

What are the main challenges your country faces in ensuring equal access to justice within the criminal justice system? How do these challenges affect vulnerable groups in your society?

Brazil faces significant challenges in ensuring equal access to justice within the criminal system, especially for vulnerable groups. Among the main obstacles are structural racism, insufficient free legal aid, the lack of mechanisms for conducting independent forensic examinations, and technological limitations.

Challenges Related to Racism and Violence:

Addressing institutional racism is one of the greatest challenges within the Brazilian justice system. Studies point to the disproportionate violence against young Black individuals and the difficulty they face in accessing justice equitably. Research shows that young black people are less likely to seek police help in cases of criminal violence compared to young white people. Ramos et al., in their works "Máquina de Moer Gente Preta" and "Pele Alvo," explore how discriminatory practices within law enforcement can contribute to the over-criminalization of the Black population, perpetuating cycles of social exclusion and inequality. The study "Racial Discrimination in Access to Justice: Evidence from Brazil" confirms that a significant part of the gap in access to justice between black and white individuals can be attributed to factors related to racial discrimination.

The fight against drugs presents additional challenges, especially in peripheral communities where police operations may negatively impact human rights. The report "Segurança da População Negra Brasileira" highlights that racial profiling is common in police stops, with the concept of "reasonable suspicion" being applied vaguely and potentially biased. Court rulings often validate these approaches without questioning their legality, which may contribute to a sense of insecurity among the black population.

The technical note "Desafios da Responsabilidade Estatal pela Letalidade de Jovens Negros" highlights that the majority of those killed in police interventions are black. The justice system faces challenges related to properly investigating these cases, including the need to strengthen evidence collection mechanisms and ensure transparency in procedures. Implementing independent forensic examinations could significantly contribute to ensuring the impartiality and credibility of investigations, avoiding the perpetuation of stereotypes and promoting a more equitable and accessible justice system for all. Addressing these issues is essential to reinforcing society's trust in institutions and ensuring that the principles of justice and equality are fully respected.

Independent Forensics:

The lack of independent forensic examinations represents a significant barrier to accessing justice. Improving existing technical assessments is crucial to ensuring the quality of trials, particularly in urban peripheries. Ramos et al., in "Além da Floresta," highlight the challenges in addressing socio-environmental crimes in these areas, where justice may be limited due to the lack of a robust forensic structure. This deficiency mainly affects marginalized groups that already face additional challenges in accessing justice.

Legal Aid and Defenders' Demand:

The insufficiency of free legal aid is another major challenge, especially for vulnerable populations. Public Defenders face a demand far exceeding their capacity, limiting the effectiveness of their service. Ramos et al., in "Favelas na Mira do Tiro," show how the war on drugs exacerbates social exclusion in these communities, where the lack of adequate defense perpetuates inequalities. The reduced availability of these services means that many citizens continue to lack access to fair defense.

Technology and Access to Justice:

Although technology has the potential to improve access to justice, its implementation in Brazil faces challenges. The digitalization of judicial processes without the necessary safeguards may create new barriers, such as the lack of technological infrastructure in remote areas and low digital literacy, perpetuating inequalities. The expansion of technologies such as facial recognition raises concerns about privacy and discrimination, potentially exacerbating inequalities in access to justice.

Overcoming challenges to equal access to justice in Brazil requires an integrated approach that includes structural reforms, strengthening Public Defenders' Offices, and implementing inclusive technologies. Only then will it be possible to ensure that all citizens have their rights respected and guaranteed, regardless of their background or social condition.

Can you provide examples of initiatives or policies that have been successful in addressing justice access issues in your country? What key lessons were learned from these initiatives or policies?

Brazil has implemented several successful initiatives and policies to expand access to justice, including:

PRONASCI and PRONASCI Juventude:

The National Public Security with Citizenship Program (PRONASCI) and its youth-oriented version focus on preventive and citizenship actions, integrating security with social policies. The main lesson from these programs is the importance of an integrated approach that goes beyond repression and promotes social inclusion and human rights.

Programa Juventude Negra Viva:

This plan aims to reduce the vulnerability of black youth, especially in urban areas, through intersectoral policies. The central lesson is the need for public policies that consider the specificities of racially marginalized groups, ensuring that protection and rights are equally accessible to all.

National Public Security Plan:

Focusing on a public security approach that combines prevention, qualified repression, and the promotion of human rights, this plan demonstrated that security must be treated multidimensionally, integrating actions beyond mere violence containment.

Expansion of Public Defenders and Adoption of Assistive Technologies:

The expansion of Public Defenders, coupled with the adoption of technologies such as assistive algorithms, has been crucial in improving services for vulnerable populations. The lesson learned is that the combination of physical expansion with technological innovations can significantly increase the efficiency and reach of legal services.

Legal Aid Programs with Civil Society Organizations:

Partnerships between the government and civil society organizations to offer legal aid have shown that intersectoral collaboration is essential to reach underserved populations. These programs highlight the importance of civil society's participation in promoting access to justice.

Restorative Justice Plan:

This plan introduced restorative justice practices in various spheres, showing that conflict resolution can be more effective when focused on damage repair and social reintegration, rather than just punishment. Restorative justice has been an effective alternative in reducing recidivism and promoting social peace.

Implementation of Body Cameras on Police Uniforms:

The introduction of body cameras on police uniforms has increased transparency and accountability in police actions, contributing to the reduction of power abuse and rights violations. The main lesson is that technology can be a powerful tool to ensure accountability and protect human rights.

Dative Defense Program:

This program expands legal aid in areas where Public Defenders are not present, using state-appointed lawyers. The lesson here is the importance of flexible mechanisms that ensure everyone, regardless of geographic location, has access to justice.

Small Claims Courts:

Created to resolve minor disputes quickly and accessibly, Small Claims Courts have shown that procedural simplification and speed are essential to expanding access to justice, especially for low-income populations.

Ombudsman Offices:

Both in the public and private sectors, Ombudsman offices act as communication channels between the population and institutions, promoting greater transparency and accountability. The lesson learned is that the active participation of the population in monitoring and reporting abuses is crucial for the continuous improvement of public services.

These initiatives demonstrate that Brazil is moving towards a more accessible and fair justice system. The lessons learned reinforce the importance of integrated, technological,

and collaborative policies to address the complex demands for justice in a diverse and unequal society.



UNODC

United Nations Office on Drugs and Crime

Country: Federative Republic of Brazil

What are the primary challenges your country faces in ensuring equal access to justice within your criminal justice system? How do these challenges impact groups in vulnerable situation in your society? Please provide a thorough and detailed response.

os principais desafios que o seu país enfrenta para garantir a igualdade de acesso à justiça no seu sistema de justiça criminal é garantir o pleno direito de defesa das pessoas privadas de liberdade, estes desafios impactam nos grupos em situação vulnerável na sua sociedade com excesso de prisão, falta de acompanhamento do estado brasileiro das necessidades sociais da população fora do cárcere.

Can you provide examples of initiatives or policies that have been successful in addressing access to justice issues in your country? What key lessons have been learned from these initiatives or policies? Please provide a thorough and detailed response.

Exemplos de iniciativas ou políticas que tiveram sucesso na abordagem de questões de acesso à justiça no Brasil, posso citar a parceria financeira através de convênio com Defensoria do Maranhão para atendimento multidisciplinar para atendimento jurídico. 30% da população na porta de entrada do sistema prisional é impactada pela ação. Este projeto foi ampliado para quase 15 defensoria pública no Brasil e em fase de implementação. As principais lições aprendidas com estas iniciativas ou políticas é a garantia do estado presente no sistema prisional.

What are the best practices currently being implemented in your criminal justice system to enhance access to legal aid and fair trials? How do these best practices improve outcomes for individuals involved in the criminal justice system? Please provide a thorough and detailed response.

As melhores práticas atualmente implementadas no sistema de justiça criminal para melhorar o acesso à assistência jurídica e a julgamentos justos é a ampliação através do CNJ(Conselho Nacional de Justiça do Brasil) do SEEU que unifica os acompanhamentos processuais das pessoas privadas de liberdade do Brasil. Julgamento da ADPF 347 que descontingenciou o fundo penitenciário nacional em 2016 e isso fez melhorar os investimentos no país no sistema prisional que fortaleceu as ações na porta de entrada no julgamento de presos provisórios e obrigatoriedade da audiência de custódia. Os resultados para os indivíduos envolvidos no sistema de justiça

criminal com estas melhores práticas melhoraram na controle da população prisional do Brasil que estimava-se em 2023 seria de mais de um milhão de presos e atualmente, SETEMBRO 2024 é de 650.000 mil pessoas presas em celas físicas e 200.000 mil em prisão domiciliar.

What factors have been crucial in enabling successful reforms or improvements in your criminal justice system? How can these enabling factors be replicated or adapted in other contexts or regions to ensure equal access to justice for all? Please provide a thorough and detailed response.

A liminar da ADPF do Supremo Tribunal Federal em 2016 foi o principal fator para permitir reformas ou melhorias bem sucedidas no seu sistema de justiça criminal do Brasil nos últimos anos. Agora com o JULTAMENTO DA ADPF 347 o Brasil terá um plano de ação federal e estadual em elaboração para os próximos três anos e isso será um facilitador que será replicado no Brasil para garantir a igualdade de acesso à justiça para todos ligados ao Sistema Prisional.