

# Chapter 5

## Corruption, or Just Bad Governance?

### Zika, Water Pollution, and Forced Displacement

#### Executive Summary

Sometimes what looks like corruption may be just plain bad governance: the denial of due process; wasteful spending; the careless neglect of core human needs. Of these, Brazil has its fair share, and they taken center stage in the pre-Olympics press coverage: the Zika virus; water pollution; forced displacement and police violence in the favelas. This chapter explores each of these governance problems at length.

As chapter 1 discussed, the most common definition of corruption is “the abuse of public office for private gain.” Government abuse, standing alone, does not constitute corruption; this abuse must be directed toward private gain. Zika, water pollution, and the problems of favela governance may to varying degrees constitute government abuse, or at least neglect. And corruption may well exist in any governmental institution that has the authority to address these problems. But we draw a bright line between these, on the one hand, and Petrobras or the Dilma scandal, on the other. The latter are plain instances of public officials abusing office to benefit themselves personally; the former may have an element of corruption, but primarily consist of more general abuse or neglect. We ultimately plea for a more disciplined use of the word “corruption.”

This chapter explores the history and contemporary significance of three major governance issues in Brazil: water contamination; the Zika virus; and forced displacements and police violence in the favelas. Each is now receiving, appropriately, substantial attention in the pre-Olympics global conversation about Brazil. But government abuse or neglect does not automatically qualify as corruption; we should invoke that word with care.

As this chapter will discuss, the federal government has opened an investigation into whether the state-run utility provider responsible for monitoring water sanitation has engaged in fraud. While this could constitute corruption, it does not necessarily imply that corruption is the cause of Rio's water pollution problem. Zika may well be a failure to adequately protect public health; but this, too, does not imply that corruption has caused the Zika epidemic. There may not be a more egregious example in Brazil of government abuse than certain policies now being implemented in the favelas. But again, we are not yet persuaded that the origin of this abuse is the systemic use of government office for private gain. In fine, without diminishing to any extent the significance of these governance issues, we caution against the careless hurling of corruption accusations. Corruption is a sub-species of bad governance, but not all bad governance is corruption.

### **Water Contamination**

Brazil bid to host the 2016 Olympics with full acknowledgement the waterways of Rio de Janeiro needed improvement prior to the Games. The bid enthusiastically promised the Games would provide a welcomed opportunity to address lingering environmental problems facing Brazil. As principal motivation for hosting the Games Brazil, and as stated in its bid, "For the people of Rio, the games will transform their city with new infrastructure, new environmental, physical and social initiatives and new benefits and opportunities for all."<sup>1</sup> Brazil also promised to improve quality of living for poor favela communities by

installing functional sewage systems, increased sanitation operations, and other civic development projects.

The country promised to take drastic measures to address one of the city's most embarrassing and serious problems: the waterways where athletes will compete for the Games are significantly contaminated with raw sewage. In 2009 when Brazil bid for the Games, only 11% of the city's sewage reached government water treatment plants. Brazil promised that if the Games came to Rio de Janeiro, the government would address this issue and ensure at least 80% of the sewage would be treated. As of April 2016, only 50% of the sewage from Rio de Janeiro is treated, and this figure is probably optimistic.<sup>2</sup>

The sewage system of Rio de Janeiro is centuries behind the modern world. It is estimated that 30% of the dwellings in Rio de Janeiro lack any type of government facilitated sewage systems.<sup>3</sup> Additionally, Rio de Janeiro lacks an efficiently run modern sanitation system, especially in favela communities. Each day, at least 100 tons of garbage makes its way to the city's waterways. Mario Moscatelli, a Brazilian biologist and environmental activist calls it a "17<sup>th</sup> century problem."<sup>4</sup>

In 2009, these aspirations united Brazilians with excitement. Especially since Brazil would also host the 2014 World Cup, which in conjunction with hosting the Olympics in 2016, seemed to support the acceleration of needed civic development in Rio. In an opinion poll acquired by the International Olympic Committee (IOC) Evaluation Commission in 2009, it was determined that 85% of citizens from Rio de Janeiro and 69% of Brazilians nationally were in support of Rio de Janeiro hosting the 2016 Games.<sup>5</sup> The IOC Evaluation Commission ("the Commission") likewise found the vision of environmental and civic improvements to Rio de Janeiro as a cornerstone of the city's viability to host the Games. A lack of efficient modern sanitation was actually used as an asset to persuade the IOC to select Rio as the location to host the Olympics. The IOC was convinced by Rio's bid that Olympic development projects in Rio

would far surpass potential comparative success in other cities bidding for the Games, including Madrid, Chicago, and Tokyo.<sup>6</sup> Rio's affirmed in its bid that Brazil's economy was steadily on the rise and the country's leadership maintained the political willpower to confront its pressing environmental and civic challenges.<sup>7</sup> By selecting Rio de Janeiro, the transformative power of the Olympics would meet its potential and put on full display for the world to see.

The result of inadequate sewage and sanitation systems is that human feces and trash literally run directly into the waterways of Rio de Janeiro. These waterways include Guanabara Bay, where sailing competitions will occur, Copacabana Beach, where triathlon and open water swimming will be held, and Rodrigo de Freitas Lagoon, where rowing, canoeing and kayaking will take place. Since 2009, Rio de Janeiro has made strides to address this issue. At least 50% of sewage is now treated, small boats work to scoop up pollution and eco-barriers have been installed to prevent trash runoff from entering waterways from favela runoffs. However, according to marine biologists like Mario Moscatelli, these methods are failing severely. Many neighborhoods remain unconnected to treatment facilities.

Recent testing of Rio's waterways revealed that the water contamination is actually 1.7 million times what would be considered an alarming rate in the United States.<sup>8</sup> Contamination levels like this undoubtedly puts the health and safety of athletes at risk. Thus far, a significant portion of athletes who have been exposed to the contaminated waterways of Rio de Janeiro during training for the Games have become ill.<sup>9</sup> Susanne Grainger, a Canadian athlete, saw this first hand. Grainger is attempting to earn a spot on Canada's rowing team and she traveled to Rio de Janeiro in 2015 to train with the team. "Probably half of the girls from our team became sick," Grainger said of her team's visit in 2015.<sup>10</sup> Canada's rowers trained in the Rodrigo de Freitas Lagoon, which is where rowing competitions will be held for the 2016 Games. "The water smelled awful. Like raw sewage," Grainger said.

ESPN discovered a planning document from the United States Olympic Committee dated October 2015 that unequivocally expressed concerns over viral and bacterial contaminants in the water. The document reads, "...We do not expect to anticipate major reductions in bacterial or viral pathogen levels at the competition venues," and "There is currently no way to 'zero out' the risk of infection or illness when competition occurs in any water, and especially in Rio waters"<sup>11</sup>

Determined to make good on its promises, Rio continues to work at improving the situation. In March 2015, the City of Rio de Janeiro welcomed 20 individual specialists from the Netherlands, representing Non-Government Organizations, Government Agencies and private companies, to assess waterway contamination. Under the name, Clean Urban Delta Initiative, the Dutch specialists represent the country's leading experts on waste management. With backing from the World Bank and the Dutch Development Bank, the group sought to capitalize on the momentum of the Games to "ignite fundamental and structural change in the way the Brazilians use the social, environmental and economic potential of the Guanabara Bay."<sup>12</sup>

The Clean Urban Delta Initiative produced a comprehensive report that identifies 20 different ways the pollution of Guanabara Bay can and should be addressed. Unfortunately, Brazil is largely unable to implement the proposed solutions from the Dutch experts because the funding and political willpower does not exist within Brazil's government.<sup>13</sup> Mario Andrada, a senior official with Rio 2016 Organizing Committee stated, "(Environmental improvements from Olympic development) will not happen because there was not enough commitment, funds or energy, especially from the governments that have this task as their goal." The disappointment of Brazil's inability to carry out the promises of its Olympic bid provides Brazilians with another reason to protest their government.

The government is now exploring whether water pollution may in part be a corruption problem. As of April 2016, federal police were investigating the water treatment plants in Rio de Janeiro run by Cedae, the state-run utility corporation, for corrupt and unethical business practices. The company may have been charging for services it was not providing, constituting fraud. Information about the investigation is limited, but it appears that 56 federal police officers raided at least 6 water treatment plants in Rio de Janeiro in April 2016 as part of a yearlong investigation.<sup>14</sup> Still, whether that fraud is the cause of the water contamination remains quite unclear.

### **The Zika Virus**

Rio is of course facing an alarming and much-publicized public health epidemic with the mosquito-borne Zika virus. Brazil is taking aggressive measures to confront this issue. The spread of the virus is a serious concern and it is another problem Brazil must confront in addition to the other issues negatively affecting the 2016 Games in Rio de Janeiro. But we have yet to discover specific and credible allegations that the Zika crisis is a result of the abuse of public office for private gain.

The Zika virus is spread to people primarily through infected mosquitos, but can also be spread through sexual contact. The most common symptoms are fever, rash, joint pain, and conjunctivitis (red eyes). The illness is usually mild with symptoms lasting for several days to a week.<sup>15</sup> Pregnant woman and women trying to conceive are particularly at risk, because scientists now conclude the Zika virus causes microcephaly and other brain abnormalities in fetuses.<sup>16</sup>

The Zika virus is spreading across Brazil's tropical climate, and more alarmingly, so is the rate of microcephaly. According to the Brazilian government, 1,168 cases of microcephaly have been linked to the Zika virus in the country. The World Health Organization also estimates that 3 million

people could be infected with the Zika virus in South America in 2016.<sup>17</sup> Even with these risks, the Zika virus does not deter most athletes and they still intend to compete in the Games.<sup>18</sup>

Like the risk of water contamination, Olympic athletes are aware of the risks associated with Zika virus. The difference with the Zika virus, however, is this risk affects family planning of Olympians traveling to Rio for the Games. Some aspiring Olympians who thought they would have children after they compete in the Games in Rio, now believe they will have to put their plans to have children on hold.<sup>19</sup> One of the more high profile examples is American Hope Solo, a woman in her mid 30's and star of the U.S. Women's Soccer Team. Solo indicated she has serious doubts that she will compete in the Games because of the Zika virus.<sup>20</sup>

The Brazilian government is taking the Zika virus seriously through a national education and eradication campaign. Before her impeachment proceedings, President Rousseff ordered the mobilization of over 200,000 Brazilian military to go door to door to raise Zika virus awareness. The government is also conducting aggressive mosquito fumigation in various cities across Brazil.<sup>21</sup> Olympic organizers in Rio de Janeiro are inspecting venue facilities for areas of standing water and fumigating where necessary. The same inspections will also occur daily during the Games. Officials are also hopeful mosquitos will be less of an issue for athletes and spectators because the Games will occur in the southern hemisphere's mid-winter, when mosquitos are less prevalent.<sup>22</sup>

## **Favelas**

In preparation for hosting the 2016 Summer Olympic Games, Rio de Janeiro is taking aggressive measures to improve the city's poor shantytowns, known as favelas, where upwards of 25% of the city's population resides – but there is substantial outcry to the manner in which this is being done. Allegations

of government abuse leading to unlawful displacements of favelas and police misconduct are rampant, and vehement protests like those that preceded the 2014 World Cup are inevitable.<sup>23</sup> Indeed, it is indisputable that favelas represent a disenfranchised class highly susceptible to imprudent public policy and police misconduct. However, the extent to which government corruption, properly defined, is the root cause of the plight the favela residents face is less clear.

For the people living in the favelas of Brazil, allegations of abuse may exist in two forms. The first is at the policy levels of government where imprudent and unethical public policy is fostered. An example is the forcible eviction of families from favelas to make room for Olympic infrastructure. A government process exists to compensate those families suffering from “forced displacements,” but government offices regularly stray from promises to these families, and the process as a whole lacks transparency.<sup>24</sup> Another example at the policy level is generous government spending on Olympic construction where private industry profits, meanwhile a favela a few blocks away remains without basic community essentials like water or mail service.<sup>25</sup>

The second form of abuse takes place at the street-level by law enforcement and Police Pacification Units (UPPs) are the main culprit. UPPs are law enforcement organizations made up of 20-40 members that have been placed inside favelas to assist with establishing security in favelas to prepare for the Olympics. However, to establish security, police regularly abuse their authority and conduct illegal acts themselves, like street executions.<sup>26</sup> Also, these officers frequently steal personal and residential property to sell and make profit for themselves.<sup>27</sup> Currently, Rio de Janeiro does not have sufficient measures in place to hold police officers accountable for such conduct.

This section provides analysis of the policy-level and street-level abuse affecting favelas that is derivative of the upcoming 2016 Olympics in Brazil. The general historical context of favelas in Rio de Janeiro is provided first, which is useful for understanding how indigent families are so vulnerable to abuse. Next,



there is separate discussion of policy-level and street-level abuse, each with analysis of the effectiveness current laws and procedures have in governing these issues. This discussion will benefit any future host to the Olympics, World Cup, or other mega-sporting event, because the issues presented here are relevant to all nations facing an increase in social class disparities.

### *History of the Favela*

Favelas of Rio de Janeiro trace their roots to the end of the nineteenth century when Brazil was undergoing a transition from empire to republic. Military veterans, who fought to establish a new republic for Brazil, established the first favela in Rio de Janeiro in 1897. Taking advantage of job opportunities within city limits, these veterans worked together to establish small dwellings with shelter materials available on property they did not own because there was a lack of affordable urban housing. Soon thereafter, other Brazilian families followed this precedent and formed additional squatter settlements. These favelas loosely organized into associations to provide a collective voice to Rio de Janeiro City Hall.<sup>28</sup> Some favelas were more developed than others and many lacked community essentials like water and electricity. The commonality of all persons living in favelas was, and remains today, the absence of property rights, titles to land and official government recognition of the community.<sup>29</sup> In the mid-twentieth century, policy makers began to voice concern that these slums were breeding grounds for disease, illiteracy, crime, moral corruption and political radicalism. In response, public housing programs were started to facilitate relocation and reduce the number of favelas. But, resources committed to public housing were not enough to outweigh the growing populations of favelas and consequently public housing programs failed. Favelas continued to multiply and the Brazilian government lacked resources needed to adequately govern these communities throughout the twentieth century.<sup>30</sup>

The lack of adequate government services in favelas, to include a lack of law enforcement policing the communities, resulted in an increase of illicit activities by community members. Organized crime developed, and consequently, even those who did not partake in illicit activity fell susceptible to criminals and drug traffickers who ruled the favelas. Crime rates increased and homicides skyrocketed.<sup>31</sup> Between 1991 and 2007 there was an average of 6,826 homicides per year in Rio de Janeiro. In 2002 there were 62 homicides for every 100,000 people living in the city. This death rate is similar to the genocide that occurred in Yugoslavia in the 1990s or Iraq during the last decade.<sup>32</sup>

Even with an astonishing death rate, favelas of Rio de Janeiro continue to grow. Brazil's national census bureau, the Instituto Brasileiro de Geografia e Estatística, reported in 2000 that there were 1,092,283 people living in favelas, or 18.65 percent of the city population. In 2010, the census bureau reported the number of persons living in favelas to be 1,393,314, which is 22.03 percent of the total city population of 6,323,037. This is a growth in favela population by 27.65 percent in a ten-year span.<sup>33</sup> With the continued growth of favelas, a shift in policy approach occurred beginning in the late 1980s to formally incorporate favelas into the larger Rio de Janeiro community.

The passage of a new Brazilian Constitution in 1988 signifies a policy shift in dealing with favelas. The constitution established unprecedented rights for its citizens and afforded people living in favelas more opportunity, such as a constitutional right to adverse possession of real property.<sup>34</sup> However, the signature landmark for Rio de Janeiro in its social policy shift was the implementation of "Favela-Bairro," a major urbanization initiative led by mayor Cesar Maia beginning in 1993. This program has been viewed globally as a success story for Brazil; a program imitated by other countries experiencing the problem of growing slums.

The goal of the Favela Bairro was to improve already existing favelas with infrastructure upgrades and to provide basic social services. The

coordination of the Favela Bairro was led by the newly created agency, Secretaria Municipal de Habitacao, and it included participation from other municipal agencies like the labor and social development secretariats, the municipal rubbish collection company, and state agencies like, Companhia Estadual de Aguas e Esgotos, the state water agency. To fund the program, Rio de Janeiro obtained an initial loan from the Inter-American Development Bank in 1995 for \$180 million, and the city provided \$120 million of its own funds.<sup>35</sup> By 2000, 38 different favelas had received substantial upgrades. The city repeated the funding process with Inter-American Development Bank for the Favela Bairro again in 2000. By 2008, the Favela Bairro program had reached 168 favelas.<sup>36</sup> The result the Favela Bairro program over two decades was substantial improvement in living conditions in Rio de Janeiro, to include childcare centers, computer centers, training in hygiene and community development, and some members of favela communities began receiving titles to land. Although much more was needed to improve the quality of life for families living in favelas, the Favela Bairro program monumentally improved Rio de Janeiro.<sup>37</sup>

The 2014 World Cup and 2016 Olympics provide an immense opportunity to further the improvement of urbanization in Rio de Janeiro made by Favela Bairro and continue the integration of long-standing favela communities. After winning the bid for the World Cup in 2007, and winning the bid for the Olympics in 2009, federal, state and municipal levels of government have each jumpstarted programs similar to Favela Bairro to prepare the city hosting these mega-sporting events. The federal government began the Growth Acceleration Program (PAC) in 2007 to build infrastructure like bridges, roads and transportation systems connecting the city to some favelas. The state and city of Rio de Janeiro initiated a more ambitious program in 2010, "Morar Carioca," a social legacy program with the goal of improving every favela until the year 2020.

Favela residents point towards the Morar Carioca program as a misguided government initiative prone to corruption. To prepare Rio de Janeiro for the 2014 World Cup and the 2016 Olympics, some favela communities have been forcibly displaced without fair compensation or fair ability to challenge their removal. Community members are also suffering from the wrath of discretion given to police to stabilize the security in favelas. The following section discusses the extent to which corruption at the policy-level and street-level affects favelas.

### *Policy-Level Abuse*

Rio de Janeiro won the bids to host the World Cup and the Olympics in 2007 and 2009 respectively. Since then, and unlike Favela Bairro, urbanization programs have sacrificed transparency in the planning of community development in order to accelerate preparation for these international mega-sporting events.<sup>38</sup> The lead municipal program for Rio de Janeiro to prepare for the Games is Morar Carioca, which was introduced in 2010 by Mayor Eduardo Paes. It is a social legacy program succeeding Favela Bairro with the goal of improving all favelas in Rio de Janeiro by 2020.<sup>39</sup> Morar Carioca has the advantage of benefiting from special laws and regulations like the Olympic Act, which allows for bypassing the usual legal formalities. However, accelerating urbanization efforts results in less structured communication between the government and favela community residents. As a result, urbanization favors the priorities of the government and not necessarily the residents living in the urban areas.

Rio de Janeiro pledges the priority of Morar Carioca is to improve city services in all favelas like water and sewage, and to improve drainage systems, road surfacing and street lighting, to preserve green areas, sports fields, recreational areas, and to develop social service centers such as education and health centers. Importantly, the city has also pledged to facilitate land titling to residents of favelas who have earned rights to land through adverse possession

under Article 183 of the Federal Constitution of 1988, by the Statute of the City (federal law 10.257/2001) and also by various state and municipal laws.<sup>40</sup> Morar Carioca has lived up to many of these promises and improved the living conditions for many favela residents. However, there are also many families who live in favelas suffering from broken promises, and now they face forcible eviction.

Vila Uniao de Curicica is one favela community that was promised upgrades under the Morar Carioca program. Now, this favela is being removed by the city to make room for the Bus Transit Line (BRT) TransOlimpica.<sup>41</sup> The BRT TransOlimpica is a highway being developed to improve transportation lines in Rio de Janeiro. It will serve as both a public highway and a bus route. The Rio de Janeiro Municipal Olympic Company (EOM), the organization responsible for coordinating Olympic construction projects for the city, claims the BRT is one of the most important projects for Olympic preparation.<sup>42</sup> The city government announced this past December that the BRT route had been modified to save 83 percent of the homes originally scheduled for demolition. Now, upwards of 304 families are going to be evicted, instead of the 181 announced this past December.

To make room for BRT construction, the favelas of Recreio II, Harmonia, and Restinga, in Recreio, have all been removed. Yet, nothing has been done with the land these favelas once occupied. Not only do community members allege they were paid insufficient amounts for their removal, but they also allege the BRT and Olympic construction in general are used as a guise to simply clear slums from the city.<sup>43</sup>

When residents of favelas are forcibly evicted, and they can prove they have rights to the property under adverse possession laws or other legal authority, then these families are given several options by the government. The government will offer compensation for the property, theoretically at market value. Or, the family might be able to accept relocation under public housing

social programs, like Minha Casa Minha Vida. However, families often complain the amount paid to them by the government is insufficient. If Minha Casa Minha Vida is not possible, or declined, the family can get the assistance of the public defender and file a lawsuit against the city. Most families do not file these lawsuits because the outcome usually favors the government.<sup>44</sup> Another favela suffering from broken promises by the government is Vila Autodromo. This is a favela that is being removed to make room for the Olympic Park, which according to the EOM is the most important construction project for the Olympics. Residents of Vila Autodromo have fought eviction for years, but eventually in 1994 residents were awarded 99-year land titles. In 2013, Mayor Eduardo Paes promised the favela would benefit from Morar Carioca, that the favela would be improved, and no residents would be forcibly removed. However, on March 20, 2015, this policy changed, and Rio de Janeiro marked the 58 families remaining in the Vila Autodromo community for eviction from their homes under eminent domain laws.<sup>45</sup> Families willing to leave voluntarily would be paid the supposed market rate for their homes, or relocated to public housing in Parque Carioca if possible. For those not willing to leave, police would forcibly remove the families.

Another example of misguided public policy within the effort to urbanize Rio de Janeiro is the federal government's program, Growth Acceleration Program (PAC). PAC began to noticeably contribute to favela improvement in 2007. PAC projects include the development of a cable car in Complexo de Alemão, a spectacular bridge to the entrance of Rocinha, the largest favela in Rio de Janeiro, and an elevator entrance and housing units in the favela, Cantagalo Pavao-Pavaozinho.<sup>46</sup> However, these projects have been criticized because they are viewed as aesthetic projects that improve the look of Rio de Janeiro and not projects that have true utilitarian use to improve urbanization.<sup>47</sup> The priority of PAC appears to be preparation for the Games and not improvement of quality living in favela communities.

Total figures for the number of persons forcibly displaced as a result of the World Cup and the Olympics are disputed. However, a study from the Massachusetts Institute of Technology (MIT) conservatively estimates that 12,275 people from 24 different favelas in Rio de Janeiro have been forcibly displaced from their homes without receiving market rate compensation.<sup>48</sup> There is therefore, undoubtedly, a serious social crisis happening in Rio de Janeiro as a result of the Olympics.

It would be inaccurate to claim the problem of forced displacements in Rio de Janeiro stems from government corruption. This is a social development crisis exacerbated by a combination of factors. However, the conditions causing the disenfranchisement of favelas have similarities to the conditions associated with ineffective anticorruption measures: namely, transparency.

The Morar Carioca program has done wonders for the city of Rio de Janeiro. However, much of the program is designed unilaterally without integrated community involvement. The exact budget is unclear. Mayor Paes has alluded to different fragments of the budget for Morar Carioca, but the budget in its entirety is not accessible to the public. It is also difficult to pinpoint the reasons that policy makers, like Mayor Paes, have changed their policies on favela urbanization in such a striking way. Mayor Paes and other government officials respond to such queries by emphasizing the need to improve the city where it can, and cut losses where necessary. Favela residents forcibly displaced by the government claim the reason is corruption.

For eminent domain authority, Mayor Paes relies upon laws like the Municipal Decree 30.379/2009, a decree stating: "the Executive will make all the necessary efforts to ensure that properties belonging to the municipal government are available for use if they are essential for the 2016 Rio Games, even if they are (currently) occupied by third parties."<sup>49</sup> Laws like this are too broad, over reaching, and ultimately foster misguided public policies.

Communication must improve between the government and the citizens of Rio de Janeiro. By integrating citizens more seamlessly into urbanization and community planning, there is likely to be more acquiescence to the city plans. The Federal Attorney Office for Citizen's Rights has previously made such a recommendation, and stated:

Popular participation must be considered in all phases of eviction, displacement, and resettlement of the population (children, elderly persons, persons with disabilities); mediation must be provided before lawsuits are filed, and even once suits are brought; and the use of police force is to be avoided, but when necessary, conducted by troops trained to deal with the population in question.<sup>50</sup>

Unfortunately, Rio de Janeiro has not heeded this advice. Instead, police forces have been relied upon to "deal with the population in question."

#### *Street-Level Abuse*

Police Pacification Units (UPPs) have been introduced into favelas to "deal with the population in question." UPPs have surged into favelas to regain control of favelas that have been ruled by drug traffickers for years.<sup>51</sup> It is here, at the street-level, that corruption is more discernable – where police misconduct is rampant.

The same protestors that will be seen on television voicing outcry over forcible displacements also voice outcry over police misconduct. However, like forced displacements, police misconduct is not an issue driven purely by abuse surrounding the Olympics. Rather, the Olympic spotlight is providing attention to an enduring social crisis of police misconduct, and a growing disparity between the poor class and law enforcement. One needs only to turn on the news for five minutes in the United States to see that the same issue is happening even in the most developed of countries.<sup>52</sup> However, police misconduct in Brazil is a larger problem than most other places in the world. Rio de Janeiro favelas are commonly viewed as lawless territories because historically they are non-government sanctioned communities. So, to promote



order during the military dictatorship of Brazil from 1964 to 1985, law enforcement tactics became increasingly brutal. Death squads were commonplace, such as the Scuderie Detetive Le Cocq led by the Homens de Ouro.<sup>53</sup> This was an organization of police officers that carried out private justice for local businesspeople. The same type of vigilante police justice – death squads – still exists in Rio de Janeiro today.<sup>54</sup>

Non Governmental Organizations (NGOs) and human rights activists have worked hard to draw attention to the growing epidemic of police brutality in Rio de Janeiro. Some of these groups claim that police and government unfairly blame people living in favelas for social, economic and political turmoil in Brazil. One researcher from the University of Santiago de Compostela, Spain, who has lived in Rio de Janeiro to research law enforcement methods by UPPs, stated in a 2014 article:

The poor have been marginalized by the police and the justice system often to disguise the government's own shortcomings: by presenting the poor as dangerous classes they essentially lay the blame for the country's problems on these communities, leaving corruption overlooked and diverting attention away from their inability to supply adequate housing and social services for a large part of the population. The culmination of this process was the favela being considered the space of 'the enemy' by the early 1990s.<sup>55</sup>

One year after the World Cup bid was won by Brazil, and in response to the epidemic of violent clashes between police and favela residents, the UPP program was launched in 2008. Rio de Janeiro has pledged a total of forty units to be implemented in favelas by the 2016 Olympics. The tactical philosophy of UPPs is different than policing in the past. Prior to UPPs, police would rely on short-duration raids with heavily armed police like military units. The result would literally be war-like skirmishes. Now, with UPPs, police establish a permanent presence in the favelas with the goal of establishing longstanding relationships with favelas residents. The emphasis is strengthening the

community, and not a show of force with assault rifles and armored vehicles like police had done in the past.

UPPs have regained control of the favelas from drug traffickers. However, favela residents claim that the outright intimidation from drug traffickers in the past has simply been replaced by intimidation from the police. In 2012, 1,890 people died during police operations in Brazil, an average of 5 deaths per day. In the state of Rio de Janeiro alone, 362 people died at the hands of the police, or an average of 1 death per day.<sup>56</sup> Police are accused of invading residences without search warrants, conducting humiliating body searches, implementing strict curfews and arbitrary rules prohibiting favelas residents from coming and going in their own neighborhoods. Favela residents are restricted from the use of free speech and from assembling to protest.

UPPs are known to have placed illegal taxes on favela residents through intimidation tactics. For instance, UPPs will cut off utility services to a community, like phone, television cable or electricity, and only turn the services back on when favela residents pay the police a tax, on top of the cost to the service provider. Also, when UPPs carry out forcible evictions, police have been known to steal the title or rights to a favela residence, and then acquire the payment from the government that the evicted family would have received.<sup>57</sup>

When favela residents attempt to protest police misconduct, the protestors are treated like terrorists and arrested or even illegally executed on the street. Under the General Law of the World Cup, Lei Geral da Copa, several criminal laws have been modified to broaden the scope of illegal conduct to enhance police ability to stabilize security in the favelas prior to the World Cup and the Olympics. These laws broaden the definition of terrorism to include "any provocation or infusion of terror or panic." Sentencing guidelines were increased to 15-30 years under this law. The definition of "vandalism" was also broadened, with a sentencing increase upwards of 12 years.<sup>58</sup>

The General Law of the World Cup also directed Rio de Janeiro to create special tribunals in anticipation of increased criminal cases resulting from the expanded terrorism definition. Rio de Janeiro also created a special security office to coordinate the rapid prosecution of these cases. This office is the Secretaria Extraordinária de Segurança para Grandes Eventos, created under municipal decree 7.536/2011.<sup>59</sup>

The legal system is stacked up against the disenfranchised class of favela residents. They are a group of people susceptible to intimidation and coercion by police. When police violate the law and take advantage of them, their ability to voice outcry is hampered by new laws created for the World Cup and the Olympics. Not only do favela residents struggle to challenge police misconduct, the government does not hold police accountable either. One local judge in Rio de Janeiro claims there is an illegal execution by police in a favela at least once per week. Yet, police officers are never prosecuted for misconduct.<sup>60</sup>

Ultimately, the outrage by citizens of Brazil over government abuse is clouded with a myriad of issues. There are dire and unacceptable social issues occurring in Rio de Janeiro, but most of the issues are problems that trace their origins well before the bids to the 2014 World Cup and the 2016 Olympics were won. The spotlight of these mega-sporting events has placed Brazil's human rights issues at the forefront of the international stage, and "corruption" is the buzzword used by Brazilian protestors in the streets. This categorization is too broad.

Forced displacements are resulting from questionable and shifty public policy. However, it cannot be said the root cause is the abuse of public office for private gain.

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<sup>1</sup> Rio de Janeiro Bid for the 2016 Summer Olympics, January 2009.

<sup>2</sup> What Happens When There's Sewage in the Water?, Olga Khazan, The Atlantic, March 31, 2016 <http://www.theatlantic.com/health/archive/2016/03/what-happens-when-theres-sewage-in-the-water/476013/> (Accessed April 21, 2016).

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