

2023 International Forum on Legal Aid

National Report: Brazil

1. Please provide up-to-date information about your country and its legal aid organizations.

Information about your country (region or state)*				
Country	Population (by the end of 2022)	GDP (by the end of 2022)	Poverty line & population living in poverty	Total no. of practicing lawyers
BRAZIL (Federative Republic of Brazil) 26 States and the Federal District (Capital)	213,317,639 people	1,920,095.56 (millions) (2022 – World Bank report)	People with per capita household income of up to USD 100 per month reached 62.9 million Brazilians in 2021, which represents 29.6% of the country's total population.	In 2023, there were 6,956 Public Defenders in Brazil (Annex 1).
* In addition to the country information given above, for countries with federal systems where the legal aid organization described below is not a national organization, please provide data for the state/province/area where the legal aid organization operates.				
Information about the legal aid organization				
Name of legal aid organization	Date of establishment	Total no. of applications received in 2022	Total no. of applications approved in 2022	Total no. of applications rejected in 2022
Public Defender's Office (DPO): The Brazilian Republic is a federation, made up of 26 states, the Federal District and the Union, guaranteeing political decentralization. So, there are 26 states DPOs, the Federal DPO and the DPO of the Federal District (the capital of Brazil). There is a national law that organizes	According to the Brazilian Constitution of 1988, and as interpreted by the Supreme Court, it is the duty of all States, the Union and the Federal District to create and maintain their Public Defender's Offices, to provide free and comprehensive legal assistance to all people who need it. Some States' PDOs are older, but 1988 is a national milestone for the current	N/A	In 2022, the Public Defender's Office reached the mark of 21,881,913 services provided to the population, representing an increase of 33.1% in relation to the amount calculated in 2021 and a growth of 516.9% in relation to the volume recorded in 2003.	N/A

all Public Defender's Offices in Brazil, ensuring unity and similarities in functioning.	model of public defense and legal assistance system.			
Total no. of employees	Total no. of Legal Aid Lawyers	Government funding for the legal aid organization in 2022	Total legal aid expenses in 2022	Proportion of government funding to the total legal aid expenses
9,568 employees in the 26 States PDO, the Federal District DPO and the Federal DPO	6,681 public defenders in the 26 States PDO, the Federal District DPO and the Federal DPO	1,705,173,764 is the public budget approved for 2023, for the Federal District DPO and the Federal DPO		0,24%

2. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the judicial system in your country? Please include, but do not limit your answers to, the following aspects:

Initially, there are five critical aspects to consider regarding the Brazilian political organization and public policies aimed at combating the Covid-19 pandemic:

a) Brazil operates as a federation, comprising 26 states, the Union, and the Federal District, each with a degree of autonomy.

b) The country possesses a Unified National Health System, providing free health services to all citizens. This system integrates and coordinates health services across all federated entities, including municipalities (local governments).

c) The Union, influenced by the then President of the Republic, refrained from adopting more stringent social distancing measures. Additionally, in the initial stages of the pandemic, the government opted for medications lacking sufficient scientific evidence, at the expense of prioritizing vaccines.

d) The Federal Supreme Court ruled that individual states would have greater autonomy in regulating measures to combat the pandemic. Consequently, actions taken by different states varied reasonably, aligning with the political convictions of their respective governors.

e) As of May 3, 2023, the World Health Organization (WHO) recorded 6,921,614 global deaths due to the disease, with 701,494 victims being Brazilian. According to WHO data, Brazil ranked second globally in terms of absolute numbers of deaths from the disease.

- (1) What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?

Subnational governments (states) have played a particularly important role as key actors in implementing non-pharmaceutical interventions to stop the spread of COVID-19. Especially in 2020, restrictions covered policies to close schools, commerce, services, industry, public meetings and private events. Anti-contagion policies have had a significant effect in producing greater adherence to staying at home, although social distancing policies have been relatively moderate compared to other countries. There was an attempt by the Federal Government to establish the mandatory sharing of user data by telecommunications service providers with the Brazilian Institute of Geography and Statistics (IBGE), to support official statistical production during the pandemic, but the measure was blocked by the Supreme Court because it represented a violation of users' privacy (ADI 6393).

Brazil recorded 701,494 deaths and 36,809,608 cases of Covid19. The pandemic resulted in four major simultaneous and interconnected crises: health, economic, political and behavioral.

- (2) Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?

Social distancing policies in Brazil were relatively moderate compared to other countries. Human rights violations were more closely associated with the absence of public services aimed at protecting vulnerable groups. As mentioned earlier, there was no implementation of digital tracing measures. The Federal Government attempted to enforce the mandatory sharing of user data by telecommunications service providers with the Brazilian Institute of Geography and Statistics (IBGE) to support official statistical production during the pandemic. However, this measure was halted by the Supreme Court, as it was deemed a violation of users' privacy.

The central theme revolved around the loss of jobs and income, coupled with challenges in accessing public services for the socially vulnerable population. Additionally, there was a surge in human rights violations involving individuals deprived of their liberty and elderly people. Digital exclusion had a profound impact on hindering access to education and other essential services. An increase in cases of domestic violence was also identified.

One of the pivotal measures for the economically disadvantaged population was the approval, by the National Congress, of a financial emergency aid, amounting to \$100 per month for low-income families.

Another noteworthy aspect pertains to police operations conducted in favelas during the pandemic, despite social distancing measures. In this instance, the Supreme Court ordered the suspension of such operations, except in cases deemed extremely necessary (ADPF 635 - "procedure for non-compliance of fundamental principle" corresponds to ADPF in Portuguese).

For a comprehensive understanding of the crucial role of the Brazilian Judiciary in defending fundamental rights amid the COVID-19 pandemic crisis, we recommend referring to the paper available at [https://www.hhrjournal.org/2021/06/supreme-court -v-necropolitics-the-chaotic-judicialization-of-covid-19-in-brazil/](https://www.hhrjournal.org/2021/06/supreme-court-v-necropolitics-the-chaotic-judicialization-of-covid-19-in-brazil/).

- (3) How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?

Five distinct phases of the pandemic can be discerned. The initial wave, spanning from March to August 2020, was characterized by the implementation of isolation and social distancing measures as a means to curb contagion. During this period, Justice System services necessitated a transition to remote operations, with exceptions being rare. This shift from in-person to remote service unfolded with varying degrees of swiftness and effectiveness, resulting in evident drawbacks to the quantity and quality of services. The majority of court hearings were postponed pending the development of appropriate means and pertinent regulations. In the prison system, the combination of insufficient hygiene supplies and overcrowded facilities rendered prisoners exceptionally vulnerable.

The second phase, extending from September 2020 to January 2021, witnessed a relative stabilization of contagion indicators, albeit at alarmingly high levels with an upward trend. A severe outbreak occurred in the Amazon, marked by a lackluster response from public services and a significant impact on the rise in fatalities. During this stage, there was a gradual reinstatement of justice system services, incorporating electronic petitions, digital files, videoconference hearings, and even the regulation of judicial notifications through messaging applications. An intense debate ensued within the judiciary regarding which acts or hearings could be conducted remotely (via videoconference) and which necessitated in-person attendance. The Brazilian Public Defender's Office maintained the stance that custody hearings should always be held in person, emphasizing their fundamental role in preventing and combating torture and ill-treatment during arrest. This topic elicited differing opinions within the justice system, including at the National Justice Council, which ultimately regulated the mandatory in-person custody hearings.

The third phase, spanning from February to June 2021, was characterized by the commencement of vaccination with a limited number of doses. A cautious reinstatement of in-person public services commenced. However, the healthcare system experienced a collapse, and adherence to social distancing measures waned, resulting in the deadliest wave of the pandemic in the country. In the justice system, a hybrid operational model emerged, combining in-person consultations and hearings when necessary with the use of remote means when feasible. At this juncture, court files were nearly all digitized and processed on electronic platforms. Although serving the most vulnerable groups, such as people in prison and the digitally excluded, in person was reestablished, it presented some limitations compared to the pre-pandemic period.

The fourth phase, spanning from July to December 2021, was marked by the progress of vaccination and the gradual resumption of in-person services. The effects of vaccination were evident in the reduction of contagion, serious cases, and deaths, leading to a decrease in bed occupancy rates in Emergency Rooms.

The fifth phase was marked by the "omicron wave," spanning from January to June 2022, characterized by a sudden and significant increase in the number of cases, although without a corresponding rise in serious cases or deaths. Particularly in the latter half of 2022, there was a notable return to in-person activities, including the cessation of the mandatory use of masks nationwide, a practice that had already been discontinued in cities and states since the middle of the first half of 2023. During this phase, justice system services had already been fully reinstated.

Brazil, a nation characterized by profound social inequality, has experienced a further destabilization of its social fabric and a weakening of substantive democracy due to the

pandemic. Despite the positive impact of temporary emergency aid on increasing the average income of the poorest population, the pandemic exacerbated existing inequalities. The provision of free public services, particularly in health and education, is crucial for these vulnerable groups. The pandemic's negative effects, including increased inequality and harm to the education of children and adolescents, will have long-lasting repercussions unless robust, well-planned public policies are implemented.

The accelerated development and dissemination of technological tools have been a subject of extensive debate. While there are undeniably positive aspects, such as the ability to conduct certain judicial acts remotely and electronic filing tools, there remains a significant debate about their appropriate use in a country marked by socioeconomic asymmetries. It is imperative that new technologies facilitate the expansion of substantial access to justice rather than exacerbating existing disparities.

3. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.

According to many political analysts, Brazil's young democracy was threatened by the attempt to corrode its institutions and, at the beginning of 2023, by an attempted coup, which is now being judged by the Federal Supreme Court.

The former president Bolsonaro has put Brazil's electronic voting machines in his crosshairs and has doggedly asserted, without evidence, that the system is unreliable and vulnerable to hacking, seeding the idea that fraud was inevitable.

Both Bolsonaro and military commanders, whose political support he has long cultivated, have called for parallel recounts and the use of printed ballots—an option that is not currently available, as Brazil's direct-recording electronic voting machines lack paper backups for potential audits. However, research has shown that the electronic voting system, which is overseen by the Superior Electoral Court (TSE), dramatically reduced election fraud after it was adopted in 1996.

Bolsonaro has tripled the number of military personnel in civilian posts during his tenure, maintains close relationships with military officials because of his background as a paratrooper, and has spoken fondly of a return to Brazil's military dictatorship, which endured for two decades until the restoration of democracy in the 1980s.

Brazil's democratic institutions showed considerable resilience in the face of Bolsonaro's attacks on the judiciary, opposition leaders, and the media. However, social media activity offered an important window into emerging political movements.

A preview of what an effective, coordinated response to Bolsonaro's election denial might look like next month emerged in July. Following a gathering of more than 70 diplomats during which Bolsonaro repeated conspiracy theories about electronic voting machines, Brazilian public prosecutors, the chief justice of the Supreme Court, and the head of the TSE issued statements repudiating the president's attempts to "destabilize and discredit the electoral process and its institutions." Buttressing these statements from key democratic actors within Brazil was the US embassy's assurance that Brazil's electronic voting machines are "a model for the world."

On 8 January 2023, following the defeat of then-president Jair Bolsonaro in the 2022 Brazilian general election and the inauguration of his successor Luis Inácio Lula da Silva, a mob of Bolsonaro's supporters attacked Brazil's federal government buildings in the capital,

Brasília. The mob invaded and caused deliberate damage to the Supreme Federal Court, the National Congress building and the Presidential Palace, seeking to violently overthrow the democratically elected president Lula, who had been inaugurated on 1 January. Many rioters said their purpose was to spur military leaders to launch a coup d'état and disrupt the democratic transition of power.

The Supreme Court on September commenced the trial of the first defendants charged with participating in the January 8 riots, during which thousands.

4. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly? Please include, but do not limit your answers to, the following aspects:

- (1) Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)
- (2) Procedures, review criteria, or requirements for application documents for the public to apply for legal aid
- (3) Ways to provide legal advice to the public
- (4) Development in the rule of law through education and outreach services
- (5) Caseload and case types for each type of service
- (6) Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?
- (7) What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?

To answer this question, it is important to highlight again that Brazil adopts a federative regime, in which each state unit has a certain margin of autonomy with regard to the organization of its Public Defender's Offices. Therefore, it is difficult to present a comprehensive description that covers the entire country. In this case, we will focus the narrative in the specific scope of the Public Defender's Office of the State of Rio de Janeiro, where both rapporteurs work.

During the initial and most critical period of the pandemic, the great challenge for the Public Defender's Office of the State of Rio de Janeiro was to transform a massive in-person service into remote assistance. This transformation was carried out through the integration of existing technological tools with the incorporation of other technologies, especially for secure communication with customers. Thus, messaging applications, video conferencing platforms, among others, were incorporated. From the beginning, a serious problem was serving groups excluded from access to digital tools, which became very difficult without the mediation of in-person services. Service protocols were also developed, including document validation, communications security and greater attention to data protection on the internet. From the end of 2020, with the progressive return of in-person activities, the service model became hybrid. Currently, even with the return of massive in-person services, forms of remote service have been maintained, including the development of the Public Defender's Office's own application to serve the public, allowing communication and access to information about the progress of their legal processes. New challenges were posed, such as work overload and a multi-door system which, on the one hand, increases access to services, on the other hand brings a substantial increase in demand, without there having been a corresponding increase in the workforce.

5. Beside the impacts of the pandemic, has the organization you work for or the legal aid organization in your country undergone other major changes in the following areas in the past five years (i.e., since the last Forum)? If yes, please describe what the changes are and explain why they occurred and what the impacts are.

- (1) Form of organization (including organizational framework, supervisory authority, and organizational structure)
- (2) Development strategies and primary focus of the organization
- (3) Budget, financial sources, and expenses for legal aid
- (4) Procedures or financial eligibility requirements for legal aid application
- (5) Service delivery model (such as services provided by staff attorneys or external lawyers; if both, please indicate the ratio between them)
- (6) Salary of legal aid staff attorneys or remuneration of external legal aid lawyers
- (7) Management of quality assurance for legal aid services
- (8) Rule of law through education and outreach services
- (9) New services and businesses (technology-related services or businesses can be detailed in the following two questions).

Initially, it is important to highlight that the Public Defender's Office of the State of Rio de Janeiro obtained a small increase in its budget in the period from 2020 to 2023. As the Public Defender's Office budget is fully funded by the State and approved by the State Legislative Branch, this budget increase was a positive political signal meaning recognition of the Public Defender's role.

However, the costs of providing the service have been continuously increasing, including due to the need to adopt secure technological tools which, in general, are quite expensive.

The changes in the organization of work at the Public Defender's Office of the State of Rio de Janeiro since the beginning of the pandemic have been major. Today, practically all documents are electronic: court files, administrative files, internal communication, storage of client documents, etc.

In turn, the systems that manage these documents and procedures are multiple, with each platform having its own rules and mode of operation. Furthermore, the adoption of the multi-door system, with the possibility of in-person or remote service, still represents a challenge for service management, given the increase in demand.

During this period, defenders' salaries had a small increase in inflationary replacement and civil servants' salaries had a more substantial increase, correcting an old gap. The number of professionals has not increased, but the replacement rate has been maintained, through public examinations (mandatory for entry into the public service in Brazil).

The eligibility criteria for the legal assistance service have not changed and the service quality control tools are the same, with the incorporation of some technological tools, capable of presenting primary productivity indicators, although still rudimentary.

The Public Defender's Office maintains human rights education programs and outreach services, including through its External Ombudsman (Ouvidoria, in Portuguese), whose Ombudsman is appointed by representatives of clients groups from civil society organizations. Thanks to this service, it is possible to promote training courses for community leaders on topics of relevance to their communities and facilitate access to Public Defender services.

6. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences, including, but not limited to, the following:

- (1) Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work
- (2) When and why the technology-based services were launched
- (3) Pros and cons of using technology tools to provide legal aid services
- (4) Challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges
- (5) How to bridge the gaps in users' technological capabilities to tackle digital exclusion
- (6) Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?

Since 2015, the Public Defender's Office of Rio de Janeiro had been investing more consistently in new technological tools. With the pandemic, this computerization process was accelerated. Thus, the Public Defender's Office today has: (a) Application for direct communication with clients, to check the progress of their processes, answer questions, send documents and petitions and schedule appointments (application for mobile phones developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro); (b) teleservice (free call) for basic guidance and appointment scheduling; (c) the "Verde" System, an operational data processing and recording system specially created to meet the needs of the Public Defender's Office, for managing legal processes, with electronic client records, registration of services, management of case documents, communication with clients (interface with the application), filing new cases electronically directly on the Courts system, sending electronic letters, etc. (it is an electronic application developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro); (d) "Verde" Data System, for collecting data on the Public Defender's Office service, customer profiles and crossing information with other databases (application developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro) ; Electronic Information System (SEI), for managing administrative procedures (developed by the Federal Court and adopted in almost all administrative the entire country).

The advantages of technological tools are known: transparency, efficiency, time optimization, remote service, etc. The long queues at the Public Defender's Office were largely replaced by messages sent by email, via cell phone applications or applications such as WhatsApp.

But new problems arise, such as high costs, the difficulty of managing different platforms - almost never integrated -, sudden changes in routine, as new tools are incorporated or system updates that substantially alter their functioning.

With the return of face-to-face services, services for digitally excluded people can be reestablished, in line with the difficulties that already existed in the past. The new tools, however, are also being used to facilitate the assistance of these people, since most of the documents they need to present to instruct a judicial process, for example, can now be obtained by the Public Defender's Office, electronically, by through agreements with other bodies. Thus, for example, birth certificates of homeless people coming from other states of the federation can now (but not always) be obtained in a few hours, free of charge, through an integrated

digital platform. A few years ago, obtaining these documents was much more difficult.

Brazil is a country marked by marked socioeconomic inequality. In 2021, the average income of the 1% of the population that earns the most was 38.4 times greater than the average income of the 50% that earn the least¹, with incomes of up to USD 500 per month. However, Internet reaches 90.0% of households in the country (IBGE, 2021), an increase of 6 percentage points compared to 2019, when 84.0% of households had access to the large network.² There is an undeniable growth in learning how to deal with new technologies, especially among younger people. Structural problems linked to public school education – worsened by the pandemic – are limitations to a more appropriate and efficient use of these tools. In relation to the elderly, care must be taken with greater care, whether due to digital exclusion (even if they have access to the internet) or vulnerability to scams and fraud, a phenomenon that has grown significantly.

7. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:

- (1) Technology tools or systems and functions, and how they work
- (2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?
- (3) Pros and cons of promoting digital transformation for legal aid organizations and professionals
- (4) Challenges in promoting digital transformation and how to overcome them
- (5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.

As mentioned above, since 2015, the Public Defender's Office of Rio de Janeiro had been investing more consistently in new technological tools. With the pandemic, this computerization process was accelerated. Thus, the Public Defender's Office today has: (a) Application for direct communication with clients, to check the progress of their processes, answer questions, send documents and petitions and schedule appointments (application for mobile phones developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro); (b) teleservice (free call) for basic guidance and appointment scheduling; (c) Green System, for managing legal processes, with electronic client records, registration of services, management of case documents, communication with clients (interface with the application), sending petitions and electronic letters, etc. (application developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro); (d) Green Data System, for collecting data on the Public Defender's Office service, customer profiles and crossing information with other databases (application developed by the Public Defender's Office itself, in partnership with the Federal University of Rio de Janeiro); Electronic Information System (SEI), for managing administrative procedures (developed by the Federal Court and adopted in almost the entire country).

The advantages of technological tools are known transparency, efficiency, time optimization, remote service, etc. The long queues at the Public Defender's Office were largely replaced by messages sent by email, via cell phone applications or applications such as WhatsApp.

However, new problems arise, such as high costs, the difficulty of managing different platforms - almost never integrated -, sudden changes in routine, as new tools are incorporated or system updates that substantially alter their functioning. There are also obstacles in training professionals, a factor aggravated by rapid updates and changes in digital platforms.

Currently, approximately $\frac{1}{4}$ of the Public Defender's Office budget, excluding personnel expenses, is committed to communication and information technology, from the payment of licenses for software use, cloud storage, program development to the rental of equipment (computers, printers, scanners etc.)

8. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues?

Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards.

Please present **not more than three** targeted legal services for specific vulnerable groups, with attention to the following:

- (1) Background: the reason why this group/issue is selected, and why the service was launched.
- (2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.
- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?
- (5) How to achieve service optimization within a limited budget.
- (6) Service challenges and how to overcome them.
- (7) Achievements.

It is important, at the outset, to keep in mind that Brazil is a country that adopts the federative regime, although there is a determination in the Federal Constitution establishing a single national model for organizing legal aid services, that is, the Public Defender's Office, each State has its own Public Defender's Office, with a certain margin of autonomy to organize its services, define its programs and action projects. Therefore, it is not possible to speak of a uniform nationwide parameter regarding specific actions and initiatives to provide legal aid specifically for each of these vulnerable groups mentioned. It is correct to say that, to some extent, all the Public Defender's Offices of the federative units and also the Federal Public Defender's Office provide services aimed at all these special vulnerable groups. This is because the National Law that governs the functioning of all Public Defender's Offices establishes that (Art. 4, Item XI) they have the duty to "exercise the defense of the individual and collective interests of children and adolescents, the elderly, people with special needs, women victims of domestic and family violence and other vulnerable social groups that deserve special protection from the State".

Thus, there are several specific projects aimed at individual and collective assistance to people in vulnerable situations, among which we can mention: women victims of domestic or family violence; elderly; people with disabilities or pervasive developmental disorders; children and adolescents; indigenous people, riverside populations or members of traditional communities (for example the "quilombolas" - people that live in "Quilombos" typical historical Brazilian community originally built by runaway slaves and their descendants in the years of Portuguese colonial forced labor from the African trade); over-indebted consumers or those experiencing a consumer accident; people who are victims of discrimination based on ethnicity, color, gender, origin, race, religion or sexual orientation; people who are victims of torture, sexual abuse, human trafficking or other forms of serious human rights violations; LGBTQIA+ population; people deprived of liberty due to arrest or hospitalization; migrants and refugees; homeless people; drug users; collectors of recyclable materials and workers in situations of slavery. In the case of these groups, assistance is possible regardless of whether

they are in a situation of economic need. Therefore, the "means test" criteria applied to other customers are not usually taken into account in relation to these particularly vulnerable groups.

Normally, in addition to the possibility for members of these groups to be served in "regular" units (that is, those aimed at the general public) providing legal aid services, most states have "specialized units" specifically aimed at such groups, as for example occurs in the State of Rio de Janeiro. These units, in addition to providing direct assistance to people who are specifically targeted according to their respective thematic area (individually, or from a collective perspective), also proactively contribute to the formulation of public policies in interaction with other government bodies, promoting education actions in human rights in the specific area of its activity, etc.

In our State (Rio de Janeiro) we have the following specialized units:

Coordination for the Defense of the Rights of Children and Adolescents – Cdedica (11 public defenders working)

Assistance Unit for People with Disabilities – Nuped (01 public defender acting as state coordinator)

Special Unit for Assistance to Elderly People – Neapi (01 public defender acting as state coordinator)

Unit to Combat Racism and Ethnic-Racial Discrimination - Nucora (01 public defender acting as state coordinator)

Unit for the Defense of Sexual Diversity and Homosexual Rights – Nudiversis (01 public defender acting as state coordinator)

Women's Rights Defense Unit – Nudem (02 public defenders working)

Consumer Protection Unit – Nudecon (7 public defenders working)

With regard to the other federal states, due to the vast territorial extension and autonomy of each Public Defender's Office, we are unable to provide further details. But we can - yes - state that the scope of services provided covers (to some extent, varying slightly from place to place) all the modalities mentioned, that is, promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.

Regarding the question about "how to achieve service optimization within a limited budget", we consider that the use of instruments and mechanisms for collective protection of rights, such as class actions, preventive human rights education actions, interaction with other bodies governments to implement structural public policies, often prove to be indispensable and more appropriate than attending to cases from an individual perspective.

It is also important, and in fact has occurred within the scope of the Brazilian Public Defender's Offices, the partnership with other legal/non-legal aid organizations.

9. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.

In recent decades, the role of Public Defenders' Offices in the field of strategic litigation has significantly increased, with the filing of "class actions" and also the use of preventive protection mechanisms in order to avoid harming the rights of people who are the target audience of our services. In the original conception of the creation of the Public Defender's Office, established in the 1988 Constitution, there was still no clear definition of the institution's legitimacy to act in the collective protection of rights. The "legal aid" service was still thought of much more from a traditional and individualistic perspective. However, this understanding slowly changed, until it was formally enshrined in legal texts and, finally, in the Constitutional text itself, after an Amendment in 2014.

Over the last few years, the role of the Brazilian Public Defender's Office has been increasingly increasing, using mechanisms for collective protection of rights, among which the main one is the "ação civil pública", which is the name given to the so-called class actions in national law. And this modality of action, in a peculiar way, has occurred not only to defend diffuse and collective rights in general, of a civil nature, but even in the field of criminal law, which is not frequent on the international scene. In this sense, we recommend as a reference the paper we have presented at the 2021 ILAG Conference, held in Sydney, Australia, whose title is "Collective litigation in Criminal Justice amidst Covid-19 Pandemic Experiences of the Brazilian Public Defender's Offices".

Data from the 2023 National Survey of the Public Defender's Office (Available at <https://pesquisanacionaldefensoria.com.br/>. Accessed on 05/29/2023.), one of the largest ever carried out on the subject, which involved the Public Defender's Offices of the states and the Federal Public Defender's Office, revealed that, in a historical series ranging from 2018 to 2021, they had been filed by the institution of 13,312 collective actions by Public Defender's Offices across the country. However, after the pandemic period, it is clear that there was exponential growth, since in 2022 alone statistics indicated the filing of a total of 17,353 collective lawsuits (in a single year) started by the Public Defenders all around the country.

The range of issues that have been the subject of class actions promoted by the Public Defender's Office is very wide. Most of them even have as defendants the most diverse government bodies, such as cases in which it is proposed to make medicines available, increase vacancies in public hospital establishments, defenses in possessions due to the occupation of public areas by homeless people, improvement of public transport services, requests for vacancies in nurseries and schools located in areas close to the homes of the most needy families, access to public lighting, running water and basic sanitation, postulating measures to guarantee treatment consistent with human dignity in cases of overcrowding in the state penitentiary system, measures aimed at ensuring access for needy people to free paternity identification exams (in order to avoid the need to file individual actions for this purpose), measures to guarantee access to medical treatment for people imprisoned in the state penitentiary system etc.

In the field of private law, most class actions are aimed at protecting consumer rights, especially in matters involving violation of rights by banking and financial institutions, private health plan service providers, public interest service providers such as mobile telephony, internet, rights of people with physical disabilities, protection of the environment and

combating polluting actions especially when harmful to people in situations of need and vulnerability, etc.

This is an increase of more than 700% that even attracted attention and was the subject of express emphasis made by Bryant Garth, in the text he prepared as a "preface" to the research (<https://pesquisanacionaldefensoria.com.br/prefacio/>), where the afore mentioned North American researcher stated the following: "I highlight two surprising discoveries and I'm sure there are others. I quote the study: 'The analysis of the historical series reveals a gradual increase in the collective performance of the Public Defender's Office, with growth of 714.7% between the years 2018 and 2022'. It's interesting note that, under the pressured circumstances of the pandemic, which made people in social isolation less likely to seek legal services, the collective action of the Public Defender's Office increased: "the number of collective actions continued to grow, indicating the strengthening of the protection of transindividual rights of the country's vulnerable population." It's an interesting question whether this is a trend or a result of the pandemic. Often, legal aid providers end up too overwhelmed with individual cases to do the work in class actions."

As an example, it is recommended that you consult two reports published by the National Association of Public Defenders, each with a summary of 50 exemplary cases of action in collective protection (unfortunately only available in the Portuguese version).
[https://www.anadep.org.br/wtksite/Preview_Livro_Defensoria_II_Relat_rio\(1\).pdf](https://www.anadep.org.br/wtksite/Preview_Livro_Defensoria_II_Relat_rio(1).pdf);
https://www.anadep.org.br/wtksite/I-RELAT_RIO-NACIONAL.pdf

10. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.

If it was possible to understand exactly the meaning of this question, it seems to us that it refers to the specific situation of the so-called "jury courts", as they are normally called in Western countries. In the Brazilian legal system, the Jury is only provided for in a few cases, in the criminal area (in cases involving defendants accused of intentional crimes against life). In these cases, the trial is carried out by a jury made up of 7 citizens, who are drawn at each trial from a list of names previously recruited according to a procedure conducted by the Judiciary. Normally, the Public Defender's Offices, as well as the class representation organization of lawyers, follow this procedure of recruiting names to form the list of jurors, in order to contribute to monitoring its regularity and fairness.

11. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?

The Public Defender's Office of the State of Rio de Janeiro holds programs to victim's protection in the following areas: a) protection of children and adolescents who are victims of violence; b) protection of women victims of domestic and intra-family violence; c) protection for elderly victims of domestic and intra-family violence; d) protection of victims of torture; e) protection of victims of state violence, especially in cases of death committed by state agents.

The Public Defender's Office organizes a Care Network for People Affected by State Violence (RAAVE), which allows people to be immediately referred for free psychosocial care.

Most of the network's professionals are members of public universities.

In the areas of domestic violence and state violence, public defenders can act as assistant prosecutors in criminal cases.

12. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.

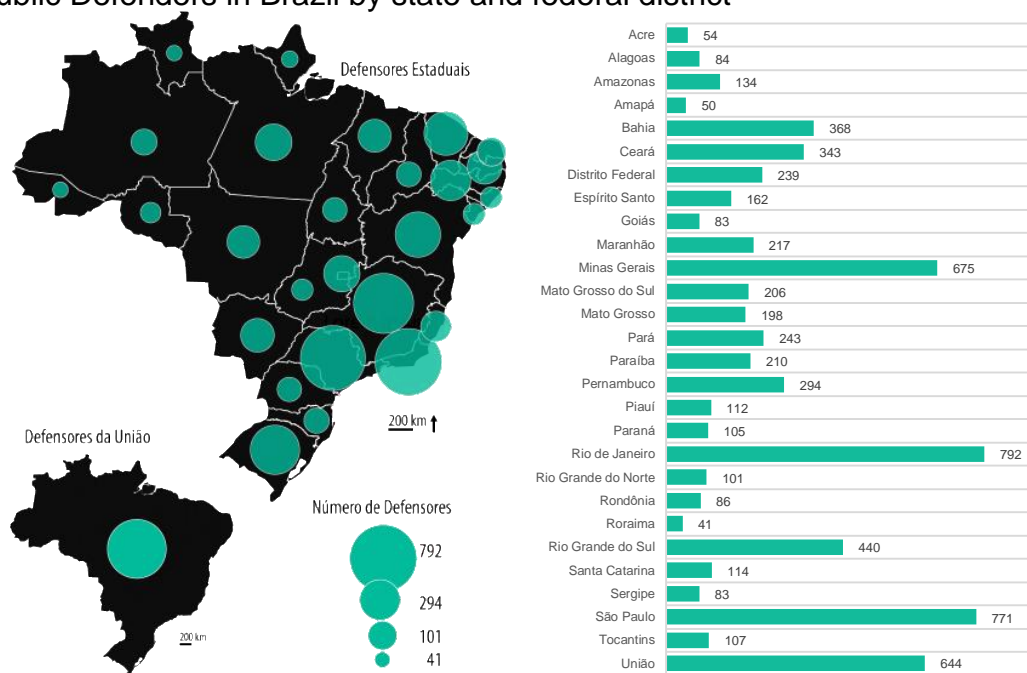
Unfortunately, to date we do not have any structured research specifically on "unmet legal needs" in Brazil. In February 2016, a Seminar was held at the Universidade Federal Fluminense, with the participation of Prof. Pascoe Pleasence, whose objective was exactly to debate the importance of considering carrying out research of this nature in Brazil (<https://www.uff.br/?q=events/seminario-internacional-sobre-necessidades-juridicas-e-acesso-justica>) . At the time, the event was attended by a researcher who was part of the team at the Brazilian Institute of Geography and Statistics (IBGE), who reported that in one of the editions of the National Census, in 2009, parallel research was carried out on the topic of "Victimization and Access to Justice", in which census takers collected some data related to the issue. But it was not exactly a survey, following a methodological standard that has been carried out internationally, designed to measure the (unmet) legal needs of the general public and particularly vulnerable groups.

13. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?

We believe that the answer to this topic is already, to a large extent, contained in what has already been presented when answering questions 8 and 9, to which we refer. In fact, programs and initiatives aimed at protecting the rights of these especially vulnerable social groups, in matters of gender, race, physical and mental disabilities, are within the scope of action of the Brazilian Public Defender's Office and in fact are the object of special attention, in parallel with the traditional service, protecting the individual rights of defendants in criminal proceedings, victims of violence in general (whether state violence or practiced by other citizens), in matters of civil cases in general, mainly issues of family, inheritance, civil liability, real estate , contracts, etc.

Even when legal assistance is provided in cases involving these more common/traditional areas, there is always a special concern when the parties using the service are part of these especially vulnerable social groups.

Map 4 - Public Defenders in Brazil by state and federal district



Source: ESTEVES, Diogo *et al.* Pesquisa Nacional da Defensoria Pública 2022. Brasília: DPU, 2022.

Quantitativo de Defensores(as) Públicos(as) respondentes e margem de erro da pesquisa				
Unidade Federativa	Nº de Defensores(as) (quantitativo referente ao ano 2020)	Nº de Respondentes	Percentual de Respondentes	Margem de Erro
Análise por Unidade Federativa				
Acre	44	23	52%	14,1%
Alagoas	84	31	37%	13,9%
Amapá	50	30	60%	11,3%
Amazonas	123	66	54%	8,2%
Bahia	376	103	27%	8,2%
Ceará	351	146	42%	6,2%
Distrito Federal	239	88	37%	8,3%
Espírito Santo	170	120	71%	4,8%
Goiás	83	29	35%	14,6%
Maranhão	197	86	44%	7,9%
Mato Grosso	194	82	42%	8,2%
Mato Grosso do Sul	207	90	43%	7,7%
Minas Gerais	656	432	66%	2,7%
Pará	245	85	35%	8,5%
Paraíba	219	68	31%	9,8%
Paraná	108	89	82%	4,3%
Pernambuco	296	184	62%	4,4%
Piauí	112	34	30%	14,0%
Rio de Janeiro	748	280	37%	4,6%
Rio Grande do Norte	70	35	50%	11,7%
Rio Grande do Sul	443	207	47%	4,9%
Rondônia	77	65	84%	4,8%
Roraima	43	41	95%	3,3%
Santa Catarina	117	68	58%	7,7%
São Paulo	770	297	39%	4,4%
Sergipe	87	83	95%	2,3%
Tocantins	107	85	79%	4,8%
União	645	187	29%	6,0%
Análise Nacional				
Nacional	6.861	3.134	46%	1,3%

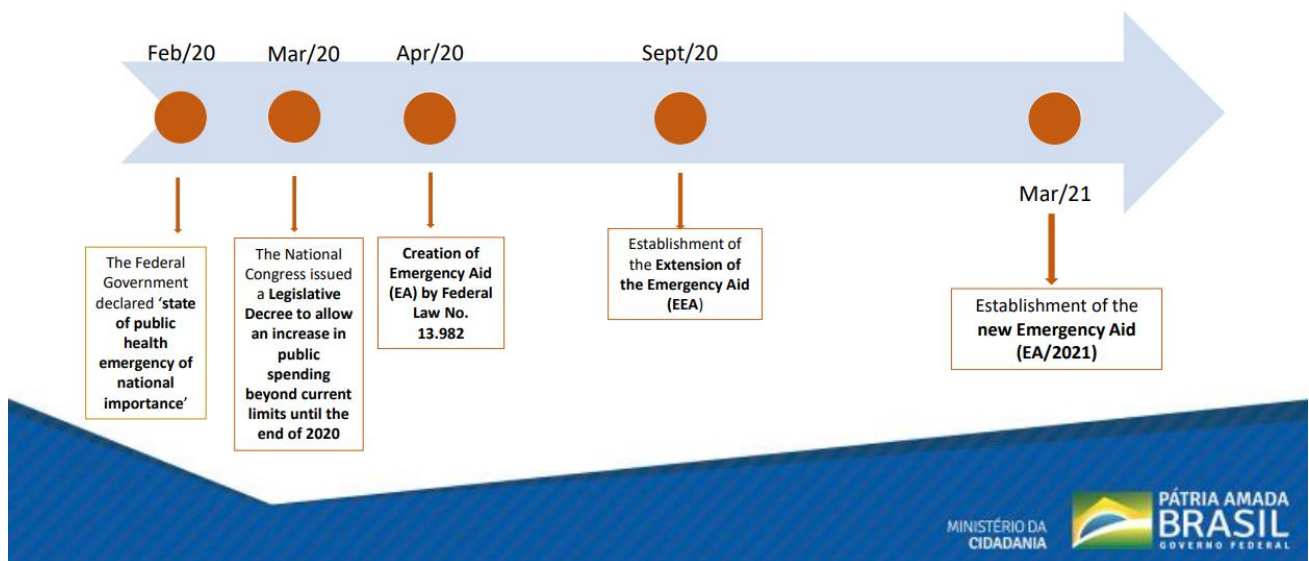
Fonte: Pesquisa Nacional da Defensoria Pública (2021).

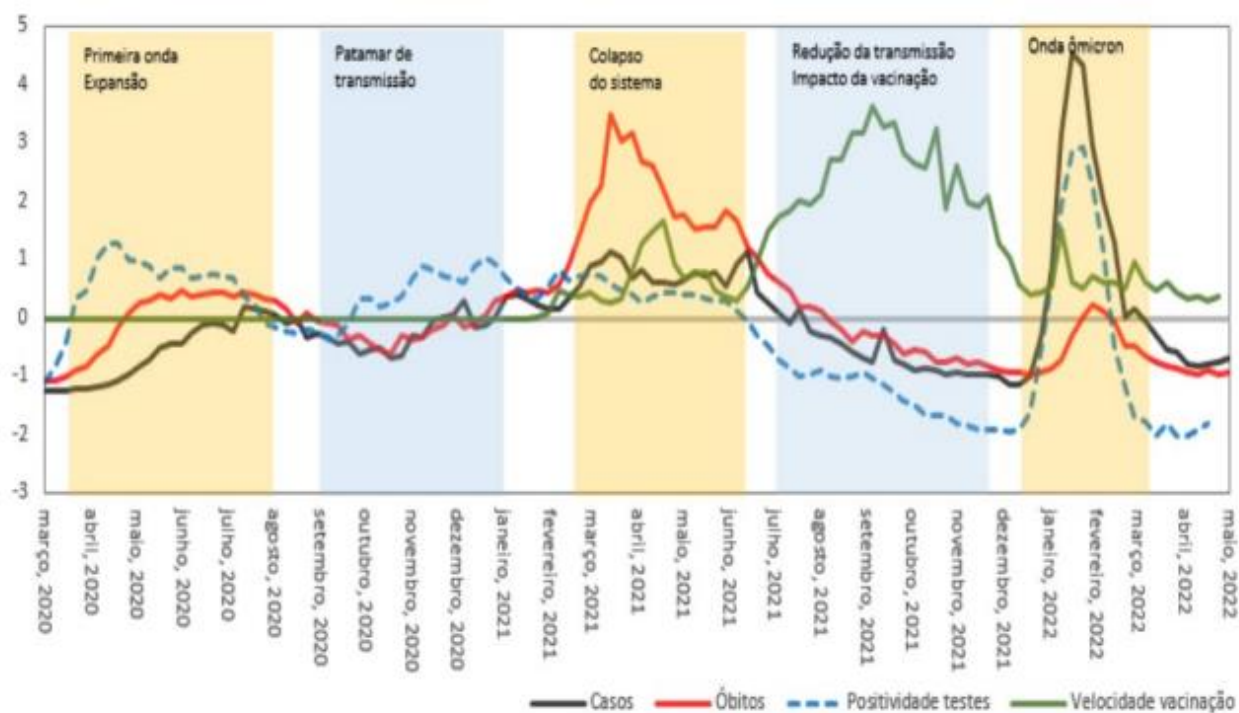
Quantitativo de servidores(as) respondentes e margem de erro da pesquisa				
Unidade Federativa	Nº de Servidores <small>(quantitativo referente ao ano 2020)</small>	Nº de Respondentes	Percentual de Respondentes	Margem de Erro
Análise por Unidade Federativa				
Acre	167	24	14%	Sem significância estatística
Alagoas	58	0	0%	Sem significância estatística

Amapá	187	0	0%	Sem significância estatística
Amazonas	274	56	20%	Sem significância estatística
Bahia	277	211	76%	Sem significância estatística
Ceará	106	1	0,9%	Sem significância estatística
Distrito Federal	537	112	21%	Sem significância estatística
Espírito Santo	145	0	0%	Sem significância estatística
Goiás	179	81	45%	Sem significância estatística
Maranhão	194	2	1%	Sem significância estatística
Mato Grosso	377	156	41%	Sem significância estatística
Mato Grosso do Sul	430	69	16%	Sem significância estatística
Minas Gerais	132	62	47%	Sem significância estatística
Pará	363	15	4%	Sem significância estatística
Paraíba	35	0	0%	Sem significância estatística
Paraná	259	103	40%	Sem significância estatística
Pernambuco	84	2	2%	Sem significância estatística
Piauí	158	50	32%	Sem significância estatística
Rio de Janeiro	1.375	221	16%	Sem significância estatística
Rio Grande do Norte	55	23	42%	Sem significância estatística
Rio Grande do Sul	775	307	40%	Sem significância estatística
Rondônia	350	241	69%	Sem significância estatística
Roraima	241	153	63%	Sem significância estatística
Santa Catarina	170	37	22%	Sem significância estatística
São Paulo	865	251	29%	Sem significância estatística
Sergipe	29	12	41%	Sem significância estatística
Tocantins	626	292	47%	Sem significância estatística
União	1.225	107	9%	Sem significância estatística
Análise Nacional				
Nacional	9.568	2.588	27%	Sem significância estatística

ORÇAMENTO ANUAL APROVADO (2023)	R\$ 7.084.505.008,68
FUNDOS (2023)	R\$ 1.441.363.733,00
PERCENTUAL DO ORÇAMENTO FISCAL TOTAL DAS RESPECTIVAS UNIDADES FEDERATIVAS (2023)	0,24%

Emergency Aid: a rapid response





<https://docs.bvsalud.org/biblioref/2022/07/1378340/3349-11718-1-pb.pdf>