NEVER AGAIN? POLICE VIOLENCE AND POLITICAL PARTICIPATION IN BUENOS AIRES AND SÃO PAULO: THE CASES OF THE VILLA 31 DE RETIRO AND HELIÓPOLIS

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ABSTRACT

This study analyzes the problem of police violence in Brazil and Argentina, observing how it affects the relationship between poor communities and the state. The conclusions are based on field research in two shantytowns: Villa 31 de Retiro in Buenos Aires and Heliópolis in São Paulo, comparing their experiences with police violence and political participation. The study describes how political organizations, neighborhood associations, and civil groups responded to the continuities of repressive policing strategies in poor areas of both cities. It analyzes the participatory channels opened in São Paulo and Buenos Aires and the advances and setbacks in protecting vulnerable communities from violence. The main argument in this thesis is that the measures taken by governments to increase participation in São Paulo and Buenos Aires failed to protect citizens in the poor neighborhoods analyzed, as states established contradicting relationships with these communities, at times through repression and violence, and at times through clientelism and particularism. The thesis concludes that in order to successfully promote citizen security and reduce state violence in poor neighborhoods, more effective channels of community participation need to be established, leveraging local demands within the decision-making process in public security.
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# TABLE OF CONTENTS

## INTRODUCTION: NEVER AGAIN?
- Democratization and State Violence ................................................................. 1
- Methodology ............................................................................................................. 7
- Arguments and Organization.................................................................................. 9

## CHAPTER 1. VIOLENT DEMOCRACIES
- 1.1. Democracy and Citizen Security ................................................................. 12
- 1.2. Political Participation: The Role of the Civil Society .................................... 13

## CHAPTER 2. CITIZEN (IN)SECURITY: LEGACIES FROM THE PAST AND NEW SECURITY CHALLENGES
- 2.1. Contextualizing State Violence And Democracy In Brazil And Argentina .... 26
- 2.2. Redemocratization And Governability Challenges ......................................... 30
- 2.3. Policing Democracies: Authoritarian Legacies and New Problems ............. 40
- 2.3.1. Transition to Democracy and the Police ..................................................... 42
- 2.3.2. The Police and Illegal Clandestine Connections ....................................... 51
- 2.3.3. “Mano Dura” and Police Violence ............................................................. 55

## CHAPTER 3. THE MARGINS AND THE STATE: CITIZENSHIP AND POLITICAL PARTICIPATION IN HELIÓPOLIS AND VILLA 31 DE RETIRO
- 3.1. Heliópolis: The City of the Sun .................................................................... 66
- 3.1.1. Neighborhood Associations and Citizenship ............................................. 71
- 3.2. Villa 31 de Retiro: Political Struggles and Disillusions .................................. 76

## CHAPTER 4. SECURITY REFORMS, PARTICIPATION AND CITIZEN SECURITY IN SÃO PAULO AND BUENOS AIRES
- 4.1. Overseeing and Working with the Police ....................................................... 89
- 4.1.1. The Community Policing in São Paulo ..................................................... 94
- 4.1.2. Security Reforms in Buenos Aires ............................................................. 96
- 4.2. Citizen Security in Heliópolis and Villa 31 de Retiro: Advances and Setbacks 101

## CONCLUSIONS. THE JANUS FACE OF THE STATE ............................................. 109

## BIBLIOGRAPHY .................................................................................................... 113
LIST OF FIGURES

Figure 1. Percentage of People Reporting Having Been Abused by the Police........14
Figure 2.1. Unemployment Rates in the City of São Paulo (1986-2001).................32
Figure 2.2. Crime Rate in Argentina (1991-2008), per 100,000 people.................32
Figure 2.3. Percentage of the population considering crime as the most important issue in the country (1997-2011).................................................................33
Figure 2.4. Victims of crime by socio-economic stratum in Argentina, 1998 (%)........34
Figure 2.5. People living in families with per-capita income below the poverty line in Brazil (2005-2009)........................................................................................................37
Figure 2.6. Homicides in Brazil (1998-2008)...............................................................38
Figure 2.7. Homicide rates evolution in Southeast Brazil (1998-2008)..................38
Figure 2.8. Homicide rates in Argentina 1992-2009, per 100,000 people...............40
Figure 2.9. Police Killings in Argentina (1996-2010)................................................57
Figure 2.10. Cases of police killings accumulated by year in Argentina 1996-2010...58
Figure 2.11. Proportion of Police Killings per Force Argentina (1983-2010)...........58
Figure 2.12. People Killed in Acts of Violence with Participation of Security Officers, City of Buenos Aires, 1st semester 1996 – 1st semester 2007........................................59
Figure 2.13. Proportion of Civilians Killed by the Federal Police in the Total Number of Homicides in the City of Buenos Aires.........................................................60
Figure 2.14. Police Violence in Brazil (1980 - 2006).................................................61
Figure 2.15. Police Violence in the State of São Paulo (1980 - 2006)......................63
Figure 3.1. Households and Population in the Villa 31 and 31 bis (2001-2009)......84
Figure 4.1. Evolution of the number of denouncements received by the Ouvidoria of São Paulo..................................................................................................................91
Figure 4.2. Denounces of Police Violence to the Ouvidoria of São Paulo (1996-2000)...91
Figure 4.3. Military Police Officers Denounced at the Ouvidoria and Sentenced in São Paulo (1998-2000).........................................................................................93
Figure 4.4. Distribution of beneficiaries of the PCV (2006)......................................100
INTRODUCTION: NEVER AGAIN?

The expression “Never Again” is often employed in international discourse in rebuke to political violence. In South America, this expression became more prevalent following the end of the brutal military dictatorships that persecuted, tortured, and “disappeared” (murdered) thousands of political opponents in the region. In Brazil and Argentina, it does not only name reports that resulted from informal or official investigations\(^1\) of the atrocities committed by members of the military regimes against their opposition. It is also a declaration of hope that with the return of democracy the civil society in both nations would never again be deprived from its civil and human rights or from participating freely in political activities, and that the new system would promote justice for the victims of the brutal regimes, reveal and preserve in the national memories the truth silenced by years of censorship and repression, to ensure that these crimes will never repeat. I borrow the expression to question the recurrent violence promoted by members of the state in the democratic periods in Brazil and Argentina.

The research focuses in the years following the return of democracy in these countries, with particular attention to the last two decades (1990-2010), to understand police violence in the two largest South American cities, São Paulo and Buenos Aires, analyzing to what extent the political participation of urban marginalized communities in the democratic period contributed to reduce repressive policing strategies. It questions the strategies that these communities adopted vis-à-vis the state and how political organizations, neighborhood associations, and civil groups responded to the continuities of repressive policing strategies in poor areas of both cities. It also assesses the participatory policies and security reforms promoted in the 1990s, analyzing their impacts on low-income communities’ access to citizen

security and on their protection from state violence.

The hypothesis guiding this study is that the continuity of state violence in the democratic context of Brazil and Argentina towards the urban poor communities is a function of their limited political participation, particularly in security debates, strategy planning, and policy-making. The research builds from the literature of violence in democracies and approaches the theme from the perspective of marginalized communities. It studies and compares the experiences of the Villa 31 de Retiro in Buenos Aires and Heliópolis in São Paulo observing how state violence has impacted these communities in distinct political scenarios in their political practices and citizenship in the democratic context. This study seeks to contribute to a better understanding of democracy in Latin America from the roles of marginalized communities as political agents and of the role and impacts of violence in the relationship among states and societies. The comparative approach allows for the identification of general and specific political trends, and compares different cultural and historical settings to comprehend a common problem in South American democracies.

**Democratization and State Violence**

After decades of arbitrary political violence and human rights violations committed by state actors during the military dictatorships, the Argentine and Brazilian societies hoped that with the transition to democracy these countries would consolidate the rule of law guaranteeing protection for all citizens. The role of the police, contrary to its functions during the military rule, is no longer to repress political opposition or social movements. In a democratic context, it is the role of the police to respect citizens’ freedom of thought, opinion, expression, peaceful assembly, and association, their rights to vote in free, fair, and periodic elections, and to participate of government directly or through elected officials (Mesquita Neto and Loche 2003, 187).
Democratization in Argentina and Brazil, however, did not entail limitation and control of the arbitrariness of state actors, and democratically elected governments failed not only to promote equal citizen security, but also to eliminate violent repressive security institutions and practices inherited from years of authoritarianism and limited citizenship. These institutions sustained the criminalization of the urban poor, stigmatizing them as potentially dangerous, subversive and barbaric (Méndez, O’Donnell and Pinheiro 1999, 4). This occurred in a context where violence was result of three main aspects: demand for repressive strategies, involvement of the police and state members with criminal activities, clandestine, and clientelistic connections, and the lack of judicial response to their illegal actions.

In Argentina, crime rates increased from 1,484 crimes per 100,000 inhabitants in 1991 to 3,051 in 2000 headed by Buenos Aires with 630 reported crimes per 10,000 inhabitants (Ministerio de Justicia, Seguridad y Derechos Humanos; Cerro and Meloni 2000, 299). In São Paulo the homicide rate alone went from 51.1 in 1990 to 62.8 per 100,000 inhabitants in 1996 (Carneiro 2000, 25). As criminality rates peaked in the 1990s in São Paulo and Buenos Aires, the population in both cities pressed states for actions that were often translated into violence against poor classes, furthering their marginalization and stigmatization. The police in the Buenos Aires metropolitan area killed 160 persons on average every year from 1990 to 2000. In the city of São Paulo, an average of 680 people were fatal victims of police violence annually from 1990 through 2000² (Brinks 2003, 6).

In the *favelas* of São Paulo and *villas miséria*³ in Buenos Aires, the urban poor population, largely composed by immigrants from Northeast Brazil and Argentine neighboring countries respectively, not only had to cope with poverty – aggravated by the

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² Compare to the United States where the highest number was 462 individuals killed by the police in all states combined in 1994 (USA Today 10/15/2008, “FBI: Justifiable homicides at highest in more than a decade”).

³ *Favelas* and *villas misérias/villas de emergencia* are words used in Brazil and Argentina respectively to refer to shantytowns. This study employs these words accordingly to describe the communities here analyzed.
economic crises that hit both countries in the 1980s and again in the late 1990s – but they also experienced increasing criminality rates, notably with the consolidation of illicit drugs markets in these areas.

The police involvement with drug dealers produced what anthropologist Benjamin Penglase (2009) calls “destabilizing networks” in political and economic structures, linking legal and illegal markets, and perpetuating patron-client and violent political structures. Both corrupt policemen interacting with illegal activities and violent police repression criminalizing entire communities contribute to this destabilizing system in the urban poor societies in Brazil and Argentina.

Guillermo O’Donnell (1993) calls attention to the legal systems’ role in condoning violence and corruption, which he describes as “brown areas” in these countries’ democracies. These “brown areas”, according to the political scientist, stem from failures to promote a system of universalistic democratic citizenship, and specifically the judicial systems’ failures to protect certain basic rights, evidenced by impunity to police homicides (25). The failure of democracies in providing equal citizenship, protection and opportunities for their populations, characterized as “low intensity citizenship” by O’Donnell (2004, 42) and “institutional absurdity” by Ana María Sanjuán (Rotker 2002, 89), has been the focus of an ongoing debate on democracy, violence and exclusion in Latin America.

In São Paulo, cycles of violence in the 1990s were characterized by police abuses, the discrediting of the justice system, and the privatization of security. Teresa Caldeira (2000) argues that in that scenario, violence, urban segregation, and the emergence of privatized security systems have negatively impacted the quality of life under the Brazilian democracy. In 1991, the military police alone killed 1,140 people in the state of São Paulo, reported as “confrontations with criminals”. In the following year the number increased to 1,470 deaths

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4 Democracies in which the majority of the population lacks citizenship (Rotker 2002, 89).
including the 111 prisoners massacred by the police at the then Latin America’s largest prison known as Carandiru. More than 85 percent of these killings occurred in the city of São Paulo, where they represented 20 percent of all homicides in the city’s metropolitan area (138). As a response to the episode in Carandiru, prisoners created the *Primeiro Comando da Capital* (PCC) in 1992, an organized group that has promoted various episodes of violence against the military and civil police in the city.

Unlike Brazil, where social disparities were extreme and contributed to high crime rates in urban areas, widespread violent street crime in Argentina was a relatively new phenomenon in the 1990s (Hinton 2006, 9). However, state violence was not rare and Buenos Aires experienced an increase in the numbers of fatal cases of “confrontations with the police” rising from 88 civilians in 1983 to 251 killed in 1986 (Correpi 2010).

Similar to the Paulista case, corruption and police involvement with crime are among the main aggravating factors of state violence in Buenos Aires. According to Ruth Stanley (2010), police involvement with drug trafficking and car theft became a critical source of violence, where the police officers use resources they enjoy as upholders of legitimate use of force to pursue personal gains (Stanley 2010, 137). In addition, the police and politicians are also involved in “clandestine connections” where state actors participate in patron-client networks to manipulate the use of collective violence for political ends in poor areas of Argentina⁵ (Ayuero 2007).

In both Buenos Aires and São Paulo, the main targets of police violence since redemocratization have been predominantly the urban poor communities (Brinks 2003, 7). It is important to observe the effects of this violence in the political cultures of these communities in order understand the effects of violence in the formations of the Argentine and Brazilian political systems from the perspectives of the marginalized groups of society.

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⁵ Javier Ayuero (2007) shows how the episodes of food lootings in Buenos Aires in 2001 where orchestrated by members of the peronist party, rather than a spontaneous manifestation from the poor communities.
Past studies have explained state violence as an institutional failure of Latin American democratic systems and analyzed marginalized communities as victims, overlooking their importance as political actors. This research analyzes the cases of the Villa 31 de Retiro and Heliópolis, observing these communities’ responses to state violence in the democratic context and how it has affected their political participation in the new systems.

Juán Méndez argues that considering violence as endemic suggests that nothing could be done to revert this problem. Méndez asserts that routinized violence is inconsistent with democracy, and systems that coexist with alarming incidents of violence should never be called democratic (Méndez 1999, 21). Arias and Goldstein (2010) call attention to the need of a deeper understanding of “how violence affects political practice and subjectivity and how it remains an instrument for political rule and resistance in contemporary Latin American democracies” (4). The authors assert that violence in democratic systems goes beyond institutional failure and is “an element integral to the configuration of those institutions, as a necessary component of their maintenance, and as an instrument for popular challenges to their legitimacy” (Ibid, 4). According to the authors, Latin American societies are “violently plural” where violence is “critical to the foundations of Latin American democracies, the maintenance of democratic states, and the political behavior of democratic citizens” (Ibid, 5).

This study argues for an alternative view, stressing the importance of understanding how violence has affected political participation and democracies in Argentina and Brazil from the perspectives of the marginalized communities. In better understanding the effects of violence in political cultures (and subcultures) in the local levels, and the role of the local population in reducing this violence, more effective policies can be developed to strengthen democracy and citizen security in Latin America.
Methodology

The research consists of two case studies in comparative perspective with qualitative methods of analysis. The comparative standpoint allows understanding state violence in the contexts of two highly urbanized, dynamic, and cosmopolitan cities that are economic and political centers in Brazil and Argentina. The purpose of this approach is to identify what is particular of each city and country and what is common, and with a lesser emphasis, to contextualize Brazil and Argentina with other democracies in Latin America and the world.

In comparing the two distinct realities, one needs to understand each local context in detail. Rather than simply contrasting numbers and trends, the study of violence involves subjective perceptions – What is security? How much crime is perceived as a crisis? How citizens expect the state to respond to security issues? How do they wish to participate? – varying from one place to another, based on historical, social, cultural, economic, and other combinations of variables.

For that reason, in order to test the initial hypotheses, the process of investigation included field research in Buenos Aires and São Paulo between June and August 2011 where I developed three phases of information collection. First, to develop a full picture of police violence in both cities, I spoke with police and government staff and conducted research in the offices of the police Ombudsman, databases of the Núcleo de Estudos da Violência of the University of São Paulo (NEVUSP) and the Centro de Estudios Legales y Sociales (CELS) in Buenos Aires. The official data published by police departments on cases of confrontation with the police, civilians killed by police officers, and other indicative data such as the number of and justifications for disciplinary or judicial measures tend to be inaccurate or biased, as this information is registered by the same institution from which officers who committed acts of illegal violence belong. Hence comparing the data provided by the police with that observed in the ombudsman offices, Nevusp and Cels allowed for a better picture of
the trends in police violence in São Paulo and Buenos Aires.

Second, I analyzed two communities - the Villa 31 de Retiro in Buenos Aires and Heliópolis in São Paulo - and specific cases of repression or “confrontations” between states and these societies, the inequities of force between the police and the victims, the strategies and tactics used by the police (planning, preparation, command and control of forces in operations of public security), as well as official sources (police records, state reports), information published by the local media (newspapers, television and magazine archives) and that found in the previous studies of these communities. This was based on four types of data in order to construct a full picture of state violence from the marginalized communities’ perspectives: qualitative interviews, official data (what was denounced, police records and official reports), victimization surveys (not denounced, reports from reliable non-governmental organizations and academic institutions), and analysis of past surveys on “perceptions of insecurity”, “trust in the state”, and “trust in the police” conducted by renowned organizations.

The qualitative interviews focused on understanding the political participation of residents of the Villa 31 and Heliópolis, studying their political strategies to respond to police violence in the democratic context, the political organizations and associations within the communities, their political status, choices and behaviors, as well as their values and concepts of democracy, justice and security. The main goal was to understand how these communities saw their relationship with the states and how this affected their citizenship and political behavior. To analyze the political participation of these communities, I spoke to representatives of neighborhood associations and influential parties working inside of Heliópolis and Villa 31, to get a better understanding of the residents’ political engagement not only through participation in elections, but also in social and political organizations.

Third, I researched the impacts of the security reforms promoted in Buenos Aires and
São Paulo to understand how new strategies, including community policing, community security councils, and offices of the ombudsman contributed to reducing police violence and crime, and how the increase in community involvement affected the relationship between the state and these sectors of society. I contrasted that information with the findings in the communities studied to draw the conclusions of the present paper.

Some problems and limitations have emerged such as obtaining accurate information on state repressive actions in marginalized communities. Official reports contain biased information, as it is the interest of the states to keep the general perception of legitimacy of their actions. In addition, there is very little data available on specific communities; most of the information is divided in other units of observation such as the cities’ districts or neighborhoods, which rarely coincide with the boundaries of a community. Another difficulty derives from the fact that having suffered police violence, few people have denounced these actions. These difficulties were overcome by comparing and contrasting the official records with interviews, archives of media publications, reports from non-governmental organizations, and victimization interviews conducted by renowned institutions such as the NEVUSP, CELS, etc.

**Arguments and Organization**

State violence in Latin America is not a novelty and a vast literature has been produced about the violent relationships between states and societies and the impacts of violence on countries in the region. Nevertheless, the analytical perspectives on state violence in democratic regimes generated a debate among scholars in which some see it as an institutional failure (Méndez, O’Donnell and Pinheiro 1999), while others define it as part of the democratic systems in Latin America (Arias and Goldstein 2010). The years of redemocratization are particularly interesting as expectations of a broad popular participation in politics, the
consolidation of the rule of law, and the provision of equal citizen security in countries that experienced the violent, repressive and excluding face of military dictatorships were the hopes of the Argentine and Brazilian populations. As the violent interactions between states and societies persisted in democratic systems and affected especially poor communities, it is necessary to devote more attention to the needs of these groups of society in order to promote better democratic security and revert this violent trend.

This paper is organized in four chapters and a concluding section. The first chapter reviews the literature and the debates on violence and democracy, presenting the answers that scholars provide to the question of why state violence has persisted in democratic systems in Latin America. It emphasizes the debates on citizen security and political participation, which base the analysis in the next chapters.

The second chapter contextualizes state violence in Brazil and Argentina, devoting special attention to the variables that have affected the dynamics of the public security systems in both countries. The chapter discusses the governance challenges that both countries faced in the years of transition and consolidation of their democratic systems that have influenced the decision-making process in the public security management and contributed to the continuity of state violence in the new democracies. It presents the complexity of variables, actors, and dynamics and identifies the legacies inherited from the previous authoritarian regimes and the new aspects encountered in the context of democracy.

The third and fourth chapters study the cases of the urban poor communities of Heliópolis in São Paulo and Villa 31 de Retiro in Buenos Aires. The third chapter presents the histories and political formations of both communities, discussing how the relationship between the states and these societies has shaped political participation among these populations, and the role of violence in these relations. It argues that although most of the residents in both communities are migrants who do not vote in elections, not participating of
formal democratic channels, their political participation is strong through neighborhood associations, social and political groups mobilized to demand basic rights from the states. The lack of institutional channels and will of governments to negotiate locally with the communities, combined with top-down decisions of evictions and repression undertaken with the use of force have diminished the capacity of these populations to participate in the democratic systems. In the case of the Villa 31, this was further complicated by the involvement of political party disputes within the community through clientelistic connections that fragmented their political organization, compromising opportunities to establish cohesive mechanisms of negotiations with the state.

The fourth chapter analyzes the changes promoted by states to revert the trend presented in the third chapter, with the goal to increase community participation in public security issues and promote more accountability to police forces. Initiatives such as community policing, local security councils, and offices of the ombudsman were created in an attempt to approximate police institutions to local populations and to involve local communities in the decision-making process in public security. The chapter argues that although these were progressive initiatives revealing change in the will to include the civil society in providing more democratic citizen security as a public good, they failed to channel local demands to higher levels of decision-making. In both Heliópolis and the Villa 31 the participatory mechanisms that the states have established with the communities are not efficient in ensuring protection from police violence. This is particularly caused by the fact that states in both cases have been sending contradicting messages, at times with the will to hear local demands, but mostly not involving these communities in planning security strategies.
One important issue since the wave of redemocratization replaced military regimes in Latin America has been citizen security and the creation of policies and institutions that protect citizens, not only from threats related to crime, but also from those stemming from the state. It reflects a change in the concept of security from an idea related to the extinct doctrines of national security, associated with the security of the state, to focus on the individual. The concept of citizen security is therefore one dimension of a broader human development or human security approach and relates to the states’ responsibility to protect their populations from violence. According to the Inter-American Commission on Human Rights, citizen security refers to the:

“right to security from crime or interpersonal or social violence … inferred from the obligation of the State to guarantee the security of the individual … particularly [the rights] vulnerable to criminal or violent acts that citizen security policies are intended to prevent and control, including the right to life, the right to physical integrity, the right to freedom, the right to due process and the right to the use and enjoyment of one’s property.” (IACHR 2009, 6)

Although in recent years this concept has become popular in public security policy in Brazil and Argentina, there is a substantial gap between what is discussed in political arenas, what is written in legislation, and what is practiced in reality. The exclusion of poor classes from the formal institutional guarantees of justice and security on the one hand and the violence, stigma, and marginalization that they suffer on the other, reveal the failures of these institutions to provide democratic security to all citizens. But beyond institutional failures, the problem of persisting violence and exclusion in democracies reveals important characteristics of the Brazilian and Argentine political systems, which, it is argued, are far from transitional, but rather constant in the way these countries exercise the relationship
between states and societies. Despite the non-transitional character of these countries’ political systems, violence cannot be seen as intrinsic to their democracies since this would imply in inability to change.

This chapter reviews the literature on democracy, security, and citizenship to understand what are the conditions and power structures that allow for the existence and persistence of state violence and exclusion in the post-authoritarian systems of Brazil and Argentina. It presents the debates that provide different explanations for the problem and defends an alternative view that allows for change through a more democratic and participatory security policy-making that includes the currently marginalized sectors of society. Including these sectors in the security strategies as political actors, not as targets of police operations against crime, is a necessary step to provide citizen security for all.

It is divided in two sections: first, it reviews the various responses to the question of how and why state violence persisted in democratic contexts. The second section approaches the problem “from below”, to understand the role of the civil society, particularly of the affected communities, in questioning and demanding citizen security from their governments. It discusses the direct community involvement in policy decisions and policy-making through participatory mechanisms to understand how political engagement can change state violence.

1.1. Democracy and Citizen Security

A major promise of democracy is that it offers citizens more protection from arbitrary state violence than do authoritarian regimes by offering formal institutional avenues within which expressions of opposition are channeled and conflicts resolved (Dahl 1971, 27-29; Huntington 1991, 28-29; Przeworski 1991, 16, 31; Tilly 1995, 370; Pereira 2000, 217). Thirty years since most authoritarian regimes in Latin America began to fall, democracy in the region is far from ideal largely due to its high levels of ongoing and endemic social violence,
persistent human rights violations - mostly those performed by members of the state - and exclusion of portions of society from the state’s guarantees of citizen security and egalitarian access to public services.

Figure 1. Percentage of People Reporting Having Been Abused by the Police (2009)

Source: AmericasBarometer, Latin America Public Opinion Project, “Insights” series 2009 (11)

But if democracies per definition provide mechanisms that allow voters to elect officials that represent the demands of the majority and to remove from power elected officials that fail to respond to these demands, how can state violence possibly exist in these systems?

In *Politics as a Vocation*, Max Weber defines the state as the “forms of human community that (successfully) lays claim to the monopoly of legitimate physical violence
within a particular territory” (lecture delivered in 1919). Weber suggests that the modern nation-state formation had in the state’s monopoly of the use of violence the instrument for creating a structure of power in which citizens exchange loyalty for protection. Weber claims that the state is the sole source of the right to use violence and does that as the decisive means for politics. In this conception, state violence is tolerated and legitimized by the population. In her seminal work *On Violence*, Hannah Arendt disagrees with Weber pointing out that violence does not create power; it may create obedience but will not promote legitimacy between the population affected by it and the state. Therefore, power and legitimacy are two distinct phenomena:

“The common treatment of these two words as synonyms is no less misleading and confusing than the current equation of obedience and support. Power springs up whenever people get together and act in concert, but it derives its legitimacy from the initial getting together rather than from any action that then may follow. Legitimacy, when challenged, bases itself on an appeal to the past, while justification relates to an end that lies in the future. Violence can be justifiable, but it never will be legitimate.” (Arendt 1970, 52)

Arendt argues that violence appears whenever power is at risk, and if not controlled it can weaken and delegitimize power. The extent to which violence can put power at risk depends on subjective perceptions of violence in a determined society. According to the Brazilian anthropologist Alba Zaluar, force becomes violence when it surpasses a certain threshold or disturbs the tacit accords and rules that order the relationships in a society. It is the perception of the limit and the suffering that it promotes that will characterize an act as violence, and as such, this perception varies culturally and historically. Zaluar questions how to promote order and pacify a society where the main institutions are not trusted by a large share of the population. She posits that this level of trust influences on the type of repression

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that the population expects to crime: the less people trust in the security institutions, the more they support more repressive measures (Zaluar 1999, 28-38).

To understand the paradox of illegal state violence in democracies, the literature characterizes the contemporary political systems that emerged in the “third wave” of democratization analyzing their failures from distinct perspectives. A first current predicted that democracies in transition would only establish “polyarchies” once democratic institutions were consolidated. In that sense, the failure to consolidate these institutions explains the lack of control that some state agencies enjoy in maintaining excluding and violent practices. Another explanation discusses the quality of established electoral democracies in the region, pointing out that formal procedural approaches to democracy ignore the fact that the return of direct, free and fair elections was not enough to promote equal citizenship. It calls attention to the influential role of informal institutions, which are central in the way states members relate to their governed population. A third explanation views violence as intrinsic to the political arrangements of Latin American democracies. It considers the political systems in the region entrenched with such high levels of violence that they cannot be considered democracies. Below I discuss these three main explanations for the “imperfect” character of Latin American democracies, which allows for authoritarian practices and state violence, and present in the next section the alternative framework that bases the present study.

The institutional current explains the failures in democratic systems as a result of countries’ inabilities to successfully complete their transitions to democracy towards consolidation, understood as the moment when democracies become institutionalized or “the only game in town” behaviorally, attitudinally, and constitutionally (Linz and Stepan 1996; Huntington 1991). The term “polyarchy” coined by Robert Dahl (1971) defines an ideal of democracy situated in one extreme of a spectrum within which countries are positioned as
more or less democratic based on their levels of contestation and participation, and the degree of responsiveness from governments to their citizens. In this regard, the citizens’ ability to formulate and signify preferences to their government and to have their preferences weighted equally are the key conditions to the polyarchy, sustained by institutional guarantees as the freedom to form and join organizations, freedom of expression, right to vote, eligibility for public office, right of political leaders to compete for support and for votes, alternative sources of information, free and fair elections, and institutions for making government policies depend on votes and other expressions of popular preference (Dahl 1971, 2-4).

Juan Linz and Alfred Stepan (1996) observe democratization in the stages of liberalization, transition and consolidation to understand the variables that impact the quality of democracies. The authors point out that the character and leadership base of the previous authoritarian regimes (authoritarianism, sultanism, totalitarianism or post-totalitarianism) and the paths that countries take in the democratization process have direct implications on the success of their transition to a consolidated democracy. Linz and Stepan posit that in order to achieve consolidation, democracies need to create the “necessary degree of autonomy” for the civil and political societies, embedded in and supported by a rule of law embodied in constitutionalism (10).

Samuel Huntington (1991) diverges from this path dependent view, arguing that in the “third wave” of democratization various distinct types of non-democratic regimes were replaced by electoral democracies. Huntington takes a procedural approach in which “democracy” and “non-democracy” are considered dichotomous rather than continuous variables (11). This approach defines democracy as a system in which the “most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes … and virtually all the adult population is eligible to vote” (7).
For both Dahl and Huntington, democracies can be imperfect varying in the proportion of the population that is included and participate directly in the system of public contestation. Although elections are considered the *sine qua non* essence of democracy, they may produce governments that are “inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good” (Huntington 1991, 10). Yet, provided that the regime fulfills the electoral conditions described above, imperfections can make governments undesirable, but not undemocratic (Ibid, 10). Through these lenses, state violence could be explained as an imperfection caused by failures in the institutional guarantees defined by Dahl or generated by the electoral process that Huntington describes. However, by identifying the problem in institutions and in the electoral system and focusing on the role of the elites and in the procedural aspect of democratization, this approach leaves very little room for the role of common citizens in demanding for and shaping democracies. It focuses on the formal rules of the democratic process, but ignores the informal institutions and practices inherited by the new democracies that can better explain the persistence of state violence and exclusion in democratic systems. Most importantly, this institutional approach ignores the interactions between political elites and the governed population in producing and reinforcing political practices.

A different debate distances the analysis of democracies from the consolidation approach to focus on the study of the character of electoral democracies. Argentine political scientist Guilhermo O’Donnell (1996b) asserts that failures to promote rule of law in democratic countries create a “gray area” where polities “bear a family resemblance to the old established democracies, but either lack or only precariously process some of their key attributes” (34). According to O’Donnell, the previous studies on democratization focused excessively on the formalized institutions and organizations, ignoring the extremely
influential role of informal and sometimes concealed institutions\(^7\) (Ibid, 40). For O’Donnell, the issue with imperfect democracies is not lack of institutionalization. In fact, he argues, these democracies hold two important institutions: the highly formalized but intermittent elections and the informal, permanent, and pervasive particularism or clientelism. In the new democratic regimes, particularism coexists “in uneasy tension” with formal rules and institutions (Ibid, 35). O’Donnell stresses that the existence of little horizontal accountability in most new democracies are conditions that allow for the institutionalization of informal rules, and argues that “the combination of institutionalized elections, particularism as a dominant political institution, and a big gap between the formal rules and the way most political institutions actually work makes for a strong affinity with delegative, not representative, notions of political authority.” (Ibid, 44)

This delegative character - often the centralization of power in the executive branch of the government – is justified and reinforced by the urgencies perceived in the contexts of severe socioeconomic crises. In these scenarios, “delegative practices strive against formal political institutions… [and the] congress, the judiciary, and various state agencies of control are seen as hindrances placed in the way of the proper discharge of the tasks that the voters have delegated to the executive.” (Ibid, 45) This context creates a vicious circle where particularism is widespread in congress and parties, and agencies of horizontal control are either eliminated or reduced to passivity. This, in turn, further erodes the legally established authority, blurs the boundary between public and private spheres, and creates temptations for corruption (Ibid, 44-5).

This context of pervasive particularism, delegative rule and weak horizontal accountability has, according to O’Donnell, at least two serious drawbacks: first, it “enables old authoritarian practices to reassert themselves”, and second, “in countries that inaugurated

\(^7\) O’Donnell (1996) defines institution as “a regularized pattern of interaction that is known, practiced, and accepted (if not necessarily approved) by actors who expect to continue interacting under the rules sanctioned and backed by that pattern.” (36)
polyarchy under conditions of sharp and increasing inequality, the making and implementation of policy becomes further biased in favor of highly organized and economically powerful interests” (Ibid, 45). In these countries only members of a privileged elite enjoy full citizenship: while the democratic freedoms are present (unforced voting, freedom of opinion, movement, and association, etc.), for large sections of the population basic liberal freedoms are denied or frequently violated, as for example the rights of minorities and lower income sectors to fair access to public agencies and courts (Ibid, 45).

The state practices towards the economically vulnerable communities in Latin America, at times through paternalism and at times through repression, contribute to further exclusion and marginalization of these populations from the policy-making arenas. More recently, the debate on democracy in region have pointed to the role of violence in reinforcing the inequitable distribution of citizen rights in the region, calling attention to the necessity to look at democracy “from below” to better comprehend the nature of civil society’s demands and the violence that they confront. James Holston and Teresa Caldeira observe that individuals seek more than just an ideal of democracy based on equal access to rights and justice, but demand the full range of social and economic rights that a true polyarchy is said to guarantee (“subjective citizenship”). The authors concerned with individual experiences in these democratic contexts, critique the deficient and unequal distribution of rights available to the population and point to the inexistence of an ineffective rule of law, combined with extreme social and interpersonal violence as indicators of democracy’s incompleteness (Caldeira and Holston 1999).

State violence is not an isolated phenomenon. It happens in systems in which it forms with corruption and impunity a cycle that is nearly impossible to break. Arias and Goldstein (2010) question democracy as a label to define the contemporary political systems in Latin America, arguing that if violence is a measure of democratic failure, as greater levels of
violence indicate a breakdown of democratic institutions and values, the region could be considered profoundly undemocratic (2). The authors call attention to the effects of violence on political practice and subjectivity, and how it remains an instrument for political rule and resistance in contemporary Latin American democracies. Rather than understanding violence as a failure of democratic governance and institutions, the authors see violence as an "element integral to the configuration of those institutions, as a necessary component of their maintenance, and as an instrument for popular challenges to their legitimacy" (4).

Latin American political regimes are unable to control violence, in many examples coexisting with non-state actors that use violence as the basis for their organization. These actors often create forms of sub-state order separate from but in interaction with the state-sanctioned rule of law, operating within the polity and sustaining different levels of connections with state institutions and political officials. Since violence is employed and managed by various actors in the political systems (states, social elites, and subalterns) being today predominately “amorphous, dispersed and seemingly apolitical”, Latin American societies are considered “violently plural”, with violence entrenched in the struggles for citizenship, justice and rights, and in the formation of the political order and political subjectives (Arias and Golstein 2010, 20-3). Violence is, according to this view, “critical to the foundation of Latin American democracies, the maintenance of democratic states and the political behavior of democratic citizens” (Ibid, 4-5).

Although this perspective contributes to shed light on the role of violence in the way states and societies relate to each other in Latin America, it is limited to characterizing political systems in the region, not presenting possibilities for change. It generalizes violence as the main aspect of the flawed political regimes in Latin America, but overlooks the role of individuals in engaging with the state to revert this trend. Violence is not only a consequence of weak institutional guarantees of citizen security or a recurrent practice in various levels of
society. Violent practices are established to reinforce power structures that are exclusionary, preventing the formation of a vibrant civil society that participates actively and freely of democratic systems.

The exclusion of sectors of society from the political dynamics of Latin American democracies is enabled by a complex set of factors in each local context. In Brazil and Argentina, the “unrule of law” manifested in impunity to corruption and to violations of human and civil rights by members of the state allowed authoritarian practices to persist in the democratic periods. This was possible with the involvement of political parties, state members, criminal organizations, and powerful sectors of society in clandestine networks that rely on violence to promote and protect personal interests.

The next section discusses the role of the civil society in bringing about change as political actors rather than victims. It lays out the concepts and debates on citizen security that emerged in the last decades from the necessity of involving the population in designing and managing security strategies in an attempt to increase protection and political participation in the matter.

1.2. Political Participation: The Role of the Civil Society

The debate on citizen security highlighted the need for direct community engagement in security policy-making through participatory mechanisms created to approximate citizens to law enforcement institutions, increase security institutions’ accountability and transparency, and to design security strategies that better respond to local concerns. José María Rico (2003) notes that one of the polemic issues concerning the concept of citizen security refers to its terminology. Critics say “residents” or “population” should replace the word “citizen” in order to include protection to all individuals in a determined area, including migrants, refugees, and tourists. According to Rico, this argument introduces a purely academic
discussion of a well-established concept, since the hypothesis of exclusion is denied in various publications written about the many experiences with citizen security policies around the world (Rico 2003, 41-2). The concept of citizen security is used here to refer to the security of all individuals, not only “citizens” in the strict sense.

The citizen security perspective seeks, in the short-run, to solve immediate problems related to criminality and insecurity, while promoting the consolidation of professional police systems that are efficient and respectful of fundamental freedoms in the long run. The strategies involve the modernization of the judicial systems, the proximity between citizens and the police, and the promotion of more participative, safer and more harmonious communities living with higher quality of life (Rico 2003, 49).

In that sense various programs were created in Latin America and elsewhere to promote participation of the civil society in an area that for years was monopolized by the state. One of these initiatives was the reform of the police and the creation of community policing programs. After years of violence performed by members of the state security forces against their own citizens, particularly in countries that had recently experienced authoritarian regimes as in the cases of Argentina and Brazil, the establishment of community policing was an attempt to reduce distance and increase trust between police institutions and local communities. In addition, the exhaustion and inefficiency of repressive mechanisms contributed to the creation of alternative models of policing, focused on increasing the cooperation among various state agencies and between the police and local societies in developing strategies focused on preventive measures. The consultations with the local population allow the police to identify and adopt better strategies according to each necessity. This cooperation has also the goals of reducing perceptions of insecurity, increasing satisfaction with the police and improving control over the police activities (Smulovitz 2003, 88).
In sum, community policing implies in:

a) More emphasis on preventive functions of the police;

b) Incorporation of the local communities in developing security strategies;

c) Cooperation between police institutions and other state agencies;

d) Proximity between the communities and the police;

e) Reduction of the perceptions of insecurity and increase of trust in the police;

f) Accountability and more social control over police activities.

According to Hugo Frühling (2003), in Latin America, where political participation traditions are weak, there are three major difficulties in implementing community policing. First, in countries marked by recent memories of military dictatorships, the idea of bringing the police closer to the communities is unattractive. Second, the absence of trust – which takes time to build - undermines communication, which is indispensable in community policing. Third, at the same time that community policing began to be implemented, there was an increase in privatization of security, with some citizens using the community police as private security forces (Frühling 2003, 3).

A second approach was the establishment of local security councils with representatives from the government, security institutions, and local communities. These councils are shaped with the objective of building and strengthening cooperation between all actors involved in public security in one determined area, including the local population in creating better responses to their concerns. A third initiative was the creation of Offices of the Ombudsman, responsible for increasing transparency, accountability and citizen participation in controlling the police activities. The success of the ombudsman depends on the constant participation of the population, which in turn decides to participate based on a perception of how denounces are being translated into justice.

Although these initiatives have increased the sense of responsibility of the civil
society in the security policy-making, according to Catalina Smulovitz (2006), there were difficulties in sustaining extended participation of community members in community policing programs. She observes that “if participation remains limited to a small groups within the community, the programs face the risk of being coopted by individual interests” (Smulovitz 2006, 234). Given that participation has a positive correlation with socioeconomic strata and with calculations of its immediate effects on the communities involved, programs need to constantly address local disparities in order to promote more local engagement. In addition, the literature points to the difficulties of promoting participation for public goods (security included), with the predominant idea that individual participation has minimal effects on the end result, and individuals can benefit from the same goods by free-riding (Ibid, 135). For a more participatory program, therefore, measures to counteract these challenges must be adopted.
CHAPTER 2 – CITIZEN (IN)SECURITY: LEGACIES FROM THE PAST AND NEW SECURITY CHALLENGES

“The transitions from military regimes to democracies in Brazil and Argentina brought hope that political exclusion, violations of civil and human rights and state violence would end with the return of elections. Almost thirty years since the end of authoritarian rules in both countries, democracy proved not enough to provide all citizens equal protection, and violence and exclusion still play a significant role compromising the rule of law and hurting democratic institutions.

This chapter studies the violent legacies inherited by the Brazilian and Argentine democracies and contextualizes police violence in the socio-political transformations that both countries experienced since the end of the military rule. It argues that citizen insecurity, although not new in Brazil and Argentina, gained different aspects in the democratic context with the emergence of drug gangs and the involvement of the police in criminal activities.

2.1. Contextualizing State Violence and Democracy in Brazil and Argentina

State violence is not a new phenomenon in Brazil or Argentina. Policing efforts in both countries have been marked by brutality and violent repressions in various political moments throughout history since the colonial period. The question of whether state violence became part of the liberal political cultures in these countries is instigated by various analyses of violence perpetrated by the elites in power during the state formation years in Brazil and Argentina as these countries began opening for universal suffrage. The later populist and

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8 Studying the origins of citizenship and political participation in the city of Buenos Aires, Hilda Sabato (2001) calls attention to violence as main tool in the relationship between “the many” (civil society) and “the few”
state-centered based models that emerged in the 1930s and 1940s used the police to sustain and guarantee that the majority of the population would adapt and transform into the new national identity that both Getúlio Vargas in Brazil and Juán Perón in Argentina sought to create. Those who did not, faced a repressive police especially instructed and designed to detain those perceived as a threat to the state and its institutions. The existence of these repressive mechanisms towards the Argentine and Brazilian citizens reveals that a national security strategy that devoted attention to threats from within the population rather than those originating in foreign spheres was not created by the military regimes in the 1960s and 1970s.

It is from the military rules, however, that Brazilians and Argentines carry the most traumatic memories of state violence, particularly for targeting social classes that were previously spared from it. The military regimes that ousted the elected administrations in the 1960s in both countries promoted, especially in the 1970s, ruthless repressive campaigns against their political opposition. This authoritarian period was marked by national security doctrines that used brutal methods of torture and kidnapping as counterinsurgency strategies.

Around 30,000 Argentines and 475 Brazilians “were disappeared” in this period, with violent operations against the “communist threat” supported by the United States in the context of the Cold War. Although the use of torture was no innovation in Brazil or Argentina, the roles of the School of the Americas and the Alliance for Progress in this period were decisive in sustaining and providing international legitimacy justifying violent

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(political elites), showing that the city’s vibrant political life in the nineteenth century was based on mechanisms established by the elites to influence and manipulate the electoral process, with violence at the center of the political dynamics. The Brazilian “old republic” (1889-1930) relied on the violent repression of popular protests (e.g. Canudos in 1897) to maintain the power structure of the coffee and dairy oligarchies of São Paulo and Minas Gerais (“política do café com leite”).

counterinsurgency\textsuperscript{10}. According to Huggins (2002), in Brazil the civil and military police training on torture techniques counted with the assistance of U.S. personnel in transforming it into a “scientific method”, rather than a sadistic behavior from police officers, to obtain confessions and information from the detained. The U.S. police officer and Federal Bureau of Investigation agent Daniel Mitrione was one of the first to introduce “pretesting” torture methods on the poor, used as “guinea pigs”: he “took beggars off the streets and tortured them in classrooms” (Archdiocese of São Paulo 1998, 14; Huggins 2002, 239). Victims were dehumanized, which lifted the moral restraints on what would be acceptable to do with them. Military police officers in Brazil were often humiliated, slapped, hit and kicked during their pre-service training, fostering a mentality that desensitized them psychologically to pain. Huggins argues that this normalization of torture and killings as part of an operation seen as official and professional by the police transformed ordinary officers into atrocity perpetrators detached from empathy and disengaged from moral regulations (242-67).

It was precisely this transformation within the police and the inability of democracies to promote profound changes within law enforcement institutions in the first years of redemocratization in Brazil and Argentina that make the period so important to understand state violence in these countries today. Although in numbers the Argentine regime was more lethal than the Brazilian, in both cases violence promoted fear and distance between the police and societies. The failures to hold perpetrators of violence accountable for the atrocities committed during the military rule and to punish officers who continued to apply illegal methods in public policing combined with a sense of security crisis and secret operations without external oversight became some of the main conditions that allowed for the permanence of state violence in democracies (Huggins 2002, 266).

\textsuperscript{10} Tina Rosenberg in her seminal work \textit{Children of Cain} (1992) studied the violent actors in the Latin American repressive forces in the period and observes that although the School of the Americas did not explicitly support torture, it did not condemn it. She quotes an Argentine Army officer: “In informal talks the theme of torture would come up, and they’d [U.S. trainers at the School of the Americas] say, ‘Do what you must to get what you need. The tools you choose, legal or illegal, are up to you’” (114).
In democracies, while it is no longer the state the direct coordinator of violent operations as in authoritarian regimes, it has a large responsibility when its members, specifically those in charge of enforcing the rule of law, act illegally and violently with no penalty from other state agencies. It is important to emphasize that in the democratic context, police violence is illegal rather than a policy. In the democratic Brazil and Argentina, violence is no longer justified by an ideology; it is condemned by the international community and not financed or supported by an international power. Despite the establishment of formally democratic governments, state violence has continued since the end of the military regimes in forms of summary executions disguised as “confrontations with the police”, violence and extra-judicial killings against the poor and detainees, and torture at police stations, prisons and orphanages, used to control, instill fear, extract money, and demonstrate the “might and authority of the state” (Huggings et al. 2002, 243). Some traumatic examples include the massacres of three young men in the poor neighborhood of Ingeniero Buldye in Buenos Aires (1987), of favela dwellers and street children in Vigário Geral and Candelária in Rio de Janeiro (1993), and of 111 prisoners of the Carandiru penitentiary (Casa de Detenção) in São Paulo (1992). Thousand of cases of illegal violence especially against the poor have been denounced in Brazil and Argentina since the return of democracy, with extremely rare cases of justice for the victims and their families.

Despite its continuity throughout history, it is important to contextualize state violence historically in a clear distinction between violence as a state policy in authoritarian settings from violence in democracies. The next section focuses on the transformations in the security contexts, policies, institutions, and practices in the transition and consolidation of the post-authoritarian systems in Brazil and Argentina.
2.2. Redemocratization and Governability Challenges

Brazil and Argentina faced a double challenge with the end of military dictatorships in the 1980s. Just like many other examples in the region, these countries not only had to deal with the difficulties arising from the redemocratization process – e.g. creating or reforming democratic institutions, ensuring legitimacy and the rule of law, subordinating the military to civilian rule, establishing electoral procedures and institutions, etc. – but they also needed to control and provide solutions for the economic crisis that affected the region in the beginning of the decade. According to Marcelo Cavarozzi (1994), neither Argentina nor Brazil could initially avoid or overcome the traps associated with the legacies of the collapsing state-centered model in the first years post-transition. This was aggravated particularly by hyperinflation, which promoted unstable economies and a general crisis of the state. Cavarozzi calls attention to the unrealistic expectations that the populations in both countries rested on democracy, which many saw as the painless cure for the economic difficulties they were facing and a provider of immediate compensations for the losses suffered during the military regimes (12).

In Argentina and Brazil the first civilian administrations launched ineffective heterodox stabilization programs (the Argentine Austral Plan in 1985 and Brazilian Cruzado Plan in 1986) that not only failed to provide successful responses to hyperinflation, but also undermined the credibility of party governance itself (Cavarozzi 1994, 13). There was a widespread disillusion with political authorities in general, and this in turn reflected on the persistence of high levels of inflation as a consequence of the incapacity of political authorities to convince their populations that stabilization programs could sustain low inflation in the long run.

Both the Unión Civil Radical (UCR) and the Partido do Movimento Democrático Brasileiro (PMDB) were defeated in the following presidential elections to presidents who
promoted structural reforms dwindling government spending and cutting protectionist ties from which the business class and workers used to benefit during the import substitution industrialization years. By concentrating power in the executive and benefiting from their political status to make personal gains, the administrations of Carlos Menem in Argentina and Fernando Collor de Mello in Brazil eroded democratic institutions and further weakened citizens’ trust in democracy as a political system able to deliver the most basic public goods.

The social consequences of the economic crisis of the 1980s, especially unemployment and inequality, were aggravated by the neoliberal policies that the countries adopted in the 1990s following the recipe of the Washington Consensus. These policies involved budget cuts, privatization of state-owned companies and austerity measures that worsened poverty and inequality levels. Neoliberal policies contributed to the increase in the variables considered risk factors for crime, such as youth unemployment, poverty, and inequality. The economic reforms promoted in the 1990s were successful in controlling inflation in both Brazil and Argentina, but did not protect the vulnerable population from the effects of fluctuations in the economy. The Argentine Convertibility Plan (1991) fixed the exchange rate to the U.S. dollar, which favored imports, hurting domestic producers. As a result, according to the Argentine statistics institute INDEC, the unemployment rate in urban areas of the country went from 6.9 percent in 1991 to 18.4 percent in 1995. In 1998 the country entered a recession that culminated in 2001 with the external debt default. In 2002, over half of the population lived under the poverty line. In the Greater Buenos Aires (GBA), poverty reached 74 percent of the residents.11 Likewise, the Brazilian Real Plan (1994) established a crawling peg in the currency, which stabilized inflation but did not avoid an economic downturn in the last years of the decade. According to the Brazilian statistics agency IBGE, unemployment grew from 7 percent in 1995 to over 11 percent in 1999,

leaving 25 percent of the young population between 18 and 20 years of age out of the job market (IBGE, web). In São Paulo, unemployment rates reached 18.4 percent in 1999.

Figure 2.1. Unemployment Rates in the City of São Paulo (1986-2001)


It was also in this period that both countries experienced an exponential growth in crime and homicide rates.

Figure 2.2. Crime Rate in Argentina (1991-2008), per 100,000 people

Source: Ministry of Justice, Security and Human Rights, web.
Crime rates doubled in Argentina in the period of 1991-2000, with 114 percent increase in crimes against persons, including cases of homicides, physical harm, and assaults. Homicide rates alone grew 20 percent. In 1996 the National Office of Crime Policy carried out the first survey on victims of crime in Buenos Aires and the results suggested a crime rate much greater than the reflected on the police data. According to Catalina Smulovitz, around 70 percent of crimes were not being reported to the authorities (Smulovitz 2003, 127-8).

In both Brazil and Argentina, crime combined with skepticism in government or police capacity to offer efficient solutions to the problem increased fear and perceptions of insecurity, especially in urban areas. Opinion polls in the Greater Buenos Aires showed that in 1997 crime was the main concern of the population with over 80 percent declaring fear of becoming victims of crime in the next months. Unemployment and increased poverty were considered main causes of growing crime rates (64.7 percent of respondents), followed by drug use (11.7 percent), ineffectiveness of the police (6.4 percent) and overly tolerant judges (4.1 percent) (Smulovitz 2003).

Figure 2.3. Percentage of the population considering crime as the most important issue in the country (1997-2011)

Source: Latinobarometro 2011
The widespread distrust in state institutions to provide security led the upper classes to seek the private sector. The number of private security agents in Argentina increased from around 8,000 in 1984 to over 100,000 in 1994 and more than a million and a half lived in gated communities in 1998. In Brazil the number of private security employees increased from 80,000 in 1993 to 135,000 in 1996 working legally and an additional 100,000 working illegally in 500 companies (Mesquita Neto and Loche 2003, 192-3).

This privatization of security further deepened inequality among those with access to security resources and those who could not afford expensive surveillance systems or private guards. As a result, not only the low-income population in urban areas felt more unprotected, as they became the most affected by violence as shown in table 1.4. But the privatization of security also caused the end of the state’s monopoly of force, as the private force grew reaching the same size as the government’s, acting with little regulation (Smulovitz 2003, 134-5). In Brazil, many of the private security agents were police officers working in two shifts to complement their income. This contributed to weaken respect for the law among the police, to hurt the credibility of the police with citizens, and to undermine the safety of police officers. According to the office of the ombudsman in São Paulo, 29 policemen were killed on duty, while 110 were killed off duty in the military police from December 1998 to June 1999 (Mesquita Neto and Loche 2003, 193).

<table>
<thead>
<tr>
<th>Figure 2.4. Victims of crime by socio-economic stratum in Argentina, 1998 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Upper class, upper middle-class, and self-employed professionals: 12%</td>
</tr>
<tr>
<td>- Middle and lower middle class: 28%</td>
</tr>
<tr>
<td>- Lower class and sectors with unsatisfied basic needs: 40%</td>
</tr>
</tbody>
</table>

*Source: Centro de Estudios Unión para la Mayoría (CEUNM) 1998, 36.*

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Most homicides in Brazil in the 1990s and 2000s concentrated among low-income young males between the ages of 15 and 29 that have dropped out before high school. In the favelas of Rio, where drug traffickers usually recruit youngsters, the mortality rates among young males in 2003 have topped war zones such as Gaza, Liberia, and Sierra Leone (Dreyfus et al. 2003, 34).

The increase in criminality in urban areas was to a great extent a consequence of the consolidation of the drug trade and organized crime in the region. In the 1990s, Brazil and Argentina became the main routes in Latin America for drugs produced in the Andean countries and trafficked to Africa and Europe (UNDCP 2000, 44). In 1994, Brazil was the fourth nation in the world with largest amounts of cocaine seizures, only behind the United States, Colombia, and Mexico (Ibid, 169). The lack of a clear policy to combat the drug problem in its supply and demand dimensions is aggravated by the increasing drug-related violence and the perceived involvement and corruption of security officials (see section 2.3).

Not only the police is perceived as corrupt. The Transparency International Corruption Perceptions Index (CPI) 2010 shows persistent high levels of corruption in Brazil with 3.7 points, ranked 69 out of 178 countries. In early 1990s Argentina, according to Marcelo Sain (2002), the government of Buenos Aires established an agreement with the police that consisted on attaining high levels of “public safety” in exchange for more material powers and “unaccountability” (higher degree of freedom of action). This involved the assurance that the government would not intervene on the “circuit of illegal self-financing” activities that had long been developed by the police. These activities reflect the participation of top hierarchies of the police in networks of corruption and crime including drug and arms trafficking, prostitution, illegal gambling, and robberies (Sain 2002, 85-6; Ayuero 2007, 39) (see section 2.3 below). Corruption generates insecurity as it reduces trust in the government.

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13 The Corruption Perceptions Index (CPI) measures corruption with figures ranging from 0 (highly corrupt) to 10 (very clean). Countries are ranked according to their levels of CPI.
and its agencies, promotes impunity and fosters violence.

Loïc Wacquant (2008) posits that the Brazilian incarceration system is one of the most important factors aggravating state inefficiency in dealing with criminality. Not only it is biased by racial discrimination, but is also permeated by corruption, human rights abuses and subhuman conditions of the prisons. From 1995 to 2009, the Brazilian prison population jumped from 148,000 to over 473,626 detainees. The current penitentiary deficit in Brazil is, according to the Ministry of Justice, of around 180,000 prison cells\textsuperscript{14}. The indifference from politicians and the society to address the penitentiary system in the country is viewed by the Wacquant as one of the biggest issues hindering progress of the public security in Brazil. The inability of the state to promote conditions for the rehabilitation of the detained and the overcrowded prisons instigate violence and feed criminality. Insufficient training and underpaid guards are often bribed to allow cell phones, drugs and weapons which contribute to the control of the drug trafficking from inside of the jails. As a consequence, the incarceration system feeds criminality and violence through systematic violations of human rights and corruption, promoting a “virulent culture of distrust of the state and defiance of authority” (Wacquant 2008, 65).

This “security crisis” threatened the urban poor with violence, particularly those living in situations of vulnerability such as the residents of favelas in Brazil or villas miseria in Argentina. The exclusion of these populations from the provision of basic public services, including citizen security, created the perfect environment for drug gangs to establish themselves, operate and even control some of these areas. The police, rather than protecting the population living in slums, either enter these areas to “combat” drug gangs – with no concern about the safety issues involved in shooting suspects in dense populated areas – to work with crime themselves or in cooperation with criminal organizations. Some groups

\textsuperscript{14} Ministério da Justiça, Segurança Pública Com Cidadania (2010) Available at http://portal.mj.gov.br
within the police have formed militias that act often in cooperation with members of the private and public sectors to eliminate the “undesirables” (poor individuals living in the streets or in poor areas, discriminated and treated as criminals). Other groups operate within the state institution, shooting suspects to death even when they are not threatening the lives of officers or other citizens, murdering poor youngsters to prove their efficiency (with the support from their superiors, the media and influential sectors of the population), abusing power, torturing or humiliating Brazilian, Argentine or foreign citizens.

It is interesting to note that governments in Brazil and Argentina have recently taken measures to protect vulnerable populations, achieving some success in alleviating poverty. The conditional cash transfer program *Bolsa Família* in Brazil merged and expanded the programs created during President Fernando Henrique Cardoso’s administration (*Bolsa Escola, Bolsa Alimentação*) and established four types of allowances benefiting a larger amount of families living in poverty and extreme poverty. Families living in extreme poverty (per-capita income below R$70 per month) receive R$ 68 per month even if they do not have children in school age (Basic Benefit)\(^\text{15}\). According to the Ministry of Social Development, currently 12.63 million families benefit from *Bolsa Família*. The number of people living in families with per-capita income below the extreme poverty line has decreased since 2005. The extreme poverty rate was reduced from 11.49 percent in 2005 to 7.28 percent of the population in 2009.

**Figure 2.5. People living in families with per-capita income below the poverty line in Brazil (2005-2009)**

<table>
<thead>
<tr>
<th>Brazil</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>55,476,712,00</td>
<td>48,526,810,00</td>
<td>44,204,094,00</td>
<td>41,460,919,00</td>
<td>39,631,550,00</td>
</tr>
</tbody>
</table>

*Source: IBGE, IPEA Data 2010*

\(^{15}\) For more information on the Bolsa Familia Program see Decree n. 5.209, of September 17 2004 available at Ministry of Social Development [http://www.mds.gov.br/sobreministerio/legislacao/bolsafamilia/legislacao-2b0-nivel](http://www.mds.gov.br/sobreministerio/legislacao/bolsafamilia/legislacao-2b0-nivel)
Despite these achievements, high levels of violence remained as a major problem in Brazil. After a decrease of 7 percent in the number of homicides, much as a result of a disarmament campaign promoted in 2003, the numbers increased again and fluctuated within a range 12 percent higher than the number observed in 1998.

Improvements were mostly achieved in the Brazilian southern and southeastern states. In ten years, the state of São Paulo reduced the number of homicides in 62.4 percent. In 1998, it occupied the 5th position in number of homicides in the country, falling to the 25th out of all the 27 Brazilian states in 2008 (Mapa da Violência 2011, 26).

**Figure 2.6. Homicides in Brazil (1998-2008)**

![Graph showing homicide rates](image)

_Source_: Mapa da Violência 2011, 21

**Figure 2.7. Homicide rates evolution in Southeast Brazil (1998-2008)**

<table>
<thead>
<tr>
<th>UF/REGIÃO</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Δ%</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESPIRITO SANTO</td>
<td>58.4</td>
<td>52.5</td>
<td>46.8</td>
<td>46.7</td>
<td>51.2</td>
<td>50.5</td>
<td>49.4</td>
<td>46.9</td>
<td>51.2</td>
<td>53.6</td>
<td>56.4</td>
<td>3.5</td>
</tr>
<tr>
<td>MINAS Gerais</td>
<td>8.6</td>
<td>8.9</td>
<td>11.5</td>
<td>12.0</td>
<td>16.2</td>
<td>20.6</td>
<td>22.6</td>
<td>21.9</td>
<td>21.3</td>
<td>20.8</td>
<td>19.5</td>
<td>12.6</td>
</tr>
<tr>
<td>RIO DE JANEIRO</td>
<td>55.3</td>
<td>52.5</td>
<td>51.0</td>
<td>50.5</td>
<td>56.5</td>
<td>52.7</td>
<td>49.7</td>
<td>46.1</td>
<td>45.8</td>
<td>40.1</td>
<td>34.0</td>
<td>-38.6</td>
</tr>
<tr>
<td>SÃO PAULO</td>
<td>30.7</td>
<td>44.3</td>
<td>42.2</td>
<td>41.8</td>
<td>38.0</td>
<td>35.9</td>
<td>28.6</td>
<td>21.6</td>
<td>19.9</td>
<td>15.0</td>
<td>14.9</td>
<td>-62.4</td>
</tr>
<tr>
<td>SULORIENTE</td>
<td>35.9</td>
<td>37.4</td>
<td>36.6</td>
<td>36.6</td>
<td>36.8</td>
<td>36.1</td>
<td>32.1</td>
<td>22.6</td>
<td>26.7</td>
<td>23.0</td>
<td>21.6</td>
<td>39.7</td>
</tr>
</tbody>
</table>

_Source_: Mapa da Violência 2011, 25
In Argentina the Plan *Jefes y Jefas de Hogar* was created to alleviate the consequences of the economic crisis that the country experienced in the late 1990s and early 2000s. The program established cash transfers of 40 dollars (150 Argentine pesos) monthly to beneficiaries who are unemployed with dependents under the age of 18 or with disabled individuals of any age. According to Maria Noel Alperín (2009), the number of beneficiaries in the beginning of the program in 2002 was virtually the same as in 2007 (about 1.6 million), indicating that there was no significant reduction in poverty in five years (61). Alperín also concludes that this allowance was not enough to allow recipient families to exit from poverty, since for more than 70% of beneficiaries income is not a determinant of poverty, but it is rather caused by social exclusion (72). In addition, clientelistic networks drive the program and various beneficiaries have complained about the “fee” they need to pay local leaders in order to have access to the program (Ayuero 2007, 47). There are evidences that some groups of *piqueteros*16 control lists of local beneficiaries in some communities, who can only receive the allowance after joining the organized protesters.

Comparatively with Brazil, Argentina has very low levels of homicides. However, as discussed before, the perceptions of insecurity are subjective processes within a society and for that reason, it is important to understand how violence impacts a community within its local context.

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16 The *piqueteros* emerged as an organized group in June 1996, when former employees of the oil company *Yacimientos Petrolíferos Fiscales* (YPF) protested in the city of Cutral-Có, province of Neuquén, against the closure of the industrial plant where they worked. The protesters blocked the federal highway 22, and demanded help from the state for the unemployed workers. The *piqueteros* evolved as a movement, with several groups recruiting people to protest in exchange for cash, material goods, or benefits for local communities. In poor neighborhoods, the *piqueteros* run *comedores* (community restaurants), children schools, and recreation centers. Political parties, mainly from the left, finance groups of *piqueteros* to mobilize for their cause, reinforcing the clientelistic networks through which they operate with the Argentine society. From the protests, always blocking one strategic avenue to put pressure on the government, the *piqueteros* received nearly 120 thousand assistance plans from the state to end of the mobilizations. These dynamics became a routine form of extortion involving poor communities, the political parties, the poor communities and the state (*Clarín*, September 26, 2002).
In Argentina the homicide rates have been declining since 2002, when the economy had its highest levels of unemployment and poverty. The levels of police violence, however, remained high as discussed below (see section 2.3.3).

2.3. Policing Democracies: Authoritarian Legacies and New Problems

In the context of the governability challenges discussed above, public security gains a central role for the elected governments, who are pressed to respond efficiently to rising criminality rates. In democratic systems, this response is based in the Constitution and legislation that regulates the institutions responsible for prevention and repression of the acts violating the norms ordering a polity. The first state agency reacting to crime is in many occasions the police. The function of the police in a democracy is essentially to offer citizens protection by restraining the acts and behaviors that can harm other persons or their rights. This role is also limited by a set of legal precepts and institutions that guarantee that the police functions will not be exceeded into abuses that either prevent norm violators to be penalized or become a source of rights violations themselves (Sain 2002, 21).

Police activities are concentrated in two primary tasks: prevention and repression. An
effective prevention is the absence of offense and not its repression. It is important to stress that, for the state, prevention implies in a set of institutional interventions constructing a public security situation that is effective in neutralizing the possibilities of crime, and therefore is not restricted by the actions of the police. It involves the creation of laws that define illegal behaviors, a judicial system able to apply the previously established norms and sanctions, the creation of social programs to protect and help the populations at risk and the interventions promoted by the police (Ibid, 24-5).

The police preventive functions include the presence of the police on the streets (dissuasion and vigilance) and the policing strategies developed with the communities. In order to prevent crime, the police work with communities to increase awareness on how individuals can protect themselves from becoming victims, assist risk groups and youngsters to avoid association with or recurrence of criminal behaviors, and cooperate locally in developing better security strategies for each area. The repression to crime is another function of the police through the identification of the criminal activities, collection of evidences, and the detention of individuals responsible for committing violations. The police also conduct crime investigation, which includes the possibility of detaining suspects without judicial order and interrogating suspects and witnesses, presenting the information gathered to a court (Sain 2002, 25-6).

Due to the multiplicity of activities that the police exercise daily with ample powers of initiative and decision, particularly in situations that are not clearly stated in administrative or legal norms, it is necessary to regulate its discretionary character. The fact that not all situations encountered by the police are specifically stated in penal legislations and the immediate character of the police intervention in most circumstances favor a subjective discretion from police officers who need to respond quickly to the situations involving the lives and liberties of individuals. The police intervention is based on three principles: the
principle of opportunity – which guides the decision of when the police need to intervene in situations of high or potential danger and the consequences of this action -, the principle of congruency – which establishes the equilibrium between the objective situation of danger and the type of police intervention -, and the principle of proportionality – through which the police decides on the intensity of the intervention required to address a situation of danger (Sain 2002, 32).

Policies, directives, and instructions formulated by governmental agencies and police institutions also regulate police activities *ex ante*, while the judicial and parliamentary controls oversee police actions *ex post*. In places where the police activity is based on the coordinated action with local communities, the population creates with the security agencies mechanisms for citizen participation ensuring the control of the police activities.

The following section discusses the transformations in police institutions with the return of democracy and the continuity of authoritarian practices in São Paulo and Buenos Aires.

### 2.3.1. Transition to Democracy and the Police

The Brazilian long, gradual, and constrained transition to democracy lasted for fifteen years until the establishment of direct elections in 1989. A year earlier, the new Constitution was sanctioned formalizing the end of the military rule and establishing the institutional basis for the democratic system. The Constitution states the police obligation to follow the principles of legality, impartiality, morality, publicity, and efficiency (Art. 37) and defines the public security, as a “duty of the state, right and responsibility of all,” exercised to the preservation of the public order and of the safety of the people and the patrimony, through the Federal Police, Federal Highway Police, Federal Railroad Police, Civil Police, Military Police, and Military Fire Brigades. The Federal Police is responsible for investigating infringements
against the state, preventing and repressing the illicit traffic of drugs and illegal trade, exercising the functions of maritime, frontier, and airport policing and of the judiciary police. The Civil Police (Polícia Civil, PC) is responsible for the functions of the judiciary police and investigation of penal infractions, except those that are military. The Military Police (Polícia Militar, PM) is an Army auxiliary force and reserve, subordinated to the governors of the states, Federal District and territories, responsible for the ostensive policing and the preservation of the public order (Art. 144).

For the issues discussed in this paper, a few points call attention in the Brazilian Constitution. First, there is a problematic lack of a clear and objective definition of the tasks and roles of each police agency, particularly among the Federal, Civil and Military Police. This not only presents a functional problem, but also creates inefficient and overlapping areas where there is no clear division, coordination and integration among the police institutions, as in the case of combating drug trafficking organizations for example. Second, the simple maintenance of a military institution with its own judicial system, responsible for judging the crimes committed by its own police officers, favors an aggressive public security strategy with low vertical or horizontal accountability. Third, the indecision between defining the Military Police as a public security police or an auxiliary force to the Army leaves a vacuum in which members of the institution can carry the military ideology into the democratic system and the public security sector. These issues were particularly problematic in the transition to democracy when the police (especially the Military) continued to apply violent methods against the population when dealing with common crime.

Historically the PM has its origins in the Royal Military Police Guard Division of Rio de Janeiro, established in 1809 to guarantee the public order of the royal court. The division participated of various combats to protect the interests of the Portuguese (and later Brazilian) crown, including the Paraguayan War in 1865. Throughout history the PM has been defined
as an Army division, which did not change with the 1988 Constitution. Jorge Zaverucha (1994) emphasizes that this was one of the issues that the military government conditioned to the political opening process (*abertura política*), and the PM remains to date as the Army auxiliary forces, despite their subordination to civilian governments.

In theory, the PM can be quickly mobilized to supplement the armed forces in an emergency. The PMs in each Brazilian state follow the rank structure of the Armed Forces and are subject to the same penal code (*Código Penal Militar*). Despite its military character, it operates in a very distinct way from the Army, in an urban and dynamic environment of constant interaction with citizens, dealing with issues ranging from simple police reports (e.g. neighbors complaining about noise or minor traffic incidents) to more complex problems (e.g. assaults, robberies, homicides or emergencies) in which the military inflexibility hinders a more effective and protective police activity.

Social scientist Paulo Sérgio Pinheiro (1982) argues that the national security ideology dominant in the military dictatorship years continued to influence policing activities during the *abertura* process (political opening), which fostered a vision of common criminals and suspects as “enemies” in the new political context (64-7). In addition, the same police agents who had integrated the repressive apparatus of the military regime continued working in police institutions through democracy. The persistence of a “war against the internal enemy” mentality inherited from the authoritarian years in a moment when crime rates were rising and pressures to control it were high contributed to the maintenance of violent repression towards the population. In the first years of the democratic period, the military police tended to value violent repressive strategies by rewarding police officers who killed the “*bandidos*” (bandits) and measuring the efficiency of the corporation through the number of criminals eliminated (Pinheiro 1982, Barcelos 1993).

The Military Police is also famous for vigilantism and death-squad activities, in many
occasions against minors. A few notorious examples in 1993 were the cases of sixteen PMs arrested in the state of Alagoas, accused of killing sixty-nine people on July 19; eight street children killed at the Candelária Church (Igreja da Candelária) in Rio de Janeiro on July 23; and thirty PMs setting fire, destroying homes, and killing twenty-one people in Vigário Geral, a favela in Rio de Janeiro, on August 30.

The governor and the secretary of public security formulate and implement the public security policy in each state. The Secretariat for Public Security (Secretaria de Segurança Pública, SSP) supervises police activities and is subordinated to the National Council of Public Security (Conselho Nacional de Segurança Pública, Conasp). The Legislative Assembly approves the police budget, and in some states there are committees for public security and human rights (Mesquita Neto and Loche 2003, 186-187).

Many changes have been proposed to the public security system including the civilianization of the military police, fusion of the military and the civilian police, transference of responsibilities from the military to the civilian police, and creation of municipal forces, but the Congress has systematically blocked these propositions. President Fernando Henrique Cardoso (1994-2002) proposed a constitutional amendment to grant more autonomy to the states in the organization of their own public security systems in 1997, but the Congress never voted the proposal (Mesquita Neto and Loche 2003, 190).

In order to increase the capacity of the state and the population to oversee the police activities, five states established ouvidorias (Offices of the Ombudsman) in the mid-1990s to receive complaints against the military and civilian police: São Paulo (1995), Pará (1997), Minas Gerais (1998), Rio de Janeiro and Rio Grande do Sul (1999). The federal government proposed the creation of offices of the ombudsman for the police through its National Program for Human Rights (Programa Nacional de Direitos Humanos) in 1996, supporting the creation of a National Forum of Police Ombudsmen (Fórum Nacional de Ouvidores de
The federal government also limited the involvement of the armed forces in public security, but still relies on the military to maintain internal law and order, especially when the police strikes or in operations against drug trafficking in the favelas of Rio de Janeiro. Jorge Zaverucha (2005) calls attention to the militarization and influence of the Army in the public and national security policy-making in President Cardoso’s administration. It is interesting to note that many Army generals directed the public security agencies in Brazil in this period, including the first secretary to head the National Secretariat of Public Security (Secretaria Nacional de Segurança Pública – Senasp), Gen. Gilberto Serra, who later became the sub-secretary in the newly created National Anti-Drug Secretariat (Secretaria Nacional Antídrogas – Senad) directed by Gen. Alberto Cardoso. Constitutionally, according to Gen. Cardoso, the repression on illicit drug issues is the responsibility of the Federal Police, but whenever it has to work in cooperation with other national or international agencies, it will require the coordination of the Senad (cited in Zaverucha 2005, 136). The fact that the Senad, a secretariat overseeing illicit drugs issues, is subordinated to the Institutional Security Cabinet and not the Ministry of Justice reflects the perception of the drug issue as a national security question, which requires the involvement of the Army. In addition, in various occasions the President used the military to control internal security problems, including in the occasion of the invasion to his personal ranch of a group from the landless movement (Movimento dos Trabalhadores Sem Terra, MST) (Zaverucha 2005, 129-55). Nonetheless, the same structure remained in the administration of President Luís Inácio Lula da Silva (2002-2010).

In comparison with the Brazilian case, the return of democracy in Argentina was a faster process. The fall of the military regime was a result of a combination of factors that contributed to undermine the legitimacy that the juntas had nurtured with certain affluent...
sectors of the Argentine society and the international community. The end of the Cold War, the economic consequences of the Debt Crisis and the increasing denounces of human rights violations and corruption weakened the power of the military regime, culminating in the defeat in the war against the United Kingdom in a failed attempt to recover the Malvinas Islands in 1982. Contrary to Brazil, Argentina did not create a new Constitution in the transition to democracy but established direct elections in 1983, with Raúl Alfonsín of the Radical Party elected the first civilian president after seven years of the self-entitled “National Reorganization Process” (Proceso de Reorganización Nacional) (1976-1983).

Alfonsin addressed the human rights violations of the previous regime by creating a commission to investigate crimes against humanity and serious abuses during the military rule including disappearances (abductions and murders) and torture. The National Commission on the Disappeared (Conadep) was created with the goal of revealing the truth about the brutal strategies used by the military in power to persecute and eliminate the opposition. The results of the investigations were published in the book Nunca Más (1984) where it was estimated that 9,000 people were murdered in the so-called “Dirty War” against the Argentine opposition to the military rule. The president called for trials of nine ex-commanders of the first three juntas, which was an immense progress in Latin America in this period, but the instabilities produced by pressures from the military led the president to adopt two controversial measures. First in 1984, Alfonsin established the Ley de Obediencia Debida (Due Obedience Law), pardoning lower-rank officials for their obedience to superiors in the military period, and Ley de Punto Final, which established a cut-off date for all the trials related to the Dirty War. According to Anette Levine (2008), around 400 perpetrators of violence benefited from the due obedience law and hundreds of torturers and murderers had their cases dropped as a result of the deadline set in 1987. In 1989, President Carlos Menem

17 The number is much higher according to human rights organizations such as CELS, Human Rights Watch or Correpi, reaching about 30,000 victims.
pardoned the convicted ex-commanders of the Dirty War, setting about 280 of them free (Levine 2008, 16).

This impunity left contradicting messages to the law enforcement institutions and the civil society in Argentina. While the government was fast in addressing the issue openly, condemning the atrocities of the Dirty War and publishing the report of the truth commission with daunting details to the public, it also showed weakness in promoting justice for the victims and their families and in adequately punishing perpetrators of violence working in the state.

Although only in 1994 the country reformed the Constitution, some important measures were created in the legislature to ensure the civilian control of the military and the separation of the Armed Forces from the police. In 1992 the Interior Security Law 24,059 had the demilitarization of the public security sector as its main goal. The mechanisms established by the law such as the Interior Security Council (Consejo de Seguridad Interior) and the Crisis Committee were designed to ensure the political control and oversight of the security forces. The law describes the functions of the interior security system, which are to protect the freedom, life and patrimony of the “habitantes” (inhabitants, not only citizens), their rights to and guarantees of the representative institutions established by the Constitution, determining security policies and planning, coordinating, directing, controlling, and supporting the police (Arts. 2 and 6). It describes the system of interior security as formed by the president of the nation, the governors of the provinces, the national congress, the ministers of interior, defense and justice, the federal police, the provincial police, the Gendarmería Nacional and the Prefectura Naval Argentina (Art. 7), but offers no distinction of the roles of each police institution. It prescribes, however, that all security federal and provincial institutions must work in coordination under the Ministry of Interior (today, the Ministry of Justice, Security and Human Rights). The Ministry is responsible for formulating
policies and doctrines, conducting interior security actions, and directing information and intelligence agencies (Art. 8). The law also included a mechanism of parliamentary control through a bicameral commission to oversee the institutions and activities in public security, composed by eight senators and eight deputies.

According to the 1994 Constitution, the public security sector in Argentina is the responsibility of each of the twenty-three federal states and the autonomous government of the city of Buenos Aires. Each state and the city of Buenos Aires can organize its own preventive and investigative police, judicial and penitentiary systems. The functions of each police institution are stated in organic laws such as the Decree 333/56, which defines the role of the Federal Police, the Law 18,398 describing the functions of the Prefectura Naval and Law 19,349 on the Gendarmería Nacional Argentina. All these organic laws were created before 1983 and did not reflect the new political and social contexts\(^\text{18}\). In addition, the different political administrations sought to recreate the police functions with policies and leaderships constantly changing\(^\text{19}\), in various occasions contradicting each other.

As established in the Internal Security Law 24,059 (Art. 21), members of the police and security forces of the National Government must exercise their functions within the framework of constitutional norms, laws and regulations in accordance with the principle of adequacy applicable in each case, seeking primarily the preservation of life and physical integrity of persons who are the object of their actions. It also states that the security forces must incorporate in their internal regulations the Ethics Code established by the General Assembly of the United Nations (Art. 22). The use of the coercive force is the last resort,

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\(^\text{18}\) The Federal Police is an auxiliary security institution for the federal administration and is responsible for the prevention of acts against the constitutional order. Reflecting the time it was created, its functions include the surveillance of individuals with ideas contrary to the constitutional rule or that are in constant company of known criminals, even if presenting not criminal charges (Decree 6,580/1958, Articles 58 and 80).

\(^\text{19}\) Since 1983 the Bonarense Police has had 1 chief every 13 months, Eduardo Dualde had 1 every five months (Nueva Mayoría 2011).
only needed to prevent a more serious occurrence.

The "Code of Conduct for Law Enforcement Agents" provides that all agents who exercise police powers, especially powers of arrest or detention shall, in carrying out their duties, respect and protect human dignity and maintain and uphold the human rights of all persons (Arts. 1 and 2). It adds: "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duties." It underlines the fact that the use of force must be exceptional and to the extent reasonably necessary, expressly forbidding its use when exceeding these limits (principle of proportionality).

According to the Defensoría del Pueblo (Office of the Ombudsman), the Federal Police has not undergone structural reforms since 1983 and its logic remains unchanged, without incorporation of the rules and principles of democracy. It considers the violent practices involving the Federal Police officers as extremely serious, and the lack of judicial response shows that in some sectors there is tolerance to institutional abuse of force.

The city of Buenos Aires became autonomous with the constitutional reforms of 1994. Until that year, an official appointed by the President of the Nation and the National Senate governed the city. The security of the city was the task of the Federal Police (FP). The constitutional reform of 1994 allowed the city to create its own police force with the previous approval of the Congress, and established that the FP would still be responsible for its security (Art. 7). In 2007 the Chief of Government of the city of Buenos Aires, Mauricio Macri (2007-2011, 2012-2016), sanctioned with the unanimous support of the Senate a reform to allow the municipal government to exercise security functions within its

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21 Ibid.

jurisdiction. In October 2008 Buenos Aires created its own Metropolitan Police force (*Policía Metropolitana*) with Law 2,894, in activity since February 2010. The newly created force is “responsible for preserving the safety of persons and property, prevent crime and ensure the full enjoyment of rights and constitutional guarantees”\(^\text{23}\).

According to Cels (2011) the initiative has since the beginning presented management problems. The two first directors of the metropolitan police, Jorge Palacios and Osvaldo Chamorro, both former Federal Police members, were removed with accusations of illegal espionage. In addition, top officers are predominantly former PFs and around 80 percent started working in the police in the 1970s, receiving counterinsurgency training within the mentality of the previous political regime (Cels 2011, 73-4). Macri vetoed the establishment of a follow-up committee for the system of public security, arguing that no external control should influence the works of the metropolitan police. This measure avoided the creation of mechanisms of external oversight, leaving to the police to take this task internally (Ibid, 76).

### 2.3.2. The Police and Illegal Clandestine Connections

In both Brazil and Argentina members of the police became involved with illegal operations, either by joining the organized crime or leading criminal organizations themselves. In establishing networks of illegal activities with criminal organizations, politicians, and neighborhood associations, the police contributed to consolidate informal institutions and practices based on corruption, clientelism and violence.

Javier Ayuero calls attention to the role of informal networks established between

peronist activists, the police\textsuperscript{24} and neighborhood associations in poor areas of Buenos Aires in the food looting riots of 2001. According to Ayuero, peronist militants organized the riots, and the fact that police only protected large markets from the actions of the looters suggests that there was a previous agreement between political interests and the police in that occasion. Ayuero cites the testimonies from witnesses and participants affirming that police officers not only looted themselves, but also negotiated with market owners exchanging protection for material goods (Ayuero 2007).

This was not an isolated situation. Illegal and clandestine practices have been institutionalized in the police force, and the police of Buenos Aires have been for over two decades involved in illegal gambling, prostitution, drug dealing, kidnappings, and car theft (Ayuero 2007, 39; Isla and Miguez 2003). In the poor neighborhoods of the Greater Buenos Aires\textsuperscript{25} area the image of the police is related to a repressive force, a corrupt institution and a source of illegal work. According to Nathalie Puex (2006) for the residents of the villas (shantytowns) the police are thieves just like politicians, as they take part in criminal activities often involving minors, who “work” for them to obtain income (66). These minors are often forced to steal or take part of criminal activities under threat of being arrested or even killed.

The Argentine police also established clandestine connections with party politics, and part of the funds collected by the police in Buenos Aires helps sustain the clientelistic machines of the Peronist Party (Ayuero 2007, 40). Initiatives to reform the \textit{bonarense} police proposed by peronist governor Eduardo Duhalde in 1997 found resistance in his own party as well as in the opposition, as many politicians were financing their campaigns with money

\textsuperscript{24} The literature does not identify which police agency is more often involved with crime and clandestine connections, suggesting that in general all police institutions (provincial, federal, naval or gendarmeria) could have members involved.

\textsuperscript{25} The Greater Buenos Aires is the denomination referring to the urban agglomeration encompassing the city of Buenos Aires and the conurbano (conurbation) – 24 municipalities (partidos) adjacent to the Federal Capital. It does not constitute a single administrative unit.
from police corruption. The police, forming with political parties, state bureaucracies (including the judicial branch), and crime a consolidated network of informal but strong institutions, acts “as a mafia organization (especially in Buenos Aires) that itself produces criminal violence” (Isla and Miguez 2003, 323).

Ben Penglase (2009) asserts that the Brazilian state’s failure to reach urban poor areas with effective institutions opened space for the dominance of drug dealers, and call attention to the participation of both the police and the drug traffickers in building a state of insecurity in poor communities. The drug traffickers consolidated their power in the favelas by developing networks with social movements, politicians, state institutions and the global illegal drug trade. Their authority is both enabled and depend upon the insecurity generated by the state in terms of police violence, impunity, and the collapse of the Brazilian judicial and penal systems. According to Penglase, “fears of violent and corrupt police and anxieties about drug-gang rivalry go hand in hand: the rise of the drug trade in the late 1970s and early 1980s fed off patterns of corruption and illegality in the police and justice system” (Penglase 2009, 54).

Drug trafficking organizations became part of what Penglase calls the “destabilizing networks” in the Brazilian political and economic structures, linking legal and illegal markets and perpetuating the patron-client political structures. The state plays a role in this system: by destabilizing the favelas, the police legitimize the drug lords’ authority (Penglase 2009, 54). Corrupt police officers participate of the system by supplementing their income extorting detained traffickers, selling weapons and threatening to turn drug dealers in or seized weapons to rival gangs.

Corruption and crime within the police affects mostly the poor communities in Brazil, who are often victims of extortion, violence and criminal activities involving members of the police. In the city of Rio de Janeiro, police militias control areas within or close to some
*favelas* and demand money from residents, business owners and social organizations working in these places. In São Paulo, the Center for the Protection of the Child and the Adolescent (*Centro de Defesa da Criança e do Adolescente*) reported various cases of military officers forcing young girls and boys to have sex with them in poor neighborhoods of the capital. Only a few of these cases were reported to the authorities for fear or shame (Amnesty International 2005, 42). In one famous drug area of the city, known as *Cracolândia* (“Crack land”), the police forced drug users and prostitutes to pay around $300 reais a week, detaining those who refused and charging from $1,000 to $5,000 reais to release them.

Groups of active and off-duty police members are also involved in “death squads”. In July 2003, the Special Secretariat for Human Rights identified death squad activities in 15 Brazilian states. Death squads are formed by off-duty police officers hired by business owners to eliminate the “undesirables” or “criminal elements”. The victims are predominately poor minors or young individuals who are socially and economically marginalized. Between the years of 1995 and 1998, 107 youths were killed by death squads in the city of Ribeirão Preto, state of São Paulo. The majority were boys, recently released from the juvenile detention system (FEBEM). The patterns of killings in the state are, according to the office of the ombudsman, indicators of “social cleansing” by several small groups within the police (both military and civil), possibly working for local businesses. Although there are indicators of these activities, they are very hard to investigate or prove in the face of persisting cover-ups: the police plant weapons, release false reports of confrontations with security forces or “resistance followed by death”, or claim attempts to rescue victims that arrived dead at the hospital (Amnesty International 2005, 46-7).

In 1996, a survey conducted by *Datafolha* (a research division of the newspaper *Folha de São Paulo*) showed that 88 percent of people polled in the cities of Rio de Janeiro

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and São Paulo believed that the police are involved in organized crime, with 76 percent affirming that police officers are active in death squads. In addition, 65 percent believed that the police use torture to obtain confessions.\(^{27}\)

As the media and human rights organizations began reporting cases of police abuse, the general perception in the Argentine population was that the police was too corrupt, violent, and ineffective. A survey conducted by the Centro de Estudios Union para la Nueva Mayoría (CEUNM) in 1998 showed that 19.3 percent of the population in the capital and Greater Buenos Aires feared the police more than criminals, with 7 percent declaring being victims of police abuse in the past year. Percentages are higher within minors between 12-17 years of age: 37 percent are afraid of the police and 15 percent were victims in the previous year (CEUNM 1998, 47-8, 161). In addition, 26 percent of the population and 30 percent of teenagers believed that military officers, retired and active police officers were among the groups most involved in crime (Smulovitz 2003, 137).

These opinions showed the high levels of distrust in the police, which fueled increasing perceptions of insecurity and fear. This in turn pressed governments to respond faster and more efficiently to crime, but the responses were not always successful in curbing the widespread violence that affected and involved in various levels the society and the state.

### 2.3.3. “Mano Dura” and Police Violence

The increase in crime rates and the complex set of factors involving the police and state members in criminal activities discussed above resulted in a general perception of a security crisis in both Brazil and Argentina. In response to this situation, governments tended to promote short-term measures focused on repression, with little attention to prevention or to a deep reform in the security system.

\(^{27}\) See Folha de São Paulo, “Polícia dá medo e é corrupta, diz pesquisa,” January 14, 1996.
In 1994, Argentine President Carlos Menem created by decree the Secretariat of Security and Community Protection (Secretaría de Seguridad y Protección a la Comunidad), bringing all federal forces under direct executive control with powers to form special units. The government named Proceso officials to top positions including Carlo Aurelio Martínez, main advisor to Emilio Massera (a leader of the dictatorship), named head of immigration, and Col. Óscar Pascual Guerrieri, who operated clandestine detention centers, named head of the intelligence service (Ungar 2011, 236). Menem defended a “mano dura” response to crime, declaring: “Zero tolerance. Iron fist. There is no option, no other … human rights organizations may scream to the sky, but here I believe that delinquents have more rights than a police officer or the people”28 (Ibid).

This approach involved an informal agreement in which the state gave more power to the police to attain higher levels of security – measured in great extent by the number of arrests – in exchange for less accountability (Saín 2002). The police created subjective mechanisms to identify criminals, such as the “police instinct” (faro policial) or the observations of “suspect behavior”, predominately driven by prejudices against the vulnerable sectors of the population. This often resulted in excessive use of force, police violence and abuse of authority. From 1998 to 2002 there was a significant increase in the number of civilians killed in “confrontations with the police”.

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28 Clarín, “Menem: No queda otra salida que la mano dura frente a la inseguridad,” September 13, 1998.
The reported confrontations in many cases never existed, with police officers simply killing suspects of crime or participants of illegal activities involving the police. Organizations such as the Centro de Estudios Legales (CELS), the Coordinadora Contra la Represión Policial e Institucional (Correpi) and Human Rights Watch have denounced cases of police officers implanting guns next to their victims to substantiate the confrontation version.

In Argentina the expression “gatillo fácil” became famous in the late 1980s as a reference to the extra-judicial executions of (often) poor young men conducted by police officers in the country. According to the Coordination Against Police and Institutional Repression (Coordinadora Contra la Represión Policial e Institucional, Correpi) since the end of the military regime in 1983 until 2010, there were over 3,093 murders executed by police officers in the country, mostly against the poor on the streets, villas misería, poor neighborhoods or in public protests. The institution calculates that the police killed in average one person every 28 hours (Correpi 2010).
The majority of killings were executed by the local provincial police forces since 1983, accounting for over 60 percent in the country. The Federal Police and the Penitentiary officers killed together 32 percent (Correpi 2010).
The threats and discrimination that the victims or their families face to denounce illegal police activities and the failure of the judicial system to provide transparent and efficient investigation and punishment mechanisms have undermined efforts to increase citizen security capacity since 1983. *Gatillo fácil*, along with arbitrary detentions and torture procedures used in prisons or police stations, affected the most vulnerable populations. According to Correpi, from 1983 to 2010, 53 percent of the persons killed by the police in Argentina were low-income males of up to 25 years of age (Correpi, *Archivo* 2010, web).

The city of Buenos Aires ranks fourth in the number of cases of civilians killed by the police since the return of democracy in Argentina. It accounts, according to Correpi, for 7 percent of all cases with a rate of 75.20 per 1 million people (Correpi 2010).

**Figure 2.12. People Killed in Acts of Violence with Participation of Security Officers, City of Buenos Aires, 1st semester 1996 – 1st semester 2007**

*Source*: CELS. Gray line: civilian victims; black line: security officers.
The killings executed by the Federal Police represented nearly 30 percent of all intentional homicides committed in the city in 2001.

**Figure 2.13. Proportion of civilians killed by the Federal Police in the total number of Homicides in the city of Buenos Aires**


Police violence Buenos Aires gained attention in May 1987 when police officers shot at three young people who were drinking on a street corner in the working class neighborhood of Ingeniero Budge. The boys had a discussion with the owner of the bar, who called the police. When the police arrived, the boys were immobilized on the floor and executed with over 7 bullets each. The police characterized it as “injuries, serious threats, resistance and attacks to the police, illegal use of weapons and triple homicide in the course of a fight”. Witnesses testified against the police version, saying that none of the boys shot at the police and there was no resistance. The case triggered social protests demanding justice, but two of the three police officers managed to escape and remain fugitives. From this day on, the police propensity to shoot at suspects became known as *gatillo fácil* and migrated from the police columns to the political news on newspapers around the country (Smulovitz 2003, 141).
The Ingeniero Budge case inspired the creation of organizations such as the Comisión de Familiares de Víctimas Indefensas de la Violencia Social, Policial, Judicial y Institucional (Cofavi) and the Correpi, designed to report repressive police activities and demand justice for the victims. Also various neighborhood associations have emerged dedicated to designing and carrying out crime prevention measures (Ministry of Justice and the Government of the City of Buenos Aires 1999; Martinez et al 1998)

In the first years of democracy in Brazil, there were few restraints on police activities, especially when dealing with drug-related crime. In Rio de Janeiro and São Paulo, operations in the favelas often ended with a number of victims of “lost bullets” (bala perdida), amid confrontations between the police and the drug gangs. The amnesty law passed in 1979 allowed officers that were trained and worked in the repressive machines of the military dictatorship to remain in the police in the democratic period, with no profound changes in the internal culture of the institution. This reflected in brutality and little accountability for the police in the new political context (Pinheiro 1991).

Figure 2.14. Police Violence* in Brazil (1980 - 2006)

Data source: NEV/USP
* Data includes police killings, torture, and excessive use of force. The numbers

29 Including the officers who had worked in the extinct Detachments of Information Operations and Center for the Internal Defense Operations (Destacamento de Operações de Informações - Centro de Operações de Defesa Interna, DOI-CODI), known for torturing and killing “enemies of the state”.

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reflect incidents of violence, and not the number of victims.

Police violence in São Paulo gained attention with the episode that became known as the Carandiru massacre in 1992. On October 2nd of that year governor Luis Antônio Fleury Filho authorized the PM special unit (ROTA - Rondas Ostensivas Tobias de Aguiar) to get in the Casa de Detenção (Detention House) to control a rebellion, resulting in 111 detainees killed. Although it was proved that the police killed the prisoners after they had already stopped the rebellion and were unarmed, most officers responsible for the killings were not convicted. One of them, Lieutenant-Colonel Salvador Modesto Madia, accused of killing 76 prisoners with other 28 officers, was recently promoted the head of ROTA

After the episode, the military police organized a special course for officers who had been involved in the massacre. It lasted 1 month and included psychological assessment and classes in religion, human rights, public service, ethics, personal defense, music and drawing. In 1993 the PM created another course for police officers in ROTA (Mesquita Neto and Loche 2003, 188). The federal Council for the Defense of the Human Person reported that prisoners were summarily executed, which gained international attention and led the PM to reduce the number of killings and invest in training programs to teach officers to respect human rights (Cavallo 1997, 50-4; Chevigny 2003, 51).

The rise in violent crime in São Paulo from 3,452 homicides in 1980 to 12,350 in 1996, however, promoted a repressive trend. According to Früling, in 1995, 618 citizens were killed by the military police in the state of São Paulo, but fewer than 33 percent of cases were reported (Frühling 2003, 33). According to Caldeira, from 1986 to 1990, police killings represented an average of 8 percent of the total number of homicides in the metropolitan region of São Paulo; in 1991, this percentage jumped to 12.9 percent, and in 1992 to 20.63 percent. These numbers refer to the homicides recorded by the civil registry, but if the civil

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polic reports are observed, the numbers reach 15.93 percent in 1991 and 27.4 percent of all homicides in 1992\(^{31}\) (Caldeira 2000, 164). More people are killed by the police in São Paulo every two years than the military dictatorship killed during its entire rule (Brinks 2003, 6-7).

In 1995 the state of São Paulo created PROAR (Programa de Assistência a Policiais Envolvidos em Ocorrências de Alto Risco) – an assistance program for all police officers involved in high-risk operations, except for ROTA. Organizations such as the Red Cross and Amnesty International prepared classes on human rights for this program. ROTA suspended police officers involved in shootings that resulted with the death of civilians for 6 months, when they received psychological support and training, and later they were deployed to areas where confrontations are less likely (Mesquita Neto and Loche 2003, 188). According to Mesquita Neto and Loche, PROAR was considered successful and instrumental in reducing the number of civilians killed by the police in São Paulo (Ibid, 188). However the graph above (figure 2.6) suggests a significant surge in cases of police violence even after the creation of PROAR. The reduction in the number of victims of police violence in the past few years is explained by the increase in community policing strategies and the implementation of

\(^{31}\) In two U.S. cities known for police brutality, the average percentage of police killings to the total homicide in the 1990s was 1.2 percent in New York City, and 2.1 percent in Los Angeles (Caldeira 2000, 164).
monitoring and accountability measures, discussed in the fourth chapter.

**Old Practices, New Challenges**

Redemocratization in Brazil and Argentina and the consolidation of democratic political systems in both countries was marked by contradictions. On the one hand, important advances were made to fight poverty, reduce inequality and advance social rights. In Argentina some justice was made against perpetrators of violence and in Brazil recently there is more will to judge those who committed human rights abuses and murders during the military regime. On the other hand however, dwellers of the urban poor areas still lack human and civil rights standing between the violent dynamics maintained by criminal gangs, the police, the state and the involvement of all of these actors in illegal activities.

There is an inherited and a new character to police violence in the democratic contexts in Brazil and Argentina. While most security institutions have undergone little changes with the return of democracy, contributing to preserve old authoritarian practices, the new social, political and economic contexts have offered different security challenges for the newly established democracies that were not prepared to tackle them efficiently. These challenges involved crisis situations that allowed state agencies to justify their concentration of power and isolation of the civil society in key issues of the polity, including security. The increase in crime rates in the 1990s was then followed by an upward trend in police violence that was not easily reverted with the recovery of the economies and the decrease in crime rates.

A major contradiction in the behavior of violent police officers is the fact that in many cases they believe to be “teaching criminals a lesson” or “correcting” them into obeying the law. However, these “corrections” are themselves illegal and create a differentiated treatment to the poor that includes torture and death penalties – both banned by the Argentine and
Brazilian constitutions and the international human rights treaties signed by these countries. Differently from the repressive strategies from the military regimes in both countries, which carefully selected their target populations, in the democratic period the police acts indiscriminately based solely on the “faro policial” (police instinct) – a questionable subjective method that “detects” criminal behavior, in most cases discriminating against class and race. The most striking fact of police violence in the democratic periods of Brazil and Argentina was the very little and rare punishment that perpetrators of violence received, even when it was proved that there was an illegal operation.

In the first decades of democracy, one general characteristic has been the lack of participation of the civil society in the formulation and policies, establishment of priorities and definition of strategic areas of intervention in security issues. The violence promoted by members of the state with almost no accountability, particularly for those who were supposed to offer citizens protection, created more distance and distrust in the police and judicial systems among the populations in Brazil and Argentina. The next chapters analyze the political formation in two poor neighborhoods (Villa 31 de Retiro and Heliôpolis), their experiences with the state and the security institutions in Buenos Aires and São Paulo, and the efforts in both cases to revert the traditional repressive and discriminatory trend, by including citizens into the security agenda as active participants.
CHAPTER 3. THE MARGINS AND THE STATE: CITIZENSHIP AND POLITICAL PARTICIPATION IN HELIÓPOLIS AND VILLA 31 DE RETIRO

This chapter discusses the political formation of the residents of Heliópolis and Villa 31 de Retiro. For each case study, the analysis looks at the origins and how these communities developed vis-à-vis the state. It examines how the power structures both within each community and among the communities and the state played a role in building identities and citizenship. The chapter discusses political participation to comprehend the role of the neighborhood associations, political parties, the Church and other actors in channeling the demands of these communities in security policies and other vital issues. It describes and analyzes the struggle of these populations for rights and better living conditions, their achievements and difficulties. It analyzes the role that violence has played in these relationships, with particular focus on how these dynamics evolved into the democratic period in Brazil and Argentina.

3.1. Heliópolis: The City of the Sun

A “favela” (shantytown) in Brazil a “subnormal agglomeration”\textsuperscript{32}, where poor communities live in improvised households, many of them lacking the most basic infrastructure, including access to water and sewage. According to a recent population census, about 11.5 million Brazilians live in slums, almost double the population estimated in 2000 (IBGE 2011). Half of this population is in the cities of Rio de Janeiro and São Paulo. In the metropolitan region of São Paulo more than 2 million people—11 percent of its total population—live in the 1,020 subnormal agglomerations scattered in the city (IBGE 2011, 43, 62).

\textsuperscript{32} The 2010 Population Census define subnormal agglomerations as the occupied households in favelas (slums), invasões (invaded properties), grotas (slums in deep valleys), baixadas (slums in low-lands), comunidades (poor communities), vilas (slums in villages), ressacas (slums in backwaters), mocambos (type of shack) and palafitas (stilt houses), among other irregular settlements for the Country, Major Regions, Federation Units and Municipalities. The number reflects a new methodology to the definition, so it does not necessarily mean that the population living in the favelas doubled since 2000.
According to Maria Ruth Sampaio (1990), the favelas in the city of São Paulo emerged to a great extent as a result of government actions. In order to promote large-scale infrastructure and industrial constructions in the central districts of the city, the state removed populations living in low-income dwellings (“cortiços”) in these areas and placed them in “temporary” settlements in the peripheries. Eventually, these settlements in areas belonging to the state became permanent with growing occupation and expansion reaching neighboring territories (Sampaio 1991).

The favelas in São Paulo grew significantly in the 1940s, associated with the city’s population growth and the arrival of immigrants (many from the Northeast states of the country) who were attracted by the industrialization in this period. The population boom combined with a deficit of affordable housing in the central regions of the city contributed to concentrate the low-income population in the peripheries. Additionally, the government established the Tenant Law of 1942 (“Lei do Inquilinato”), freezing rent prices low until 1964. This led many cortiço owners to sell or demolish their properties, and residents to move to the peripheries, attracted by the irregular offer of land for affordable prices in these areas33. It was precisely this irregularity that guaranteed the possibility for those who could not afford paying rent or buying land in regular areas of the city to construct their improvised houses in the peripheries (Caldeira 1984, Holston 1993).

The history of Heliópolis follows the same initial lines of many other shantytowns in the city. The region where Heliópolis is located today was originally part of the ranch “Sítio do Moinho Velho, Ipiranga” that belonged to an affluent businessman, Conde Silvio Álvarez Penteado. In 1942 the government bought the area through its Institute of Industrial Workers’ Retirement and Pensions (Instituto de Aposentadoria e Pensões dos Industriários – IAPI), transferring it in 1966 to the Institute of Social Security and Social Assistance Financial

33 The occupation of land in the peripheries increased with the activities of “grileiros” – people who irregularly occupied and traded land that belonged to the state.
Management (Instituto de Administração Financeira da Previdência e Assistência Social - IAPAS), which constructed in 1969 the Heliópolis Hospital and the Medical Assistance Station (Posto de Assistência Médica, PAM), both still working today (Sampaio 1991). In the 1970s, mayor Paulo Maluf (1969-1971) removed irregular occupations from the central areas of the city and placed hundreds of families in “temporary” settlements. Initially, 153 families residing in the central Vila Prudente and Vergueiro moved to (where today is) Heliópolis. In the following years the government brought in more families, and within a short period of time, people began building their own houses, occupying the territory reaching the neighborhood of São João Clímaco.

The president of the Union, Association and Societies of Residents of Heliópolis and São Joao Clímaco (União de Núcleos, Associações e Sociedades dos Moradores de Heliópolis e São Joao Clímaco, UNAS), one of the first to arrive with her family, observes: “I was brought in by the government. We did not occupy, they put us here and promised to provide a solution. We first waited, then we started fighting”. The government’s plan was to build houses for IAPAS’s associates, but it was around the government settlements that the favela grew, with precarious wood-made houses sheltering the population that could not afford living in the central areas of the city (Sampaio 1991; Alessi 2009).

In July 1983, IAPAS won a lawsuit to regain the possession of the territory occupied in Heliópolis, but the residents were not removed (Loche 2002, 65). During the Mário Covas municipal administration (1983 – 1985) there was an agreement between the Ministry of the Interior and the Ministry of Social Security to transfer the land of Heliópolis to the Housing National Bank (Banco Nacional da Habitação, BNH) in order to utilize the area for the housing program developed by the Metropolitan Housing Company of São Paulo (Companhia Metropolitana de Habitação de São Paulo - Cohab). However, bureaucratic problems, particularly lengthy administrative processes and lack of funds, hindered the
execution of Cohab’s urbanization projects in the favela.

During the Janio Quadros municipal administration (1987-1988) the residents of Heliópolis created commissions to negotiate the regularization of their tenancy with the government. According to Sampaio (1990), the perspective of the government at that moment was that the area of Heliópolis was too close to the center to be populated by only low-income families. The Cohab, the City Hall and the BNH signed an agreement to provide loans for the implementation of the housing project in Heliópolis (Projeto Habitacional Integrado de Heliópolis) for families receiving up to ten minimum salaries. It first constructed 66 housing units close to the medical station PAM, 162 at the square Praça Piloto and 110 units close to the Regional Administration of Ipiranga with this goal. Later, responding to pressures from the residents of Heliópolis, Cohab constructed 201 additional houses measuring each 258 square feet and provided credit lines for repairing of over 2,000 houses. The government also built a day care, a police station and two schools close to the area of Heliópolis (Loche 2002, 66).

During the municipal administration of Luiza Erundina (1989-1992), there were the first agreements between the City Hall and the community associations of Heliópolis (Associação Central and Associação de Amigos do Heliópolis). The agreements included the creation of Youth Centers (Centros Jovens, today Espaço Gente Jovem), streets pavements constructed in “multirão” (work and coordination of the residents themselves). With the end of Erundina’s mandate and the return of Paulo Maluf (1993-1996) the negotiations among residents and the government ended, and the mayor removed occupants from the eastern area of Heliópolis, close to the Sacomã neighborhood, for the construction of a freeway, placing them in one of the avenues that surround the favela – Avenina Presidente Wilson. There the government constructed 600 apartments of the “Cingapura Project”, which according a leader of UNAS, contrary to what was promised before, was not given to the population of
the *favela*, but to residents of the richer Sacomã\(^{34}\).

On June 17, 1996 a fire destroyed one unfinished building, where 35 families had occupied, killing 4 people and injuring 60. The occasion became the stage for political accusations and disputes between the mayor Maluf and the previous administration of the *Partido dos Trabalhadores* (PT). Maluf claimed that if it were not for Erundina’s agreement prohibiting the government to regain possession of the territory, his administration would have removed these families and finished the houses that had been abandoned since Quadros’s administration, avoiding the tragedy.

One of the many conflicts in Heliópolis in this period was the mobilization of around 3,000 people to prevent the eviction of families living in the area of Quadra H. There were direct confrontations with the police and many leaders were jailed. With so many demonstrations, the residents and the City Hall reached a judicial agreement stating that no other family would be removed; agreement that was kept during the administration of Celso Pitta (1997-2000). The period of most occupation of the favela was under Maluf, thanks to the removal of the metropolitan police (*Guarda Metropolitana*) established in the area by previous mayor Erundina. It was a moment described as spontaneous occupation.

After that, Heliópolis became a center political dispute in São Paulo. Each administration, municipal or state government levels, promoted urbanization projects that transformed the landscape of the slum from the precarious and improvised households into brick-structured houses, paved streets, recreation centers, schools, transportation, light, water and sewage.

The term “favela” is inadequate to define Heliópolis today. Walking through the Sacomã district towards Heliópolis, one will not immediately recognize entering a slum. It is rather a neighborhood, with an intense traffic, a fine cover of asphalt in virtually every street

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\(^{34}\) Folha de São Paulo, “Eu ia dar um tapa na cara dele”, June 18, 1996.
and three public bus lines including Heliópolis in their itinerary. There are over 3,000 commercial establishments within the favela according to the Merchants Association of Heliópolis (Associação dos Comerciantes de Heliópolis, Ache), including beauty salons, pharmacies, bars, markets, and Internet houses.

Heliópolis is located in the Southeast of the city in the sub-prefecture of Ipiranga, 25 kilometers of the downtown Sé neighborhood. Starting in the Avenida das Juntas Provisórias, Heliópolis today covers an area of approximately one million square meters reaching the borders of São Caetano do Sul, in the industrial region known as the “ABC Paulista”. About 120 thousand people live in the neighborhood\(^{35}\), which makes it the largest favela in the city and the second largest in the country, only behind the Rocinha in Rio de Janeiro with 150 thousand inhabitants (Esquinas 2007, 37). According to UNAS, immigrants from the Brazilian northeastern states account for 91 percent of the population in Heliópolis. About 52 percent are youngsters of up to 25 years of age. The recent development of the neighborhood and access to transportation lines have increased rent prices to equal a studio in the low-income area of downtown São Paulo, around 300 US dollars\(^{36}\).

The urbanization project was financed by a partnership between the Housing Secretariat (Secretaria Municipal de Habitação) and the Housing and Urban Development Company of the State of São Paulo (Companhia de Desenvolvimento Habitacional e Urbano do Estado de São Paulo, CDHU). The budget for Heliópolis was of 400 million reais (about 220 million US dollars), with funds from the City Hall, the state and the federal governments through the Growth Accelerating Program (Plano de Aceleração do Crescimento, PAC). In the new houses, the families are charged monthly installments of 51 reais (28 US dollars) for

\(^{35}\) The latest census (2010) estimates the population of Heliópolis in 41 thousand, which is questioned by the residents since in 2000 there were 100 thousand people living in the area, according to the same agency. The agency responsible for the census explained that the numbers reflect a change in the methodology. Residents are concerned that the reduction will imply in less funds and public programs to the communities (Diário do Comércio, “Milagre do IBGE: favelas ‘encolhem’ em São Paulo, 12 January 2012).

\(^{36}\) Agora, “Aluguel em favela se iguala ao de quitinete no centro”, November 14, 2011.
a period of 25 years. The urbanization of Heliópolis and transformation of the favela into a neighborhood includes bringing infrastructure, creating green spaces and recreation areas, and coordinating traffic. The urbanization and transformation of the community into a neighborhood has divided opinions. One resident said:

“I prefer no change. I already pay my taxes for water, sewage and light like everyone here. I would not want to pay IPTU [Imposto Predial e Territorial Urbano], a fee charged by the government per year living in a regular house] or to move to a tiny apartment. When I arrived here in Heliópolis, I had a wood-made barraco (hut), but now I constructed, little by little, with my own sweat a two-story house that I will not let go for less than… say, thirty thousand reais minimum”\(^{37}\).

Another resident added:

“I always have a copy of the law that guarantees the ownership of any property occupied for more than five years. I live today in a two-bedroom house with a living room, kitchen, garage and a room downstairs where I run my business. I built my house like everyone here, and the majority does not want to move out because of that. Because we own these houses, it is in the law”\(^{38}\).

Cleide, a community leader and one director of UNAS observes that the difference between Heliópolis and the Ipiranga neighborhood is that residents of the favela have to fight more to receive the same or less than the ones living in formal neighborhoods, paying the same bills: “I pay my illumination bill and so do they, but their neighborhood has much more light than ours. It is the same with education, health, leisure, culture, etc.” (Amaral 2009, 1)

3.1.1. Neighborhood Associations and Citizenship

In the 1970s, the favela dwellers in the city of São Paulo began organizing to struggle for housing rights and access to basic infrastructure. They promoted in May 1979 the first Favela

\(^{37}\) Interview with the author, August 8, 2011.

\(^{38}\) Interview with the author, August 8, 2011.
Dwellers Congress of the Greater São Paulo (Congresso de Favelados da Grande São Paulo) and in August the same year, the Union of Favela Movements of São Paulo (Movimento Unificado de Favelas de São Paulo) was formed with the goal of creating a communication network among popular movements, socializing the difficulties encountered in every favela and promoting joined actions to demand from the public sector.

The residents of Heliópolis began organizing locally to better cope with the challenges of living in an area of extreme infrastructure deprivations. A community leader, who was one of the first to populate Heliópolis, recalls organizing neighbors to clean the area and to establish neighboring rules:

“We started meeting to work together in cleaning the area of garbage, plants and animals and making small adjustments. We helped our community to cope with the rain by building better ceiling structures in each ‘barraco’ or covering the soil to avoid mud and erosion. We also removed the bushes that were hindering visibility because we had problems with crime and rape. This work slowly evolved into a community association where we discussed rules of coexistence, for example, where to place the garbage, looking after each other. This experience transformed us, we became a community.”

The role of the Catholic Church was also important in helping the residents to socialize and work together. Catholic volunteers worked with the community promoting educational, health and social activities. In the 1980s the residents of Heliópolis were organized struggling for basic public services and the urbanization of the favela. In 1980 they founded the Sociedade Amigos e Moradores da Favela Heliópolis, in 1981 the Central dos Moradores de Heliópolis was created, and in 1982 UNAS emerged. The different state and city administrations began establishing ad hoc negotiations with the commissions formed by the residents to formalize their demands. The responses were varied, and most of the time either there was no response at all or it resulted from days of mass mobilizations. One of the

39 Interview with the author, August 8, 2011.
first government responses to the demands of the community was in 1982, when the City Hall promoted two programs (“Prô-Luz” and “Prô-Água”) supplying water and energy in Heliópolis (Loche 2002, 65). From then on, the political struggle was permanent with assemblies, protests, manifestations, and occupations demanding for rights that were not only housing.

The use of the public space to express the community’s demands has two main reasons. One is the fact that only 10 percent of the population in Heliópolis votes in São Paulo as most residents have migrated from other cities or states and did not regularize their status with the Electoral Justice (Amaral 2009, 1). This hurts their capacity to put pressure in the government through votes and exercise their citizenship within the democratic system. The second is the fact that, not participating of the formal democratic procedures, the communities depend on other channels to establish direct negotiations with the state, which is not always willing to cooperate.

Political participation, however, goes beyond the electoral process and is high within the community with many involved in political and social movements and associations. One leader from the Associação Organizadora e Social Cidade do Sol (AOS), an organization that since 2001 develops local initiatives on citizenship and development, arrived in Heliópolis in 1979:

“It was hard, I started with a wood-made house that flooded when it rained. Little by little I built my house, now a three story building where I work, live and rent rooms for other residents. My story is like many others here in Heliópolis, it mixes personal and community struggles. We all had to fight to bring food home, but we also fight for citizenship and rights. Many political parties have invited me to join their candidates. I prefer not to because as a community leader I can do much more than any legislator.”

40 Differently from most other organizations that conduct educational, cultural or sport initiatives, AOS concentrate efforts on obtaining access to property rights, housing regularization, basic sewage, and loans with the popular bank (“Banco do Povo”).

41 Interview with the author, August 8, 2011.
UNAS have managed to join efforts from the heterogeneity of associations working in the *favela* and converge the community’s demands in a cohesive and organized way. For over 35 years UNAS has promoted the organization of residents in Heliópolis into a solid movement and is one of the most important initiatives fostering projects to improve the lives of the community. The directors are elected by the population, according to UNAS’s bylaws, and work with other 400 members to promote education, culture, projects for the youth, housing rights, health, and other issues of concern from the population.

UNAS has been key in channeling the community’s demand to the government, developing direct negotiations and initiatives with various levels of the state, with no political partisanship. According to one director, UNAS focuses on the formation of citizens within the community, to ensure everyone knows their rights and fights for them: “Citizenship is about participation. We need to fight for citizenship rights, so we need to foster participation in the community to bring improvements.”

In Heliópolis over 50 organizations among non-governmental, neighborhood associations, cultural, educational, or sport organizations work in the community, helping to alleviate the exclusion that results from poverty. These organizations have contributed to increase the access of the local population to health, education, culture, information, and have helped residents with legal procedures or micro-loans. With the help of NGOs and international organizations, but particularly due to the residents’ organization and mobilization, Heliópolis has libraries, recreation centers, a community radio (*Rádio Heliópolis*), a movie theater and producer (*Cine Favela*), an orchestra (*Orquestra de Heliópolis*) and spaces for cultural activities, practice of sports and recreation (*CEU Meninos*).

The mobilization and unity of the community have contributed to give visibility to the

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42 Interview with the author, August 9, 2011.
problems of the favela and have succeeded in establishing communication channels with the government. The resources needed to undertake local projects come from the government in various levels. The favela became a center for political disputes where political parties, government officials and especially candidates compete for larger and more visible interventions, cooperating with the community leaders. The failure of one single party to establish clientelistic relationships with the whole community (one huge problem at the Villa 31 de Retiro in Buenos Aires) was beneficial for Heliópolis as the political disputes increase the amount of attention and resources that the state at large devotes to the population.\(^{43}\)

In Heliópolis, struggles for better living conditions and housing rights have shaped the community’s organization. It also promoted citizenship for the residents by inserting them in the political dynamics of the city through neighborhood associations and unions. Despite these efforts, the community has faced continuous problems with police violence, stemming from repressive actions in the community (justified as actions against crime and drug trafficking) or the involvement of police officers with criminal activities.

3.2. Villa 31 de Retiro: Political Struggles and Disillusions

Just like the Brazilian favelas, the villas de emergencia in Argentina emerged as temporary settlements to accommodate the low-income population attracted by the industrialization of urban cities. But differently from its northern neighbor, in Argentina the first residents of the so-called “villas miseria” (poverty villages) were not peasants migrating from the deprived regions of the country, but European men and women settling in Buenos Aires in pursuit of better opportunities. According to the Argentine sociologist Eduardo Blaustein (2006), in 1931 the government gave refugee to Polish immigrants in one of the empty warehouses located in Puerto Nuevo, named “Villa Desocupación” (Deoccupation Village) and later

\(^{43}\) This is not to say that there are no clientelistic relationships established with certain groups and organizations within Heliópolis.
renamed to “Villa Esperanza” (Hope Village). At the same time, hit by the Great Depression, Argentina started its import substitution industrialization program, which attracted to Buenos Aires migrants from foreign or national regions that were more affected by the economic crisis (Blaustein 2006, 2).

The growth of the settlements established in the neighborhood of Retiro (where today the Villa 31 and 31 bis\textsuperscript{44} are located) is explained by both the industrialization of the city in the period and the activities of the railroad and port activities in the area. The residents of the precarious households provided by the government in the late 1940s were mostly Italians and because of that the neighborhood was for years known as Barrio Inmigrantes (Immigrants Neighborhood). The census published by the National Housing Commission (Comisión Nacional de la Vivienda, CNV) in 1956 revealed that in the city of Buenos Aires there were twenty-one villas inhabited by 33,920 people. In the metropolitan area the number reached 78,430 “villeros”. This quantification, Blaustein argues, translated the government concern with the issue of the villas as a problem that must be eradicated (Ibid, 2).

The first eradication plan had a social concern with the villas. The CNV planned to remove families from the villas and settle them in housing developments in areas close to work, transportation, schools, and markets. In seven years the plan originally created to provide housing for 34 thousand people concluded only 214 homes for 1,284 people in an average projection of six individuals per 50 square meters households. Blaustein notes that it was nonetheless a top-down measure in which the population had to adapt to the decisions taken at the government level without taking their considerations into account. The later violent eradication plans, however, became the norm, starting with the government established with the coup d’état of 1966 - the so-called Onganiato (administration of Juan Carlos Onganía, 1966-1970) - and a later with the “Reorganization Process” from 1976 on.

\textsuperscript{44} Initially the Villa 31 and the 31 bis were considered two different settlements by the government. But later by pressure from the residents who affirm that both are part of the same community, they are considered one for statistical and administrative purposes. I refer to both when mentioning the Villa 31 de Retiro in this paper.
The government solution to the villas has been, since the 1950s, eradication with a long and cyclical history of “hiding the shame” through measures that varied from building walls to intentional fires (Blaustein 2006, 2-3).

In the 1940s and 1950 the Villa 31 began a process of identity formation. Constituted by a growing and heterogeneous group of people coming from within and outside of the country, but sharing the same experiences in the settlement, the population began organizing in social groups, neighborhood associations and clubs, helping each other not only to struggle for better living conditions but also sharing experiences and strengthening bonds. It was in this period, Blaustein notes, that broader forms of collective organization began to emerge. The author argues that these organizations initially formed counter-power structures vis-à-vis the state and its institutions, and were later seen as enemies (Blaustein 2006, 3).

In 1958, two years past the government’s first eradication plan, the Villas de Emergencia and Neighborhood Federation (Federación de Barrios y Villas de Emergencia) emerged, articulating the neighborhood committees from various villas in Buenos Aires, which also counted with members of the Communist Party, the Argentine Women Union, the Peronist Resistance and, in the Villa 31 de Retiro, members of the port syndicates (Blaustein 2006, 3). In 1960, the municipal government regularized the work of the neighborhood associations (comisiones de vecinos), which became the official channel of articulations and negotiations between the residents of the villas and the state in this period.

The political struggle within the party system in this phase shaped the political participation of residents of Villa 31. Grassroots activism, particularly with the arrival of the left-leaning Jesuit priest Carlos Mugica in 1961 and the presence of the Communist Party in the neighborhood associations, marked the political struggle of the villeros in the 1960s and 1970s. Both Mugica and the communist party working with the neighborhood associations had a pivotal role in organizing and channeling the residents’ demands to the state, pressing
for better living conditions, basic infrastructure, housing and labor rights.

The CNV divided the Villa 31 in five different neighborhoods in 1962 – Saldías, Comunicaciones, YPF, Inmigrantes and Güemes – which caused the reorganization of the way the community associations elected their representatives (Cravino 2008, 15). The administration of president Arturo Illia (1963-1966) was marked by the articulation of the neighborhood associations through the Federación and the Labor Confederation (Confederación General del Trabajo, CGT) with the state, which prevented the removal of the settled population in one area where the government planned to build a bus terminal.

Later with the military administration (1966-1973) this trend was reverted and the government ignored the villas’ associations in order to conduct its eradication plan – the Villas de Emergencia Eradication Plan (Plan de Erradicación de Villas de Emergencia, PEVE), which was not implemented. This pressure contributed to unify the neighborhood representations of Retiro under the newly created Board of Delegates (Junta de Delegados) in 1968, with a strong relationship between the labor movement (Confederación General del Trabajo, CGT) and the political leaders of the villas (Ibid, 17). In this period the national political dynamics influenced the politics of the villas, particularly in the Villa 31 where local demands were entangled with other efforts of resistance to the dictatorship.

The transition to democracy in 1973 marked the return of partisan political activity to the capital and the villas. The emergence of the Villero National Liberation Front (Frente Villero de Liberación Nacional, FVLN) and the Peronist Villero Movement (Movimiento Villero Peronista, MVP), along with the influence of organizations of revolutionary tendency such as the Peronist Youth and the Montoneros further politicized the elections of neighborhood committees. The main demands of the residents of the Villa 31 were the expropriation of the land and the provision of households to be paid in installments (Ibid, 18).

The Villa 31 became a central pole for Peronist militancy, especially with the
presence and influence of Father Mugica. The articulation between neighborhood leaders and forged political militancy during the dictatorship of Orga was transferred to the peronist Héctor Cámpora administration (1973), pressuring the state to address the issues of the villas. This was achieved when members of the peronist groups occupied important positions in the CMV, creating the Villas Offices (Oficinas de Villas) responsible for establishing working groups through which the communities could negotiate their demands with the state (Ibid, 30, 61).

According to Luciano de Privitellio and Luis Albert Romero (2005) the villeros movement in this period became part of a strategic dispute between the revolutionary and the traditional sectors of peronism, both diverging from the original demands of the residents of the villas miseria in the country. The traditional line represented by president Juán Perón and Social Welfare minister José López Rega, launched a plan for the villas that was a re-edition of the classic eradication projects, called Plan Alborada. The plan offered new housing complexes to the residents of the villas, who would need to leave the occupied areas. On the contrary, the villeros requested to remain in the area and demanded that the government improved the living conditions for the population with the direct participation of the residents in urbanization programs. This contributed to split the MVP into the ones loyal to Perón, including Father Mugica, and the ones with the Tendencia Revolucionario supporting the residents’ original demands (31).

The assassination of Carlos Mugica in May 1974 and the death of Perón in July brought uncertainties and insecurity to the villeros movement. The action of paramilitary groups such as the Triple A organized by López Rega resulted in many militants of the Tendencia killed, including various leaders in the villas. The Reorganization Process that followed the military coup d’état of 1976 was a violent and repressive authoritarian regime that managed to pursue by force policies that the previous governments were not able to
implement, including the eradication of villas. The task was undertaken with violence and terror, combating two “enemies” of the system in the case of the Villa 31: poverty and popular political mobilization. The main neighborhood leaders of Villa 31 were persecuted and either fled or went underground (Blaustein 2006). The eradication plan defined as "the action that allows the release of the land affected by the Villas of Emergency" proposed four alternatives to the residents of the villas: to move to their own land – which was not a real possibility for the majority - return to your province or country of origin, exit by their own means or credit support. Cravino observes that the alternatives that were actually concretized were mainly deportation and resettlement. While some villas such as the Coleraine and Lower Belgrano were completely eradicated, the Villa 31 reduced from 24,324 inhabitants in 1976 to only 756 in 1980 (Cravino 2008, 23).

The transition to democracy in 1983 witnessed a growing return of the previously removed families to the villas. The Villa 31 began reorganizing, but due to the close involvement of many of their leaders with president Raúl Alfonsín’s opposition (the peronist Partido Justicialista) the issue of the villas was relegated in the government's agenda. In 1989 the Villa 31 organized in protest against the construction of a highway that would affect part of its territory. This mobilization was supported by the peronist party, reviving the old affinities and partnerships from the 1970s (Cravino 2007, 28).

When Carlos Menem was elected president, a new stage in the relationship between the state and the Villa 31 began. According to Cravino, the new government political articulation with the villas was based on informal negotiations through patronage, which aimed at strengthening ties between the villeros movement and the Peronist Party (Cravino 1998a, 1). The mayor Carlos Grosso gave important positions in the management of urban policy to leadership figures who had a key role in the Villa 31 militancy. The policies combined extensive programs of privatization and concessions with the implementation of
urban revitalization programs. One of these programs was the “Programa de Radicación de Villas y Barrios Carenciados,” which included the establishment of roundtables in which the community leaders could negotiate with the government. The program envisaged the transference of land to its occupants, and included a series of measures to manage the situation of families that would need to be relocated. The participation of residents in the urbanization planning in the Villa 31 was not carried out with a will to include the communities into policy-making, but as a way of maintaining the political influence over their leaderships through a clientelistic approach.

During peronist Jorge Domínguez administration (1994-1996), he threatened to use bulldozers to remove the inhabitants of the Villa 31 in order to build a highway in one area of the settlement. Never achieving a negotiated solution with the residents, the government decided to conduct a series of forced evictions beginning in June 1995. For those who resisted, the government responded with force conducted by the police. Corruption and clientelism, translated in the payment of subsidies for those who left, facilitated the relocation of residents within the same area (across the Autopista Illia), creating the so-called “Villa 31 bis”. The government offered subsidies of 12,000 pesos, access to housing credit or the possibility of moving to a household provided by the CMV.

These actions reveal how the state and the public opinion deals with the Villa 31, offering material gains in exchange of political support on the one hand, and the use of violence for those who do not accept the state’s impositions. In that sense, given the value of the land in which the Villa 31 is established, the construction of a highway gains more importance than improving the quality of life for the thousands of residents in the area. The

45 In the popular discourse, there is an image of Jorge Domínguez on a bulldozer in front of the Villa 31 authorizing the forced evictions. For that reason, many Argentines refer to him as Jorge “Topadora” (bulldozer in Spanish) Domínguez (Página/12, “Desalojos y resistências”, November 20, 2008).


return of democracy did not translate into more inclusion for the residents of the Villa 31, since the government maintained the control of the decision and policy-making processes regarding the urbanization of the area, housing issues, infrastructure or security.

The failures to include residents in the policy-making process in the Villa 31 had important consequences for the political participation of the residents. Since leaders were unable to establish effective channels with the government and could not further the demands of the residents in the democratic period, this caused fragmentation of the groups within the community and loss of interest in participating of community associations among the residents.

“We are not united, we should but we are not. There are many divisions within the villa, each side wants to fight on their own. If we were united we would not be a villa, we would be a neighborhood (barrio).”\(^48\)

The lack of a strong unity between the residents of the Villa 31 does not mean that the residents are apolitical. To the contrary, various initiatives organized by the community play an important role in promoting citizenship, socialization, and discussions in which the whole population has a voice. Every month the vecinos meet to discuss strategies and concerns with their locally elected representatives and the leaders of the local associations. Each manzana (divisions of the villa) elect their representatives for the each secretaria that includes issues of youth, human rights, sports, development, women, communications, and health. On the meeting of July 16, 2011, about 40 attended the discussions. The three-hour meeting that took place in a recreation space discussed the strategies for the next meeting with representatives of the Housing Commission from the government of the city of Buenos Aires. The main focus was to ensure that the government would include the community leaders in the design and implementation of the urbanization project that was proposed in the previous months in

\(^{48}\) Community leader of the Villa 31 in interview with the author, July 11, 2011.
collaboration with the school of architecture of the University of Buenos Aires.

Despite these difficulties, the community has grown over time, both in size and population. Achieving its physical limitations to grow horizontally, it started rising vertically with houses built on top of others, many with risky structures. In 2009, there were 72 five-story high buildings in the Villa 31. With the government prohibiting the entry of trucks carrying construction materials, the population found new strategies to bring bricks, cement and other materials to the villa. Residents hide these products in cars and bags and bring these items to the villa little by little (“trabajo hormiga”), despite the presence of police inspectors.

According to the AOS director, there are about 70,000 people living in 15 square kilometers. The last official census (2010) lists a much smaller population of 26,403 residents, more than double the number from 2001. One third does not have access to water and 19 percent did not complete primary school. 68 percent of the population is younger than 30 years of age.

![Figure 3.1. Households and Population in the Villa 31 and 31 bis (2001-2009)](image)

It is also interesting to note that 50.9 percent of the population is composed of foreigners, the majority Paraguayans, followed by Bolivians, Peruvians, and Chileans. This has important implications for the political bargaining capacity of the community in their

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50 Clarín, “Confirmaran que se duplicó la población de la villa 31 y 31 bis”, 14 April 2010.
struggles for citizenship and better resources. Since half of the population are not Argentine citizens, there are less opportunities for the residents to participate in political decisions concerning their occupied area. This was particularly problematic after 1998, when the economy started declining and the population of Buenos Aires pressed the government to cut costs with foreigners and devote more resources to the citizens.

The insecurities experienced with informal land titling issues, evictions, government constructions, the lack of basic infrastructure and public services, and the contradicting relationship that the state has established with the community and its leadership have been constant throughout the history the Villa 31. Notwithstanding the exclusion that this history has promoted, its strategic location at a vital economic area of Buenos Aires, the Retiro, puts it at the center of attention. It is located between the bus terminal, the largest railway station and the port. The profit possibilities for real estate in the area or for improving the connectivity between the north and the south of the city have led the population with economic interests in the land to promote, in many occasions, a racist and xenophobic discourse towards the residents, such as the one below commenting after the latest census results:

“Leí bien? Estamos hablando de 13.000 extranjeros viviendo en tierras usurpadas, usando recursos públicos como educación, salud?... Claro... y eso solo viendo la villa 31... y el resto?... No dejo de preguntarme como el estado, tanto el nacional como la ciudad no hace nada al respecto, en países serios los extranjeros no pueden entrar a abusar de los fondos públicos ya que primero estás los ciudadanos.” (sic)\textsuperscript{51}

In the Villa 31 de Retiro police repression has been a constant since the first decades of its emergence. The history of resistance goes beyond the party-politics disputes or the traumas experienced with the Dirty War. The residents today still struggle for the most basic

\textsuperscript{51} “Did I read this right? Are we talking about 13,000 foreigners living in stolen lands, using public resources such as education, health?... Of course...and this is only in the Villa 31, what about the rest? I cannot stop asking myself how the state, both national and the city does not do anything about it. In serious countries foreigners cannot enter and abuse of public funds since the citizens are [considered] first.” (Posted by a reader, extracted from Minutouno.com)
rights, living in a neighborhood of contrasts where they need to constantly renegotiate, reorganize, call attention, and resist to the strong economic and political interests that deny the population of the Villa 31 their citizenship. One recent example has been the approach of Chief of Government of Buenos Aires, Mauricio Macri, who has expressed will to eradicate the villa justifying his position with a concern for the residents. Macri has declared since his first electoral campaign that the verticalization of the villa puts residents in danger of a catastrophe. The residents see his declarations as a pretense to his real intentions of “influencing the city against the Villa 31”, receiving support to conduct the evictions. Despite his expressions of concern, Macri, now reelected to his second term of government, has not yet negotiated any agreements with the residents so far in addressing the precarious conditions in which they live. The residents call for negotiations by organizing protests at the federal highway Autopista Illia. Aside from the question of urban planning and eradication, the government is absent in the villa, denying the population equal access to public services and rights.

The insecurities that affect the Villa 31 are further aggravated by the isolation that political disputes between the federal government and the government of the city of Buenos Aires generate. The land where the villa is located belongs to the national government, and the city accused the national state of abandoning the population leaving them in a situation of risk. For the residents, the state as a whole excludes the population from the decisions concerning their destinies. For them, the expectations of having their demands heard through the formal democratic channels are very low, as not only all residents are denied citizenship in terms of equal access to basic public goods, but also they rarely participate in the government’s debates and plans regarding their situation. In addition, the fact that foreigners compose half of the population presents a challenge for the residents in organizing in a


coherent and strong way, in demanding from the government and in having their concerns weighted equally by the state. The political insertion of the community living in the Villa 31 is therefore shaped by the struggles among the local population and between the residents, the national state, the city government, the political parties and the population of Buenos Aires, particularly those living or with economic interests in the Retiro.

The next chapter studies the changes that the governments in Buenos Aires and São Paulo promoted by opening participatory channels for more interaction between the communities and the state agencies, evaluating the achievements, limitations and concerns that they created from the perspectives of the Villa 31 and Heliópolis.
CHAPTER 4 - SECURITY REFORMS, PARTICIPATION AND CITIZEN SECURITY IN SÃO PAULO AND BUENOS AIRES

This chapter analyses the participatory channels through which residents have inserted themselves in the political debates of violence in the past decade to examine how the security reforms conducted in São Paulo and Buenos Aires opened channels of communication between the government and the communities. It discusses the extent to which these reforms have contributed to empower or disempower citizens into participating in security policy-making in the cases of Heliópolis and Villa 31 de Retiro. The objective is to understand how political participation in these communities have contributed to reduce state violence in the past decades (1990-2010), the limitations, achievements and what still needs to be addressed in order to promote better levels of citizen security.

Both São Paulo and Buenos Aires promoted participatory policies to address citizen security with the goal of approximating the police and the communities promoting increased integration between the security institutions and the local societies. In both cities, the governments also established mechanisms through which citizens can denounce police abuses. However, cases of police violence continued to affect the populations of Heliópolis and Villa 31 de Retiro in the past decades. It is important to evaluate from the perspectives of the communities what are the failures and contributions that these changes have promoted in their relationship with the state and its security institutions. The main argument in this chapter is that governments in both cases have engaged with the communities with contradicting responses to their security demands. While, on the one hand, policies such as the establishment of community security councils, community police, and ombudsman have increased the engagement of local communities with state security agencies, the lack of responsiveness in translating local concerns into policies in the higher levels of government has allowed the problem of police violence to persist.
The chapter is divided in two sections: the first section studies the changes and goals that states in both cities promoted when addressing police violence (community policing, community security councils, and ombudsman) observing the results in the cities of São Paulo and Buenos Aires. The second section focuses on the role of the community participation in reducing repressive and discriminatory measures against *favelas* and *villas miseria* and identifies which specific points need to be addressed. The conclusions were drawn from conversations with representatives of the neighborhood associations in the Villa 31 de Retiro and Heliópolis.

4.1. Overseeing and Working with the Police

The numerous denounces of police violence and abuse from civil society organizations in Brazil and Argentina increased the visibility of the issue and the urgency to promote reforms addressing both the institutional side of the problem and the need to increase community participation. One initiative observed with the goal of moving towards a participatory model of public security is the creation of local security councils, which open space for negotiations, a channel for the demands of the civil society, and exchange of information and ideas between the communities, the state and the security agencies.

In São Paulo, governor Franco Montoro established in 1985 the *Conselhos de Segurança* (Conseg) – four years before the return of electoral democracy in the country. According to the Public Security Secretariat, 522 municipalities implemented Consegu in the state of São Paulo, 84 in the capital alone. The councils are defined as the support group to the state police in their relationship with the communities and are organized by the local leaderships with participation of the area’s commandant of the military police and delegate of the civil police. The councils meet monthly to discuss security issues concerning the local

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54 São Paulo followed the initiative pioneered in Maringá, in the state of Paraná, in 1974.
population and are open for the participation of local residents.

These councils emerged in an attempt to provide an accountable and responsive public security service. According to Fiona Macaulay (2005), in São Paulo the involvement of the communities in monitoring and reporting crime has contributed to reduce the problem significantly. However, some problems have emerged hindering the success of these initiatives. Hugo Frühling (2003) observes that although the dialogue between the police and the community is an advance, they are not fully productive since usually the police only takes notes of the problems discussed in the meetings, but rarely there is a follow-up to solve them (35). Macaulay adds that their bureaucratic regulation suggests a strong control of government and security agencies, to the detriment of the local population. Furthermore, the councils may not be representative of all the local community, as they have been mainly composed by businesspeople. On that group, Macaulay notes:

“much of their activity seems to centre on raising money to buy police equipment (as basic as new tires for police vehicles) for which generosity they may expect preferential attention in return. (…) Indeed, there is a very thin line between this type of capture and the kind of alliance that elements of ‘uncivil’ society have made with local police, assisting death squad activity aimed at eliminating those classed as social undesirables.” (Macaulay 2005, 149-50).

In 1995, the government of the state of São Paulo headed by governor Mário Covas (1995-2001) pioneered in the creation of the Ouvidoria da Polícia do Estado de São Paulo, with the task of hearing complaints on police violence, misconduct, omissions and corruption, prepare initial case reports and send them to the police internal affairs, tracking the progress of investigations. According to Macaulay, the translation of ouvidoria as “ombudsman’s offices” is inaccurate due to the fact that these agencies are neither independent nor hold wide oversight powers, and the police internal affairs still monopolizes the resources and responsibility to carry out investigations of police misconduct, often
obstructing or refusing to open inquiries (Macaulay 2005, 147). Yet, the ouvidoria has been a key institution in publishing reliable numbers on incidents involving the police, including civilians killed by security officers and police fatalities on and off duty, distinguishing the statistics by the civil and the military police. Macaulay notes that the ouvidorias have also been important in breaking the culture of impunity in the country by exposing the police to a “name and shame” strategy, which also contributed to increase the number of complaints that they received. The anonymous character of the complaints is essential as the fear of police reprisals could discourage the population to denounce abuses (148).

**Figure 4.1. Evolution of the number of denounces received by the Ouvidoria of São Paulo**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total denounces</td>
<td>364</td>
<td>1979</td>
<td>1846</td>
<td>3736</td>
<td>4663</td>
<td>4749</td>
<td>2637</td>
</tr>
</tbody>
</table>

*Data source: Ouvidoria of São Paulo, web.*

The table below summarizes the total complaints on police violence received by the Ouvidoria from 1996 to 2000. In this period, police violence accounted for 30 percent of all complaints received55. 39 percent of the denounces against the military police concerned abuse of authority, intentional homicides, torture, threats, aggression, abuses, and homicide attempts. Other denounces included the participation of police officers in drug trafficking, corruption, extortion, among other illegal activities.

**Figure 4.2. Denounces of Police Violence to the Ouvidoria, São Paulo (1996-2000)**

<table>
<thead>
<tr>
<th></th>
<th>CP</th>
<th>MP</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of authority</td>
<td>630</td>
<td>1246</td>
<td>1876</td>
</tr>
<tr>
<td>Homicide by the police</td>
<td>236</td>
<td>954</td>
<td>1190</td>
</tr>
</tbody>
</table>

In 2001, there were 253 denounces of homicides committed by police officers (both from the military and civil police) in the city of São Paulo, accounting for 58 of the total number of complaints received in the state. The numbers also show that the capital had 59 percent of denounced cases of abuse of authority, 53 percent of cases of aggression, 56 percent of cases of torture or physical abuse, and 51 percent of all homicide attempts by police officers registered in the state[^57]. The homicides committed by police officers are distinguished in cases on and off duty of confrontations with the police, intentional and unintentional homicides. Cases registered as “resistance followed by death” (*resistência seguida de morte*), which are the cases in which the police officer presented a version that there was a justified killing at the moment of a confrontation with the suspect, accounted for 67 percent of homicides committed by the military police and 61 percent by the civil police in 2001.

From 1998 to 2000 out of the 3,960 military police officers denounced for misconduct, including illegal violence in the state of São Paulo, only 2,919 were investigated and 1,826 were sentenced. In the civil police, 4,409 were denounced, 797 investigated and 352 sentenced. In the military police, officers occupying higher positions were less likely to

[^56]: This data was only included in 1998, so the number only reflects that year.

be investigated.

<table>
<thead>
<tr>
<th>Patent</th>
<th>Denounced at the Ouvidoria</th>
<th>Established Procedures</th>
<th>Investigated Officers</th>
<th>Penalties (Prosecution, Administrative Penalties)</th>
<th>Officers Penalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonel</td>
<td>243</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>122</td>
<td>8</td>
<td>8</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Major</td>
<td>186</td>
<td>13</td>
<td>13</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Higher Ranking Officers</strong></td>
<td><strong>551</strong></td>
<td><strong>24</strong></td>
<td><strong>24</strong></td>
<td><strong>9</strong></td>
<td><strong>9</strong></td>
</tr>
<tr>
<td>Captain</td>
<td>550</td>
<td>65</td>
<td>66</td>
<td>22</td>
<td>20</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>622</td>
<td>167</td>
<td>189</td>
<td>105</td>
<td>91</td>
</tr>
<tr>
<td>Aspirant</td>
<td>11</td>
<td>26</td>
<td>26</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td><strong>Intermediary Officers</strong></td>
<td><strong>1183</strong></td>
<td><strong>258</strong></td>
<td><strong>281</strong></td>
<td><strong>145</strong></td>
<td><strong>127</strong></td>
</tr>
<tr>
<td>Sub-Lieutenant</td>
<td>44</td>
<td>17</td>
<td>17</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Sergeant</td>
<td>751</td>
<td>331</td>
<td>377</td>
<td>269</td>
<td>240</td>
</tr>
<tr>
<td>Corporal</td>
<td>341</td>
<td>289</td>
<td>341</td>
<td>259</td>
<td>226</td>
</tr>
<tr>
<td>Private</td>
<td>1090</td>
<td>1047</td>
<td>1879</td>
<td>1417</td>
<td>1215</td>
</tr>
<tr>
<td><strong>Lower Ranking Officers</strong></td>
<td><strong>2226</strong></td>
<td><strong>1684</strong></td>
<td><strong>2614</strong></td>
<td><strong>1955</strong></td>
<td><strong>1690</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3960</strong></td>
<td><strong>1966</strong></td>
<td><strong>2919</strong></td>
<td><strong>2109</strong></td>
<td><strong>1826</strong></td>
</tr>
</tbody>
</table>

*Source*: Ouvidoria da Polícia do Estado de São Paulo, web.

In total, 26 percent of cases denounced to the *ouvidoria* were translated into sentences against the accused\(^58\). Even considering that some of the denounces were proved false, the numbers reveal that in this period the police internal affairs department has ignored a number of cases that were actually true. This impunity in both the civilian and military security

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agencies reveal the limitations of the ouvidoria mentioned above by Macaulay. Nonetheless, the ouvidoria has contributed to not only expose the police institutions and the violations committed by officers that were hidden from the public before, but it also increased the sense of responsibility for the civil society to oversee security institutions, demand for justice and reforms.

4.1.1. The Community Policing in São Paulo

According to Paulo de Mesquita Neto and Adriana Loche (2003):

“community policing projects emerged in Brazil as a strategy to make the police not only more effective and efficient in crime control and order maintenance but also more accountable to the community and more responsive to the cities. The success of these projects depend, therefore, not only on their impact on public security but also on their impact on the level of police respect for citizen rights and interests and the level of community trust in the police” (179-80).

The concept of community policing was adopted as institutional philosophy and operational strategy of the military police of São Paulo on December 10, 1997 and implemented by the São Paulo Military Police Department of Community Policing. The project included the creation of the Advisory Commission for the Implementation of Community Policing, responsible for conducting the reform, implementing and overseeing the military police in the communities. In August 1998, the commission had representatives from human rights organizations, community councils, the federation of industry, and business councils, defining a set of goals and objectives for the police, including emphasis on democratic values and respect for human rights that had never been part of the military doctrine before (Frühling 2003, 33-4).

The new plan of action of the military police led to more patrolling in selected areas and the establishment of 24-hour police stations in various points of the city. Police officers
took classes in community policing, human rights and drug abuse with 16,963 officers participating in the first semester in 1998 (Frühling 2003, 34). In the city of São Paulo about 100 mobile police cabins were set up.

In general, the program in considered positive; the United Nations Latin American Institute for the Prevention of Crime, based in São Paulo, conducted a survey in 46 neighborhoods to evaluate community policing and the results show that the program increased the perception of safety in areas where they were implemented (Frühling 2003, 36). Mesquita Neto and Loche (2003) add that it was an effective measure in the sense that it required the police to be more respectful of democratic institutions and human rights and was an alternative to authoritarian approaches to crime control and private security (194).

However, the program failed to show a visible impact on crime and police violence. Prior to the implementation of community policing the number of civilians killed by the police had begun to decrease in São Paulo, but increased again in the following years going from 466 in 1997 to 546 in 1998 and 647 in 1999 (Cano 2001; Smulovitz 2000, 24; Frühling 2003, 35). The results on crime showed contradicting trends depending on the source: while the Department of Community Policing states that crime rates have decreased where the program was adopted, the Public Security Secretariat of the São Paulo government showed the opposite (Smulovitz 2000, 24; Frühling 2003, 35).

According to Smulovitz (2000), this failure can be explained by the fact that many police officers had convictions that the program could be discontinued with the next administration and did not fully change their procedures (25). The main impact is the extent to which the community police really approximate the local population to the security institutions, and the degree of participation that the local communities have on bringing change in the police force. In that regard, the experiences in São Paulo vary from one place to another. In some occasions, as the case of Heliópolis discussed below (section 4.2), the
community police have contributed to increase local participation in planning security strategies and establishing more responsive actions to the demands of the local populations. In other cases, little change was observed. According to NEVUSP, in the downtown area of the city of São Paulo the community police was not implemented effectively due to the change in the command of the local military police. The previous command had approximated the police to the local communities, but with the leadership change this work was lost, despite the articulations developed with the population (NEVUSP 2003, 2).

Both the community policing programs and the ouvidorias, combined with numerous reports from human rights organizations (including Amnesty International, Human Rights Watch, and the Núcleo de Estudos da Violência of the University of São Paulo) have increased the exposure of police officers and police departments to the scrutiny of the population. The inclusion of training in citizen security also contributed to change the police culture in respecting human rights. These factors have contributed to reduce police violence in the state of São Paulo in the past decade, despite the still low levels of convictions.

4.1.2. Security Reforms in Buenos Aires

In the second half of the 1990s, the population of the city of Buenos Aires experienced an increased concern about mounting crime rates and insecurity. This combined with the involvement of members of the police in the attack against the Jewish community headquarters (AMIA) and of the murder of the journalist José Luis Cabezas, contributed to press the government to respond effectively to the security crisis perceived in the city (Saín 1999, 36-7). In response to both the issue of crime and the illegal actions of state members, the government introduced reforms with innovations in the conception of security to include community participation, changes in regulations regarding police performance, the reduction of detention periods, and new mechanisms to monitor corruption and abuse in the police
forces (Smulovitz 2003, 139).

In 1997, the municipal government created the Office of the Ombudsman with the mission of promoting human and citizen rights against acts committed by public officials and police officers\(^{59}\). The majority of complaints in the first years involved police abuse, but the ombudsman could not initiate investigations or take disciplinary measures, since the federal police was not subordinated to the municipal government (Hinton 2006, 58). The tasks were limited to recommendations, but as in Brazil, the reports and numbers released have contributed to measure police violence and expose the security institutions to the public opinion.

In February 1998, the municipal legislature of Buenos Aires unanimously approved the Código de Convivencia Urbana setting standards to the protection of citizens, rights and properties and eliminating the authority of the Federal Police to conduct detentions outside of their jurisdiction. It also legalized vagrancy and prostitution with the goal of reducing the opportunities for arbitrary detention, harassment or extortion. As residential neighborhoods started complaining about the presence of prostitutes and transvestites, the Code caused controversy (Hinton 2006, 55). With the public pressure for tougher measures, the legislature introduced a series of modifications that restricted the scope of the regulations and restored the ability of the police to carry out preventive detentions (Smulovitz 2003, 130).

The Office of the Secretary of Government of the City of Buenos Aires created the Consejos de Prevención del Delito y la Violencia in 1998 integrating local residents, civil associations, representatives of the organizations established in each area of competence (including schools, hospitals, etc.), and representatives from the government program in citizen security (Programa de Seguridad Ciudadana). In the first years, the security councils were implemented in Mataderos, Liniers, Villa Devoto, Flores, Floresta, Núñez, Palermo,

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\(^{59}\) Defensoría del Pueblo, Ciudad Autónoma de Buenos Aires.
Barracas and La Boca. The mission was to develop actions that contribute to promote citizen security from a local perspective, encouraging democratic participation in cooperation with the security forces (Resolution 218/988). The councils were created to offer an opportunity for residents to meet with local district chiefs to discuss security issues of concern and best strategies to tackle them.

Mercedez Hinton (2006) points out that the efficiency of these councils in promoting better community participation was complicated by several factors. First, the fact that the police was not accountable to the city government and had not been consulted prior to the creation of the councils resulted in little engagement between the police and the communities. Second, the salary that the council manager earned was double that of the average police officer for half the work time. Third, the geographical area that the councils covered coincided with various precinct zones of the police, which meant that as many as three different precinct chiefs were invited for each meeting, creating confusion, blame trading and reducing accountability capacities. Fourth, the Secretariat of Internal Security authorized the police to create their own community policing initiative, the Centros Comunitarios de Prevención de la Violencia Urbana. For these centers, participants were handpicked mainly from the neighborhood associations integrating the group “Friends of the Police”. This resulted in competition between the two groups, and precinct chiefs stopped attending the councils. With the change in government in 2000 and the lack of engagement from the new leadership with the issue, the councils were fragmented (Hinton 2006, 58-9).

According to Franklin Barrientos (2004), these councils emerged lacking formality and acted more as an activity of the program “Prevention of Crime and Violence” (65). Barrientos observes that the degree and form of community participation varied as in some cases there were community organizations that were not called to participate and in other instances they did not want to join due to disagreements with the government. In some
communities, as the example of Palermo, there was strong community involvement, while in others like Flores the councils did not count with much neighborhood support. This difference in engagement is explained by the previous existence, or lack, of neighborhood associations. While in Palermo there were organizations such as the Comisión Vecinal del Seguimiento de la Seguridad, Los Vecinos Sensibles de Palermo, Los Vecinos de Campaña del Desierto, Iniciativa Ciudadana and Club Palermo with experience in mobilization and negotiations with the government, in Flores the existing initiatives did not support the councils, which depended mostly of the local government staff (Barrientos 2004, 66; Smulovitz 2000, 11-2; Smulovitz 2003, 93-4).

The Plan of Crime Prevention was a federal initiative created with the goal of approximating and engaging communities with the security policy-making process in Argentina. The plan was based in the idea of reducing crime through preventive measures with the cooperation of the local communities and the security forces in mapping crime to guide better policy strategies and building trust between security forces and the civil society. According to Hinton, the plan was launched without appropriate funding and was only implemented in six neighborhoods, four in the city of Buenos Aires (61).

In 2003, the federal government expanded the Plan creating the Programa de Comunidades Vulnerables (PCV) involving a total of 1,610 young individuals residing in the city of Buenos Aires, the metropolitan area and the city of Cipolletti in the province of Río Negro. The initiative is devoted to the social reinsertion of unemployed young individuals who do not attend school and are in situations of risk of joining criminal activities, including those who have already been detained in the past. The program includes individual interviews, organization of working groups with the families, return to school, help in finding a job and obtaining microcredit, sports and recreational activities (Secretaría de Integracion

Comunitária, web). Since its start, 87 percent of the individuals in the program who had been detained before did not return to crime\textsuperscript{61}.

**Figure 4.4. Distribution of beneficiaries of the PCV (2006)**

![Graph showing distribution of beneficiaries of the PCV (2006)](image)

*Source: Ministério de Justicia, Seguridad y Derecho, 2006.*

In March 2011, the federal government launched the *Plan Nacional de Participación Comunitaria en Seguridad*, with the motto “*El Derecho a la Seguridad: Deber del Estado - Obra de Todos*” (The Right to Security: Duty of the State, Work of All). The goal is to involve local communities by creating neighborhood chairs (*Mesas de Participación Comunitária*) for the discussion, debate, and development of public security policies. The plan included the creation of maps of crime and violence (*Mapa Vecinal*) in an effort to develop more efficient strategies to address the issues concerning each community.

In Buenos Aires there is no community police, but mayor Mauricio Macri (2007-2011; 2012-2016) created on 29 October 2008 the *Unidad de Control de Espacio Publico –*

\textsuperscript{61} Ibid.
UCEP (Decree 1232/08), subordinated to the Subsecretaria de Espacio Publico del Ministerio de Ambiente y Espacio Publico. According to the Observatorio de Derechos Humanos, the UCEP has used brutality to repress public protests in the city or to remove people living in the streets. In 2009, the Office of the Ombudsman received more than 15 denounces by direct victims or witnesses of violence promoted by members of the UCEP62.

Complaints of police misconduct increased since 2008, involving mostly the federal police in cases of abuse of authority and violence, often applied against persons in vulnerable social sectors. The follow-up report released on September 23, stated that excessive use of force by the federal police continued to be a serious issue and no significant actions were taken to address the problem (Defensoría del Pueblo 2012).

4.2. Citizen Security in Heliópolis and Villa 31 de Retiro: Advances and Setbacks

In Heliópolis both Conseg and the community police are well-known initiatives among all individuals interviewed for this research. The Conseg Heliópolis was established in 1997, and is presided by a person from and elected by the community. According to the president, the work is voluntary but has a great number of people involved. The Conseg meets every last Thursday of the month and is open to everyone in the community. The procedures, decisions, and debates are recorded internally and by the members of the 95th Department of the Military Police and the 1st Community Police of Heliópolis.

These police departments are responsible for policing the area that includes Heliópolis and have maintained a close relationship with the community. The community police implements projects that go beyond the ostensive and preventive functions of the police, and acts with the population promoting educational events, campaigns to increase awareness and educate on issues of violence against women and children, health and drug abuse, etc. In

addition, the police commandants meet frequently with the community leaders, who represent the demands of the population, and not only respond with strategies, but also include these leaders on the planning and project executions. Since the community is so involved, there is a strong sense of legitimacy from the actions promoted by the community police in the region. One example was the serenity with which one resident reacted to the request of a police officer to “search” him (look for drugs or firearms in his pockets): “He is just doing his job. If I were a criminal, I would have run. I let him do it because he is protecting us from crime”\textsuperscript{63}.

There is a strong relationship between the leadership of Conseg Heliópolis and the police officers that participate in the meetings of the council – they call each other by their nicknames, make jokes about each other’s soccer teams and keep a friendly environment throughout the session. When it starts, the debate gains a formal structure, but never losing the proximity between police and community. The president of Conseg reads the guidelines decided on the previous meeting, which includes the previously debated issues and the issues that were to be discussed in that session. The president opens for the police commandants for a follow up on the issues of concern – at that meeting, the problem of \textit{pancadão}\textsuperscript{64}. The responses to the questions raised by the residents are similar, with assurances and promises that the police “have been doing all possible, and will maintain the operations in Heliópolis during the upcoming days”.

According to the president, Conseg has achieved many positive results and the community has been actively participating. The problem of police violence was one of the main topics in 2009, when two young girls died in different occasions, shot by police officers claiming to persecute criminals in the favela. The 95th Police Department based in Ipiranga is

\textsuperscript{63} This happened in front of a bar, where a few friends were talking during their lunch breaks. Interview with the author, August 9, 2011.

\textsuperscript{64} Parties in the middle of the street inside of Heliópolis, where cars play loud music of the style \textit{funk paulista} and \textit{carioca}. According to the residents, these parties are attended by thousands of young people and drug dealers, causing trouble in front of many residencies, not allowing people to sleep, leaving trash all over the streets and increasing crime, rape and drug abuse.
responsible for the mobile community police and the policing of the streets of Heliópolis. But in these two occasions, officers going out of their jurisdiction were the perpetrators of violence.

In one of these occasions, on the evening of 9 July 2009, a member of the Rondas Ostensivas com Apoio de Motocicletas (ROCAM) of the 46th Battalion of the Military Police of São Paulo shot eight year old Tainá Costa Alves while persecuting two men “acting in suspicious behavior”\(^65\). Cleide, a community leader and member of UNAS recalls with revolt:

“We have to fight a lot to receive very little. With the police it is also like this. They invade the houses without a mandato (warrant) and shoot before having a target since Paulo Maluf’s administration with the ROTA. In the past few years, things have gotten better, the discourse in the police and the government has changed, but the facts this year show that something is happening again. This revolt is the result of the accumulation of violence suffered in the past months” (Amaral 2009, 1-2).

She was talking about the revolt initiated around midnight on the 31st of August 2009, when the residents of the Street Conego Xavier saw the death of the seventeen year old Ana Cristina Macedo and mobilized the community in protest for justice and against police violence. Macedo was shot in the neck by a police officer of the Metropolitan Guard of the neighbor city São Caetano do Sul when he was persecuting a car thief. Cleide denied that it was an accident:

“It was an execution, he shot to kill. He was not defending himself. When he saw he had killed the wrong person, he called for more forces to protect himself, rather than helping the girl. People were screaming desperate for help and as nothing was happening, they started throwing wood pieces, stones, whatever they could, it was a lot of rage. The other officers of the Metropolitan Guard were the ones who helped the girl. They ran away and called the Military Police to control the situation” (Amaral 2009, 2)

\(^{65}\) G1, “Polícia diz que troca de tiros com suspeitos deixou uma menina baleada,” August, 2009.
These cases were not isolated. Residents claim that in many occasions the police enters the favela during the night, invade houses without a warrant, “search” people for drugs, use violence and torture to obtain information, and kill individuals – many of these cases are not reported in the media. If until the 1990s people were killed mostly as victims of crime in Heliópolis, now that the community has finally been able to reduce it, the residents argue, people die victims of the indiscriminate violence from the public agents.

In Heliópolis the community police was successful in establishing close and personal relationships with the population. Meetings held with the Conseg opened important channels of communication between the residents and the security apparatus of the state. However, there is a general perception that when the police from other departments enter the favela, neither the community police can protect the residents or respond for the violations that these officers can commit.

The entry of officers responsible for other jurisdictions into Heliópolis and the large-scale operations against drug trafficking promoted by the government are examples of sources of insecurity for the community with the law enforcement agents. The disrespect that these police officers frequently have for their rights, invading their houses without warrant, reacting violently against their protests or denying the right to live to “suspects” are contradictory of the efforts promoted to increase trust, cooperation and participation. Moreover, widespread perceptions that police officers and the majority of government officials are corrupt, adds to the disillusions that political participation could actually promote changes beyond the local levels.

The increased participation of the community in the security discussions is nonetheless an advance that has brought some important achievements, such as the community police, the improving responses to their local concerns and a greater sense of security and respect for the local police. However, the inability to translate these local
concerns into higher levels of security management results in disempowering effects in dealing with the issue of police violence. As violence is perceived in the way the mayor or the governor treats the residents of the favela, especially when it involves drug trafficking and crime combatting strategies with special police units, the impressions that the population holds of the police vary between the extremes of trust and friendship on one side and fear and revolt on the other.

The residents of the Villa 31 de Retiro had different experiences with participatory policies. The interaction of the local and federal governments with the residents within participatory initiatives in the Villa 31 is very recent. The major issue of concern for the residents is housing and they demand full involvement in the planning and execution of the urbanization projects and the end of evictions. Housing rights has been the main issue promoting more participation within the villa, but it is also a source of insecurity for the population traumatized by forced evictions.

The neighborhood organizations discuss the issues of violence in weekly or monthly meetings with the community leaders. The concerns involving the police are not only regarding repression or mistreatment, but also their refusal to get in the villa when one resident needs help:

“We are forgotten and excluded here. A good friend of mine died last year because the ambulance refused to come here. She was having a heart attack and it was late at night. I am sure if this happened in a rich place in Buenos Aires, the doctors would have reached her fast enough and she would be alive today. We are not given the chance.”

According to the vecinos, there is no one formalized security council established between the government and the community alone. Although there have been meetings in the neighborhood of Retiro with representatives of the government and police forces, the

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66 Community leader in interview with the author, July 16, 2011.
residents of the 31 and 31 bis were excluded. A security council for the whole neighborhood, they argue, is exclusionary by definition. The Retiro is home to some of the most expensive buildings in the city, concentrates strong businesses and influential names in the economic and political spheres of Buenos Aires. In a neighborhood council involving both extremes of the porteño social classes, it is not hard to agree with the community residents when they claim exclusion.

When asked about the relationship with the government and the security councils, one leader called attention to the lack of channels to negotiate formally with the security authorities:

“The are no established councils or spaces in which the whole community could be represented. Therefore, there are many protests. Some people here think that protesting is the only way to call attention of the authorities to our demands."

Protesting became a powerful bargaining tool to interact with the government in the past years. The proximity of one of the busiest federal highways, the Autopista Illia, to the Villa 31 is a strategic advantage for the movements to get heard. This became a source of opportunities for the piqueteros. According to some residents, the piquetes (protests blocking the federal highway) are organized by outsiders, who do not represent the community. Speaking with the residents about the protests, many disagree with this approach, but do not see much progress in the formal democratic forms of participation either. The perception of those against these protests is that the piqueteros send the wrong message to the government and the Argentine society that they are troublemakers, rather than residents demanding basic rights. By using the villa’s causes to extort from the state, the piqueteros hinder the development of a well-established and representative committee that involves community

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67 Community leader in interview with the author, July 11, 2011.
and government representatives to discuss and negotiate the demands from the residents of the Villa 31.

When asked about the responses of the local government to these protests, residents do not hesitate to say that the police often abuse when they approach the community. There are many stories of police officers mistreating, using excessive force, discriminating or addressing them with racist names (such as “cabecitas negras”). One extreme was the recent case of *gatillo fácil* when in August 2009 Luis Luque, a police officer from the Prefectura Naval, shot 17 year old Mabel Guerra and 21 year old Gianina Lobos, both residents of the Villa 31. According to the police officer, the girls were criminals and he shot in self-defense, which ended up killing Guerra and seriously hurting Lobos. The neighbors protested this version, claiming that the police intended to influence the public opinion into discriminating against the poor neighborhood in order to skip justice. A local leader said:

“...We are victims of *gatillo fácil* because we are poor and do not deserve to live. That is what they think. You see, recently a girl called Mabel Guerra from the Villa 31 was killed by a sub-official of the Prefectura Naval. He said she was hiding a gun and he was defending himself from being robbed. He shot her dead without giving her a chance. In Argentina there is no death penalty, but in reality it exists. It is against us living in the *villas miserias*. You should see how they [the police] look at us when they come. They are angry, as if it was our fault that we are poor, as if we were worse than anybody else.”

The police justifications for these actions of violence only make sense in a setting of high levels of impunity and social distance. In Argentina, there is no death penalty, but killing the “criminal” seemed to be excusable for Luque. The insecurity that the distance and exclusion from the guarantees of citizenship cause in the Villa 31 is an evidence of the state failures to promote inclusive policies and initiatives to empower local residents into cooperating with the government. The experience of the *villa* shows that there is an urgent need for reform.

68 La Nación, “*Prefectura dijo que la zona cercana a villa 31 es muy peligrosa*”, 21 August 2009.

69 Interview with the author, July 11, 2011.
need for more compromise from the state to include the local communities in security and development strategies.

The discrimination that this community suffers from police officers reveal the need to promote deep reforms that change the culture of the security institutions into respecting civil and human rights. The fact that many residents are foreigners cannot be a justification for the abandonment and repression that they experience from state institutions. Moreover, the community needs to be empowered outside of the disputes from party politics and clientelistic networks in order to have their own voices heard and really be able to participate in policy making processes. These challenges show that more than just opening participatory channels that are blind to specific local demands, governments and societies need to establish more direct forms of participation that empower individuals to have equal access to public services, and protect them from the abuses of security institutions.
CONCLUSIONS: THE JANUS FACE OF THE STATE

Brazil and Argentina experienced years of military regime, when civil societies were deprived from civil and human rights and became targets to the repressive machine of these authoritarian systems. The return of democracies brought hope that the atrocities performed by members of the state in the authoritarian period would never happen again. Despite the promise of democracies to offer citizens protection from state violence, the electoral systems established in Brazil and Argentina were not sufficient to prevent the continuity of authoritarian and repressive practices by the security institutions in both countries. This study questioned the continuity of violence promoted by members of the state in the democratic contexts of Brazil and Argentina, understanding from the perspective of the communities affected how participatory policies can revert this trend.

The illegal use of violence against the population in most cases affect the communities living in situations of social, political and economic exclusion in the peripheries. The return of democracy coincided with a combination of factors that allowed these communities to remain targets of police violence. A first aspect is related to the incapacity of states to provide effective answers to the economic problems that affected the Brazilian and Argentine societies in the 1980s. Persistent hyperinflation, increasing poverty, and inequality, resulted in a surge of violence in the 1990s in both countries.

Parallel to that, members of the police created “clandestine networks” with criminal organizations, party politics and the elites, perpetuating patron-client and violent political structures. Corrupt police officers and violent police repression criminalizing entire communities contributed to destabilizing urban poor societies in Brazil and Argentina.

The increase in crime rates, also related to the consolidation of the illegal drugs trade in the region, combined with the involvement of members of the police and the government
with illegal activities, and the high levels of impunity that these actors enjoyed created a situation of widespread insecurity in the 1990s. Perceptions of insecurity have important consequences on policy decisions, as in many cases they are translated into demand and support for repressive, *mano dura*, approaches to crime. This approach creates a system of “protection racket” in which the police gain more power to produce the sense of security that the population demands, and in exchange, enjoy less oversight or penalties for the abuses they commit.

This combination in Brazil and Argentina shocked both societies with revelations of the use of torture, the existence of militias and the easiness that police officers killed “suspects” before giving them a chance of facing justice. Human rights defenders called attention to the brutality and discriminatory behavior of police officers against the poor, and pointed to the need of reforms that allowed for more control, justice, and cooperation of security institutions with local communities.

One important concept in Latin America since the return of democracy has been citizen security, which is about political participation and community involvement with state institutions to create more responsive policies and strategies. The examples of the citizen security initiatives promoted in Buenos Aires and São Paulo seen from the perspective of the local communities in Heliópolis and Villa 31, give important insights of the achievements and limitations of these efforts. Despite the recent initiatives promoted to increase community participation in the public security debate, in both Heliópolis and Villa 31 de Retiro the police continue to be a source of insecurity.

Although the spaces opened for citizen participation on public security have contributed to increase local interactions between security agencies and local communities, the cases of Heliópolis and Villa 31 are illustrations of the limitations that these initiatives encountered in practice. In Heliópolis, the community policing strategy and the security
councils increased cooperation between the residents and the police, promoted inclusion, improved trust, and created a sense of security for the local population. These initiatives were successful in improving responsiveness from the state to the local security demands, but had limitations in protecting the community from police violence. When combating drug trafficking and crime or repressing protests and mobilizations, the state has continued to show the same old repressive face that favored and valued police abuse in the past. This contradiction reveals these programs’ inability to make local demands count in higher decision-making levels, exposing the distance among the different security agencies and institutions in leveraging an effective system of citizen security based on community participation.

In the Villa 31, the inability of the state to establish consistent mechanisms of participation for the community in vital issues from housing to security, and the fragmentation caused by the involvement of party politics and clientelistic networks in the relationship between the state and the population, have reduced the capacity of the residents to further their demands in the democratic period and increased their vulnerability to violence.

The experience of the Villa 31 confirms the need for government officials and security agencies to work with local communities, understanding each local reality in order to promote more cooperation and protection. The government has to go beyond simply opening spaces for popular participation in which the elites or the state retain control of the decision making and policy planning processes. The political engagement with vulnerable populations cannot be based on clientelistic and opportunistic relationships, but in a deep and established relationship that includes these groups into the political debate with capacity to further their demands. An efficient participatory mechanism should therefore start by empowering vulnerable communities.
This study has shown the complexities involving the persistence of violence in the democratic periods of Brazil and Argentina, through the perspectives of Heliópolis and Villa 31 de Retiro. Although these experiences cannot be generalized, they call attention to the need of empowering and increasing local community participation in policy and strategy planning in order to offer citizens the protection promised by democracy. Participatory channels need to prevent that particular interests retain power of decision in detriment of the most vulnerable populations. These channels also need to ensure that local demands are taken into account in higher levels of government, avoiding contradicting situations in which the state is both the provider of security and the source of insecurity.
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