

What is the

**STATE PUBLIC
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The Rio de Janeiro State Public Defender's Office provides full and free legal assistance and guidance to vulnerable individuals, such as children, elderly, disabled, refugees, indebted, women victims of gender violence, victims of racial or sexual prejudice, as well as those who do not have the financial means to pay the costs of such services. In addition, it promotes human, individual and collective rights, as provided for in the Constitution. Gratuity of Justice covers legal fees and expert testimony, court costs, as well as extrajudicial costs.

In criminal cases, under the constitutional principle of ample defense, anyone can have their defense sponsored by the Public Defender's Office, regardless of their economic condition. It should be noted that not only the individuals are entitled Gratuity of Justice. Legal entities in financial difficulties, such as micro-enterprises, can take advantage of the sponsorship. Non-profit societies and community associations can also be sponsored upon declaring insufficient resources.

Public Defenders are Law experts and may join the Public Defender's Office after at least two years of practice, upon passing a rigorous set of tests and titles examinations. Ahead of the institution is the Defender General, a position currently held by André Luís Machado de Castro, appointed by the Governor, after being elected by the category for a two-year term with possibility of renewal for the same period.

The institution currently relies on 800 Public Defenders in activity and about 1,500 public staff members distributed in Rio de Janeiro's 92 counties, serving, thus, every state municipality.

Legal assistance provided in 2015/2016 (until June)

TOTAL CASES:

2,433,675

CIRCUIT JUSTICE

43,351

SOCIAL MOBILIZATION

33,155

CONTACT CENTER

Received calls:

1,098,005

Assistance through the
"Contact Us" channel

35,719 messages

Circuit Justice: Itinerary service through which defenders, prosecutors and judges reach the citizens - especially the poorest - to provide legal assistance.

Contact Center: direct service channels by phone or internet for appointments or information.

Social Mobilization: Regular initiatives to offer legal services to the population in general.

INDEPENDENT BODY

The strong positioning in favor of citizenship is the Office's top agenda, even though this may imply litigating against the state itself and other powers. Through notes, interviews, public hearings, articles, brochures, judicial and extrajudicial actions, the institution states its positioning on high-profile issues, even when it means contradicting diverse interests. An example is the defense of legal age at 18 years, what is contrary to the bill currently under consideration in Congress proposing its reduction to the age of 16.

Recently, the Office acted for the salary fulfillment of retired public employees and pensioners, contradicting government decree postponing the payments. A Public Civil Action blocked public funds, forcing the state to immediately make the payments.

The Office works on (among other actions):

- Combating prison overcrowding with intense defense of custody hearings
- Defending victims of police violence
- Promoting decent treatment for transsexuals in the prison system
- Combating vexatious frisks in prisons and in units of the socio-educational system
- Ensuring women's right of having doula accompaniment during childbirth
- Habeas corpus to prohibit detention of children and adolescents without clear evidence of the commission of a specific criminal offence, ensuring the right to come and go
 - Intermediating extrajudicial settlements for the compensation of victims of major consumer accidents
 - Eradicating under-registration, ensuring the issuing of civil documents
 - Ensuring seats in schools and day care centers, providing ample access to education

“Eles me defenderam no chão e me choraram. Os agentes são homossexuais”
María Silva, transsexual e ex-prisioneira



DEFENDING HUMAN RIGHTS

The work performed by the Human Rights Defense Center at the State Public Defender's Office reaches all kinds of violation of rights and freedoms, collective or individual. An example is the legal assistance provided to families of victims of police and state violence, in claims for state compensation and also as assistant prosecutors. The work does not prevent the Center from also assisting families of police officers killed on duty.

The Center also promotes initiatives to ensure decent conditions for inmates, such as requests for at least a one-hour daily sunbath time for the prisoners; requests for the prohibition of picture disclosure of those who have not yet been to trial and convicted; and requests for doctors, including specialists in women's health.

It is also a responsibility of the Human Rights Defense Center all the work in favor of sexual diversity, to combat racism, religious intolerance and racial inequality, as well as support for refugees, whose settlement in the country is assisted and access to basic rights is ensured. Recently, the Defender's Office assured that a Syrian child had surgery funded by the government.

ENSURING ACCESS TO HEALTH CARE

The State Public Defender's Office also acts to guarantee that all citizens have access to health care through its Department of Health and Public Protection. Around 70% of the proceedings in course at the Court of Justice are under the care of the Office, most of them concerning medication supply, access to medical treatments and to proper hospitalization.

The Department reached outstanding results notably in cases of great relevance to the population, adopting effective measures against the crisis that has directly affected the national health system. In 2015, the Public defender's Office joined the crisis cabinet created with the objective of commending the government for solutions. One of the favorable results was the immediate transfer of the required financial resources.

In partnership with the Prosecutor's Office, the Defender's Office recommended a contingency plan with measures such as the immediate identification of the units with restrictions on service and requested information on why they were not working properly. Up to this date, the Office's staff members promote regular visits to all units in the city of Rio and throughout the state.

This year, the Department obtained an injunction forcing the government to transfer funds required for the proper operation of the Pedro Ernesto University Hospital, one of the most important in the state, which was in danger of closing. More recently, a favorable decision was obtained, ensuring the supply of medication for patients with hepatitis C.

PRISON SYSTEM

Rio de Janeiro's prison system is constantly under close observation by the Public Defender's Office. Through the Prison System Center, the institution promotes programmed inspections in the state's prisons, in order to check the general conditions and if prisoners' rights are being properly respected. Today, Rio de Janeiro has a prison population of 48,809 people and only 27, 242 vacancies, a fact that, by itself, indicates violation of rights.

In a recent action, the Inter-American Commission on Human Rights, within the Organization of American States, determined the Brazilian government should resolve the matter of overcrowding in the Plácido de Sá Carvalho Penal Institute, part of the prison complex of Bangu. The Defender's Office found that, only in the last six months, 13 inmates died in the institute, operating well above capacity and managing issues ranging from lack of medicines to lack of drinking water.

Nevertheless, this is just one of the several works performed by the Office. Another effort is to ensure health care by gynecologists to pregnant women in prisons. The initiative was reinforced last year, after a pregnant inmate gave birth in solitary confinement, without any assistance.

The Office's performance in custody hearings also stands out - those arrested in the act of committing a crime must be presented to a judge in a 24-hour period. More than 90% of the defendants are represented by public defenders.



STREET POPULATION

The Rio de Janeiro State Public Defender's Office, through its Human Rights Defense Center, plays an important role with the population on the streets. One of the initiatives promoted by the institution is the "Round of Human Rights", held periodically in different parts of the city to verify if the street dwellers have been suffering any kind of violence by government agencies, such as the Municipal Guard or the Military Police. With information collected in the field, the Office investigates such violations and seeks to act against any "cleaning" policy that might be implemented.

The Office, along with the Federal Public Defender's Office, requested an emergency meeting with the city government to address the received complaints, mainly due to the proximity of the Olympic Games and the intensification of the operations ordered by the municipality. An administrative solution is expected, as an alternative to a legal one, for cases such as coercive driving the shelters, removal of belongings and documents and even physical aggression.

Through social initiatives, the Office also acts to ensure dignity and citizenship to the most vulnerable, regarding the issuing of personal documents. On these occasions, the assisted population is conducted to civil identification stations and other units responsible for the issuing of such documents and gain access to social benefits, such as financial aid and food.





THE RIGHT TO HOUSING

The Land and Housing Center at the State Public Defender's Office aims at ensuring the right to housing. The mega events, such as the World Cup and the Olympics, have generated several violations in the right to housing. Real estate speculation excludes the disadvantaged from the city, a portion of the population already living in precarious conditions. Vila Autódromo, Estradinha, Gamboa, Parque Colúmbia, Cidade de Deus and Metrô Mangueira are some of the communities attended by the Center in mediation efforts against the removal of families and ensuring their relocation.

About 600 families resided in the community of Vila Autódromo, for example, which lied in the area of construction of the Olympic Village. The Center followed the process from the start and, currently, the 20 families maintained in the community, after having their houses removed, will receive new ones. Vila Autódromo's urbanization project, however, will only be completed after the Olympics.

The Center acts in the legal defense of the right to housing in case of removals, evictions, repossession and other land conflicts. The Center also monitors administrative procedures which pose risks to the ownership and housing of dwellers of vulnerable communities and promotes landholding legalization.



DEFENSORIA PÚBLICA

DO ESTADO DO RIO DE JANEIRO

 www.defensoria.rj.def.br

 Contact Center: 129  Ombudsman: 0800 282 2279

 fb.com/defensoriapublicadoriodejaneiro

Press Office

Contact: imprensa.defensoriarj@gmail.com

Phones: +55 21 2332-0939 | +55 21 2332-6043

+55 21 2332-6191 | +55 21 98596-5462