

The Importance of Access to Information, Past and Present: Human Rights in Contemporary Brazil

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Abstract

This paper explores the role that the right of access to information may have played in the development of accountability and responsiveness within the democratization process in Brazil. The authors focus on: freedom of information in general, as represented by the lifting of censorship laws that prevailed during the military dictatorship (1964-1985), freedom of access to official documents/information, (known as FOI), regulated by specific legislation and potential links between the two preceding types of information. This paper is based on the authors' experience of conducting research on archival and/or secondary data from various government institutions and on findings from a national cross-sectional study carried out in Brazil, which reveals only weak support for freedom of information. We draw upon this source material to explore potential connections between the continuing lack of strong support from the public for freedom of information and institutional failures to respond and account to society.

Key words: Brazil, human rights, right to information, freedom of information, access to official data.

1. Introduction

The purpose of this paper is to explore the role that the right of access to information plays in the development of accountability and responsiveness within the democratization process. We address two related questions:

- Why is it that 25 years after formal return to democracy in Brazil support for freedom of information and dissent is not widespread?
- Why Constitutional guarantees and freedom of information have not led to the public attributing greater value to this right?
- Have public sector responses to demands for official information reveal accountability and responsiveness played a role in this lack of strong support for freedom of information and dissent?

These issues appear to be linked, as accountability and responsiveness appear to require, besides changes in the culture of institutions, changes in society, since citizens have to learn to actively seek their rights. In this paper we make the assumption that citizens must have access to information about policies and programmes before their legal rights can be translated into lived rights. Furthermore, we contest that *how officials within institutions respond* to the demand for such information can, if properly conducted, empower citizens and ultimately strengthen beliefs in democracy. The importance of contacts between institutions and citizens is more salient in contexts such as Brazil, where during the military dictatorship (1964-1985) citizens learned to fear the state.

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Law enforcement agencies were particularly distrusted, but numerous other institutions also responded to the “chain of command”, oblivious to the needs and expectations of citizens. To explore these issues, we centre our theoretical approach on the relationship between democracy and human rights. In the field of political sociology, academics differ in the importance they attach to key concepts of democracy. There are two main theoretical approaches: some emphasize the importance of constitutional formalities, while others highlight the importance of citizens’ participation. However in both cases “theorizing about democracy has, for the most part, *failed to develop a rights perspective*” (Sjoberg, Gill and William, 2001: 39 [emphasis added]).

There is general agreement that fundamental rights, such as the right to dignified life, have historically most commonly been achieved in societies that have made democratic advances (Pinheiro and Popovic, 1995). It is also accepted that by assuring civil and public rights and freedoms, democracies promote the reduction of inequalities, a key objective in the view of both classical and contemporary sociology. In this paper we explore the importance of the right to information for democracies as they seek to build institutional defenses against the discretionary power of potentially self-interested social and political organizations. In particular, the right to have access to information about governmental agencies allows for the monitoring of human rights. It follows, we suggest, that *access to information*, or the right to be informed is an essential public liberty, if progress towards democratization is to be achieved.

A theoretical ‘rights perspective’ needs to be better understood in the case of Brazilian contemporary society. Twenty-one years of authoritarian military dictatorship (1964-1985) have left their mark on civil as well as political life: this impedes progress towards the universalization of human rights. Democratic improvements achieved such as the reduction of some social inequalities, for example - do not seem to have had the repercussions we might expect for human rights issues. Some rights, granted in the international conventions in which Brazil takes part, have not obtained universal acceptance, independent of class distinctions. This is particularly the case for the right to information, which is the focus of this study.

In order to support our argument, we will first examine the political and social situation in contemporary Brazil. This allows us, in the following sections, to explore in a grounded way the right to information as *a fundamental human right* and, as such, *one of the pillars of democracy*. We will give a brief account of the methodology and results of an empirical investigation which has extended over ten years and was seminal in the development of our theoretical approach and analysis. We examine the difficulties of gaining access to official information (governmental and state) which is necessary for human rights monitoring, and for democratic consolidation in contemporary Brazil.

2. Brazilian Context

In the last 25 years, Brazil has made notable advances on the road to democracy. Political parties have alternated in the exercise of power, inflation has been controlled, and economic and social inequalities have been reduced, while the economy has grown. Freedom of the press, the absence of censorship and freedom of speech have been respected as never before, and have ensured that some instances of corruption and other abuses committed by those in power have been made known to the public. Some progress has also been made in securing transparency for some governmental procedures, through public access to budgets and accounting procedures via the internet, and through the presence of ombudspersons in different government departments. There have also been improvements in the country’s position in terms of the Human Development Index (2011) as result of gains on social indicators (Kingstone and Power, 2010).

Despite such improvements, however, access to public services (in particular health, education, housing and public transport) by the poorest groups is still precarious (Salardi, P., 2009; Justino, et al., 2004, Neri, 2007), as is the quality of such services, when they are available. The incidence of violent crime has grown (Adorno and Salla, 2007; Zaluar, 2007), organized crime has emerged in various areas of the country, and corruption in the three branches of power, judicial, executive and legislative, seems (Moisés, 2010) to have grown in frequency and visibility. Not surprisingly, therefore, trust in politicians and in political parties has declined. In 2010, only 44% of Brazilians believed that Congress is a key institution for democracy, the lowest percentage recorded amongst 18 Latin American countries (Latinobarometro, 2010).

For the past two decades the authors have been part of a collective effort to monitor access to human rights and to unravel the connections between such access and the performance of key institutions, such as the criminal justice system and the police in particular, in ensuring the right to life and support for human rights in particular for support for democratic rule of law and for democracy. A particular challenge has been that the return to democracy has been concurrent with a growth in homicide. One of the perspectives adopted (by Cardia, ([2010] 2012)) was to record the incidence of exposure to criminal violence and trace any potential effects on people's attitudes, values and beliefs about human rights, key institutions, punishment, democracy and the use of violence by the authorities. A cross-sectional study was designed to be applied every two years to a representative sample in the city of São Paulo. The study started in 2001 and in 2010 was extended to 11 of the 26 state capitals in Brazil. This research uses a structured questionnaire applied to respondents aged 16 years upwards. Questionnaires were administered through face-to-face interviews in the respondent's home. A total of 4025 questionnaires were administered across the country. The questionnaire covered exposure to violence in the previous year, fear, perception and engagement in collective action, attitudes and values to violence, punishment, human rights, public security agencies, and democracy¹.

2.1 Public support for the right of freedom of information and expression: survey results

In this section we present the results on people's attitudes to freedom of information and the right to express dissent. The Military Dictatorship had played a very visible role in limiting access to information and in penalizing political dissent. It was expected that, having experienced for twenty-one years political censorship and the control of the content of artistic production: books, films, plays, TV and radio shows, on returning to democracy Brazilians would unquestionably place a very high value in freedom of information and of expression of dissent. Moreover, the censorship involved not only material of political and ideological nature, but covered moral issues, aesthetics, values and behaviors. Political demonstrations were not allowed and during extensive periods, and fear of expressing political opinions outside intimate groups prevailed. Support for freedom of expression and information was tested by asking respondents whether they agreed or disagreed with six statements about these issues (see below). Agreement was measured on a five-point Likert-type scale. Results were as follows:

Table 1: Freedom of Information and Expression

Statements	Disagree %	Agree %
Against freedom of information and expression		
Every country must have the right to expel people whose political position threatens the government	53	44
There are occasions when press censorship is justified	54	42
Every country has the right to remove the citizenship of persons should they threaten national security	56	40
There are occasions in which to keep social order it is necessary to imprison people for their political position	57	40
There are occasions when people should be prevented from expressing their opinions	67	31
For freedom of information and expression		
The government should never be allowed to violate or censor private correspondence	38	60

Source: Cardia, ([2010] 2012)

The strongest support for issues concerning freedom of information and expression (see above) comes for individuals' right to express their opinions (67% support this) and their right to have their private correspondence respected (60% in support). Only a weak majority of between 53% and 57% however disagree with other less personalized restrictions to citizens' rights. Around four, in every ten respondents agree that:

- 'every country must have the right to expel people whose political position threatens the government' (44%),
- 'there are occasions when press censorship is justified' (42%),
- 'every country has the right to remove the citizenship of persons should they threaten national security' (40%) and

- ‘there are occasions in which to keep social order it is necessary to imprison people for their political position’ (40%).

These findings show that, after two decades of democracy, the support for basic rights is not as widespread as was initially expected.

What then are the key variables which explain this lack of support? Initial exploratory analysis combining demographic variables and the experience of violence victimization (exposure to violence scale)² suggest that education and income are likely to be key factors: the stronger support for such rights, comes from the more educated, higher income groups. This is paradoxical as the lesser educated and poorer are the ones that stand to benefit most from access to information. Also important seems to be contact with violence: respondents who have been more exposed directly and indirectly to serious violence, tend to present weaker support for both the right to expression and the freedom of information. Could the experience of violent victimization be feeding authoritarian attitudes? The data is cross-sectional and further multivariate analysis is necessary, but indications are that experiencing violence may undermine support for freedom of information and expression.

How well enforced are the freedoms and guarantees present in the Brazilian Constitution in real life? Besides the individual’s experience with violent criminality the media and human rights groups continue to report pressures, threats and violence against journalists and human rights activists, as well as against political opponents in particularly in smaller to middle-sized towns and in rural areas. Violence against journalists and activists are more common when they denounce violations and/or corruption perpetrated by powerful groups or when rights are advocated for vulnerable groups such as land demarcations for indigenous groups or land reform for landless peasants, or when activist seek the protection of the environment. Violence has varied from threats, vandalism, and damage to installations to total destruction of offices to actual killings. The National Association of Newspapers, the Brazilian Association of Investigative Journalism and the Inter-American Press Society have reported instances where journalists have been injured and killed while the perpetrators have enjoyed total impunity. Could it be that the gap between the formal protections and guarantees for freedom of information and what people witness in real life affects their support to such rights?

Another source of threat to the enforcement of the legislation on freedom of information is the lack of transparency about the ownership of local media. The combined ownership of local radio, newspaper and television stations by politicians creates a virtual monopoly of information, challenged only by those with access to the internet. The prevalence of such near total control of the media is difficult to measure, though fragmented information suggests it is not rare. The fact that it does occur suggests that voting decisions, under certain circumstances may not be autonomous and independent of external influence. Also not infrequent is recourse to judicial “gag orders” to silence the media in relation to unwanted disclosures about politicians. In a period of only two years a national newspaper counted 17 cases of “gag order” ordered by politicians and issued by courts in Brazil (O Estado de S. Paulo July, 31st, 2011, p. H10).

In the field of human rights, again there have been greater changes in law than de facto.³ Though since 1996 the country has produced three National Human Rights Programs⁴, human rights violations continue to be commonplace, as has been documented in the biennial national reports covering civil, political, social and economic rights published by the Centre for the Study of Violence (NEV, 1999, 2002, 2007, 2010). These findings are supported by reports produced by Special UN Rapporteurs on torture, extra judicial executions, and on the independence of judges and lawyers⁵ as well as by the information reported by international human rights NGOs, such as Human Rights Watch, Amnesty International and Global Justice.

Recent events suggest that it is easier to change laws than it is to change actual practices. This is not unique to Brazil, but also the case in other transitional democracies in Latin America (Lutz and Sikkink, 2000). The reasons for this disparity may lie in the distance between lawmakers and those who actually implement the laws, and exercise control, as well as on the role that civil society can and is willing to play. This raises questions about the sources of resistance to change: the role of social norms, of informal networks of control at the micro level, of uncertain support within institutions for enforcing reforms, as well as the part played by feeble “vertical accountability” (O’Donnell, 1998; Diamond and Morlino, 2004).

2.2 The right to information as a human right

In the struggle for the right to information and expression, the freedom to access official information has been acquiring greater salience. Though according to Walby and Larsen (2012), legislation to ensure public access to official records can be traced to centuries ago,⁶ it was only after the Second World War, after the experience of Holocaust and the authoritarian regimes and dictatorships that engendered it, that the crucial importance of the right to information was fully recognized.

If the emergence of new dictatorships and authoritarian regimes was to be prevented, and totalitarianism eradicated, the right to information was thought to be essential (Arendt, 1973). An informed civil society, it was hoped, would provide stern opposition to authoritarianism. The right to information in contemporary democratic societies was therefore seen as a crucial factor in the struggle for citizenship; it is the foundation upon which all rights are built. Just as there is no democracy without the protection of human rights, so there can be no viable human rights agenda without respect for civil and public liberties, amongst which is the right to information. Article 19 of the U.N. Universal Declaration of Human Rights (1948) states that:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Article 19 refers to various rights: the right to be informed, to share information with others, to formulate an opinion and to express such an opinion. These rights were ratified by: the European Convention on Human Rights (1950), the United Nations Covenant on Civil and Political Rights (1966), and the Inter American Convention on Human Rights (1969) amongst others (Lafer, 1994).

Though the word ‘censorship’ does not appear in the United Nations or in the European Convention documents, it is implicit in the texts that the aim was to protect individuals against the potentially abusive power of a state controlling access to information through censorship. The Inter American Convention on Human Rights (1969) was the first to refer specifically to the need to prevent direct censorship as well as indirect forms of control over the content of information, as essential for the exercise of this right:

“The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.”⁷

In 1993 The Vienna World Conference on Human Rights reaffirmed the role of free diffusion of ideas as a key element of the right to development, essential for the exercise of citizenship, of justice, of democracy and civil liberties. In the UN Millennium Declaration (UN, 2000) the right to information was extended to include the right to digital inclusion in order to ensure that the benefits of new technologies are available to all.

More recently the definition of the right to freedom of information has been expanded to incorporate the concepts of transparency, accountability and responsiveness. If earlier, freedom of information meant freedom from the control of the state and later this came to include freedom from private monopolistic controls, now it is being demanded that the state open its archives and its documents to public scrutiny. There are presently as many as 80 countries with laws granting citizens’ access to information at all levels of government. It is expected that as result such laws will have helped to “facilitate information access in a participatory and democratic manner and reinforce government accountability” (Walby and Larsen, 2012: 31).⁸

There is another important facet to the right to information: it is not only the freedom to receive information and to express opinions that can be violated, but also the right to access one’s history. Citizens have the right to know about the past, to be informed about previously enacted policies and programmes which entitle them to protections; to know how political campaigns have been funded, how public resources are being used and in how far promises made during political campaigns have been fulfilled. Less discussed in the literature is the right to scientific and technological knowledge, in particular when such knowledge derives from publicly funded research.

2.2.1 The relationship between democracy and support for human rights

As we have seen in the opening section of this paper, despite the affirmation of human rights in the 1988 Constitution, the case of Brazil suggests that *respect for human rights may not be a necessary result of the process of democratization*. In fact, generalized respect for human rights seems to involve a complex interaction between both internal and external sources of pressure⁹.

To unravel the complex relations between democracy and human rights, not only in transitional contexts, but also in democracies undergoing crisis (the “dissatisfied democracies”, (Lagos, 2003; Moisés, 2011) - where the public’s confidence in institutions, in particular in political parties, has declined, - it seems vital to explore a number of related issues: rule of law, state accountability, state responsiveness, implementation of human rights, democratic values and re-socialization, culture, change and permanence or recurrence, not to speak of active resistance to change.

How can such questions be answered within a sociological perspective on human rights? Sociologists such as Bryan Turner, Lydia Morris and Anthony Woodiwiss, acknowledge that a sociology of human rights is ‘a work in progress’, and one that has a number of critics. Turner (1993) for instance, notes objections to the normative and universal dimensions of human rights that can be found in classical sociology, especially in the works of Durkheim, Marx and Weber. However, not even Turner’s perspective is immune to criticism:

“But a further problem for sociology is that Turner’s strong emphasis on the need for sociologists to find a universal normative foundation for their approach perhaps leads to a narrowing of the scope of investigation. Are there not benefits in sociologists approaching human rights with a more open conceptual framework?” (Hynes et al, 2010: 817).

The alternative proposed is a “social constructionist perspective” (Waters quoted by Hynes et al, 2010) that emphasizes the historical and cultural context, including political interests in the development of a sociology of human rights. Another alternative is that based on the work of Michel Foucault, as advocated by Woodiwiss (2005). In the present paper, although we recognize the contribution made by this academic debate, we seek to take up an intermediary position in regard to Turner and his critics. We propose to approach the right to information and the right to freedom of expression (whether viewed from the perspective of a sociological theory of human rights or from the perspective of democracy) within a normative, universalist and cosmopolitan framework of values rooted in the notions of human dignity and equal rights for all citizens. Without social actors, human rights would remain an abstract ideal, without meaning in peoples’ daily life. We recognize that the consolidation of human rights depends on struggles within societies at specific historical moments. As we all know, actors struggle within specific social and institutional contexts such as those marked by the legacy of authoritarianism. In such cases profound social and economic inequalities are reinforced by the political elite’s strong resistance to democracy, to the modernization of social structures and to collective action, while on the other hand political and institutional relations are rife with corporatism. Our theoretical approach seeks to draw the links between these different sociological perspectives and to connect them to the everyday lives, attitudes and behavior of social actors.

2.2.2 Freedom of access to official documents/information (known as FOI) in Brazil

Access to official information in Brazil, at present varies in the degree of difficulty which is encountered. Some data are difficult to access because they have acquired the connotation of being “sensitive issues”; in other cases the culture of the institutions and persons in charge of producing the information is unhelpful. The first type of difficulty involves thorny political choices, either because compliance with the request for information would demand that suppliers of information confront interdictions and historical agreements or pacts (made in order to ensure a peaceful transition to democracy), or because compliance risks revealing weakness/failures of democracy such as corruption or gross violations of human rights. In the second case, state officials need to be made aware of the importance of their role in fostering access to human rights, and in providing good quality, useful information. For example, they could produce information that allows a clearer view of inequalities by routinely breaking down data according to gender, race/ethnicity, age, rural/urban and so forth.¹⁰

They also need to be encouraged to design programmes and policies based on needs, and to monitor and evaluate the progress they are making.

Some official sources of statistics, such as the Brazilian Institute of Geography and Statistics (IBGE) which is in charge of regular social and economic surveys, population and other census data (agricultural, industrial and so forth); the mortality and morbidity data from the Ministry of Health or the Institute of Applied Economic Studies, produce good data and do so regularly. Still, even they are not immune to problems. Lack of improvement in data quality is due to a combination of factors, including the low priority attached to any such improvement, the powerlessness of relevant sectors to gain cooperation from people who provide the original data and a lack of pressure from organized civil society and/or the media.

The fact is that in numerous critical areas there is a lack of reliable official data which, if available, would allow for better interventions to be designed and hopefully for the reduction of deficits in access to rights. In particular those involving: justice, human rights, social welfare, urban infrastructure, housing, violence against women, the elderly, child victimization, maternal mortality, prison conditions, and so forth. Data concerning state officials (police, prosecutors, judges and politicians) are notoriously difficult to access, as are official records about what has been termed “sensitive issues”, such as corruption. Sometimes access to information is difficult because the content of the information requested, either directly or indirectly, refers to aspects of the performance of state officials that may reinforce a negative image. Even in established democracies there may be reluctance to inform society about potentially negative facts. This demands much maturity from state officials and a strong civil society - elements not frequently found in democracies such as Brazil¹¹.

This is the case, for instance, when the information sought concerns the violation of rights in which state officials hold much of the responsibility for the violation. Examples include: torture in prisons, prison conditions in general, statistics about mortality and cause of death of prison inmates, use of lethal force by the police (to identify whether the use was legal or abusive), amongst others. On other occasions the information is not available because there is no awareness of the importance of producing such information, at least not at the level requested. This lack of an institutional culture of transparency has jeopardized numerous attempts by scholars to provide the public and government with what would be key information for political decision making. Examples include research on the working conditions and health of police officers in very high crime areas of Rio de Janeiro (Souza, 2007); research to implement a homicide surveillance in São Paulo (Gawryszewski and Mercy, 2004), research on the level of impunity (Adorno and Pasinato, 2010) research on the presence of alcohol and drugs in victims of homicide (Brasil, Presidência da República, 2010; Carlini et al, 2000).

2.2.3 New legislation to secure future access to official information

The Cardoso administration (1995-2002) enacted a law that effectively ensured perpetual secrecy for state documents classified as “ultra-secret”. Once a document received this label, it was de facto banned from public access forever, since the initial 30 years ban was renewable for another 30 years, making sure that no one potentially interested in such documents would ever see them. Since Lula da Silva’s election in 2003, this law has been under discussion, although the intensity of the discussion waxes and wanes and involves only the elite media. Lula (2003-2010), at the end of his 8 years in office sent new legislation to Congress reducing the duration of the ban on “ultra-secret” documents to 25 years *without extension*. This law of access to official documents (Lei de Acesso à Informação Pública) is effectively a freedom of access to information (FOI) law. It was sanctioned by the new president Dilma Rousseff on the 18th of November 2011, effective by mid-May 2012. In December 2011 the General Accounting Office made public a survey on the values, knowledge and culture of civil servants in the federal government with regard to public access to official information. This survey (Brasil, Controladoria Geral da União, 2011), conducted by a prestigious Brazilian anthropologist, Roberto DaMatta, revealed many obstacles within government to the new law. One thousand and fifty nine high- and middle-level civil servants were interviewed about the new legislation. Results revealed that if the law to secure future access to public information is to be successfully implemented, major changes are needed in institutional cultures as well as in civil servants’ perceptions of their tasks, of the role information plays, of how society can use information and of what constitutes secret information.

3. Conclusions: consequences for democratic consolidation in contemporary Brazil

To fulfill the criteria of accountability and responsiveness, civil society must be able to monitor what is being done by agents of the state. One key element in monitoring is to follow how the protections and guarantees which secure human rights are being enforced. This demands access to information: people must be informed about what state agents are doing, and how well they are exercising the power they received from voters.

We need to understand what explains the survival of mechanisms of withholding information from the public, twenty nine years after the end of the dictatorship. Why do so few demand information about the past or point to the likely consequences of limiting access to information that should be public? The ambiguity about the role that rights have in democracy survive in Brazil is not limited to the right to information: the concept of accountability and the need for those in power to respond to the initiatives from organized civil society, and for the exercise of power by those in government to be controlled, seem not to be sufficiently well understood.

In addition elected officials and civil servants appointed to higher positions actively resist changes, ignoring their duty to account to voters, as if winning elections means a *carte blanche* to act as they please.

Lack of strong public support for the realization of the right to be informed and to express demands or dissidence suggests the survival of a type of authoritarian submission (Pinheiro and Poppovic, 1995; Pinheiro, 2001) on the part of civil society in Brazil that must be more systematically addressed in academic studies. Certainly the continued gap between what is written in laws, what is enforced and what is experienced and witnessed by the public must play a role if such authoritarian submission should it be true. Research has extended our knowledge about patterns of access to rights and about violations of rights; it has also given us detailed information about living conditions, the experience of violence, social relations, attitudes and beliefs about the legal system, the legitimization of laws and the criminal justice system. We now know more about beliefs concerning the relations between the governed and government, about patterns of civility, social capital and so forth. However, the obstacles put in the way of citizens' access to official data remain and have proved surprisingly resistant to change, regardless of which political party is in power at local, state and federal level. Political parties with different ideological beliefs, different programmes and goals nevertheless converge where lack of transparency, accountability and responsiveness to civil society, suggesting that the problems are more deeply rooted in society.

Throughout the years of experience with democracy it seems that some gains from democracy are being taken for granted: perhaps freedom of access to information remains less valued today because people are deluded by the "freedom" they feel when using the internet, or when subscribing to cable, when downloading a film or a song. This could be feeding an illusion that governments can no longer restrict citizens. The younger generation knows about censorship only by hearsay: they did not witness the dictatorship nor have they felt the fear or suffered the constraints. The older generation may have forgotten the experience, as people tend to do with unpleasant memories. There is danger in both forgetting and in the illusions.

Notes

¹ The questionnaire has been regularly applied in São Paulo under the coordination of the author B over the last 10 years to monitor the impact of exposure to violence on attitudes, values and beliefs.

² The exposure to violence scale combines responses to questions about having been victims of different types of violence (varying degrees of seriousness) in the previous year and having witnessed in their neighborhood different types of violent incidents, again with varying degrees of seriousness, in the previous three months. The scale has five points and ranges from "no exposure"- meaning "no contact" with violence (direct or indirect), through violence that was witnessed but not serious, serious violence witnessed, direct victimization but light offenses and direct and indirect serious violent victimization.

³ Torture and abusive use of lethal force by the police still occurs despite legislation that has defined what constitutes torture, and has moved the jurisdiction to try military police officers accused of homicide to civilian courts (instead of Military courts, as previously happened). Legislation has also promoted institution building, in particular through the creation of a National Secretariat for Human Rights, attached to the Presidency of the Republic as well as the establishment of Police Ombuds offices to attend to civilian complaints about police behavior.

⁴ In response to the recommendations from 1993 World Conference on Human Rights in Vienna.

⁵ The following Special Rapporteurs from United Nations Council, visited Brasil: Nigel Rodley, Special Rapporteur on Torture (Aug/Sep. 2000), Asma Jahangir, Special Rapporteur on Extrajudicial, Arbitrary and Summary Executions (Sep. 2003), Leandro Despouy, Special Rapporteur on the Independence of Judges and Lawyers (Sep. 2004) and Philip Alston, Special Rapporteur on Extrajudicial, Arbitrary and Summary Executions (Jul. 2008).

⁶ The earliest being that of Sweden's Press Act of 1766 (Walby and Larsen, 2012).

⁷Article 13. Freedom of Thought and Expression, paragraph 3 Inter American Convention on Human Rights. (1969).

⁸ Another interesting development from the freedom of information laws concerns their role as new sources of information for sociologists about the inner workings of government and about changes over time (Walby and Larsen, 2012) and information sharing between agencies within and between countries (Wenjing , 2011).

⁹ Moravcsik (2000), for instance, analyzing the progress of human rights regimes in Postwar Europe concluded that the success of the European Court of Human Rights was not the result of efforts by consolidated European democracies but of the new or re-established democracies strategically employing international commitments to consolidate democracy at the domestic level.

¹⁰ This was a key recommendation of the International Association of Official Statisticians Conference in 2000, which focused on Human Rights and Statistics. It was taken up by the Metagora project with the support of OECD - Paris in 2004. This aim is still unfulfilled but IASO continues to promote the production of official statistics as tools to advance access to human rights.

¹¹ While the transition to democracy fostered the organization of social movements and the formation of multiple non-governmental organizations, during the process of consolidation numerous civil society leaders took up positions in different spheres of government. This has reduced some of the autonomy, power and dynamism of civil society to challenge the authorities about their policies and performance.

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