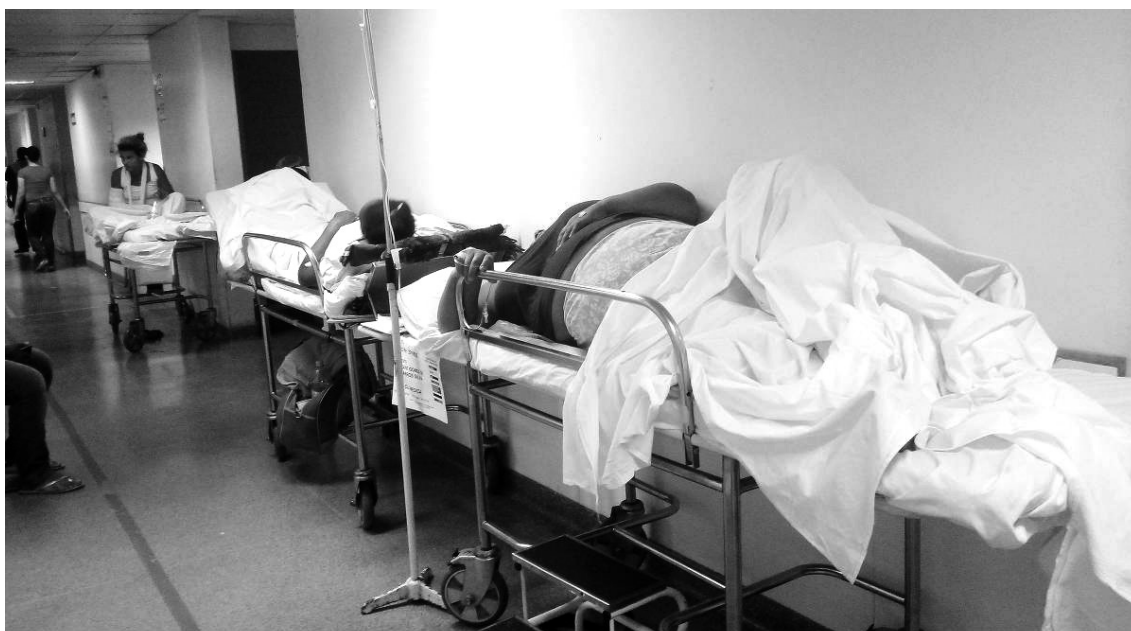
die every night waiting to  
be transferred to the ICU

## CONSUMER PROFILE

The survey *Perfil do consumidor superendividado e a atuação da Defensoria Pública na renegociação da dívida* [Profile of over-indebted consumers and the role of the Public Defender's Office in debt renegotiation], based on data gathered by the Center for Consumer Protection's over-indebtedness commission, sought to identify the profile of over-indebted consumers, financial institutions and the modalities of credit where debt concentrate, as well as the results of renegotiations, in order to contribute to the improvement of the services rendered by the commission and structure the data to provide a better understanding this recent phenomenon.

**64.13%**

of the over-indebted  
consumers are over  
55 years old





## SENTENCES FOR TRAFFICKING OFFENSES

A survey on the justifications contained in the sentences of crimes related to drug trafficking in the city of Rio de Janeiro and its Metropolitan Region, identified, from the reading of 2,591 cases, what the criteria considered by judges to convict or acquit the defendants involved in these types of offenses are. The result is striking, first-time offenders with no criminal record, caught in the act alone, unarmed and carrying a small amount of drugs, during police operations in areas supposedly dominated by criminal organizations.

- **2,591 sentences issued** between August 2014 and January 2016
- **3,745 individuals accused of violating Law 11.343/2006**, which established the National Anti-Drug Policy
- **53.79%** of convictions **are based solely on the testimony of the arresting security officers**
- **77.36%** of the convicted **had no criminal record**, and 73.85% were first-time offenders





# **DEFENSORIA PÚBLICA**

## DO ESTADO DO RIO DE JANEIRO

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