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Brazil

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I. Methodology and consultation process

1. This report assesses Brazil's compliance with its international obligations and the public policies implemented to promote the universality and indivisibility of civil, political, economic, social, and cultural rights as well as the right to development, as provided for in the Constitution of the Federative Republic of Brazil. It presents a succinct overview of the efforts to ensure full realization of these rights since Brazil's last report to the UPR in April 2008¹ through December 2011.

2. In order to present Brazil's achievements, challenges, and good practices in relation to the promotion of human rights, the report centres on the recommendations² accepted and the voluntary commitments³ undertaken during the UPR First Cycle in 2008, pursuant to the guidance of the Office of the High Commissioner for Human Rights of the United Nations (OHCHR).⁴ The responses to the fifteen recommendations and two voluntary commitments are addressed through an outline of State actions on a variety of issues related to the protection of human rights. The 3rd National Human Rights Programme (PNDH-3) was applied as a reference map to the initiatives undertaken by Brazil in recent years.

3. The Secretariat for Human Rights of the Presidency of the Republic (SDH/PR), which had primary responsibility for coordinating the development of this report, in partnership with the Ministry of External Relations, invited the executive, legislative, and judicial branches of government and every state in the Union to contribute to the reporting process. It requested public agencies to identify the main challenges and advances towards the realization of human rights within their jurisdiction. A draft report was prepared based on the contributions received,⁵ which was published and made available online for public consultation, enabling participation of civil society stakeholders, universities, councils, and government organizations from all over Brazil. The public consultation also included a public hearing convened in the Senate on 14 December 2011. All contributions received were examined and considered in the completion of the final text.

4. One of the democratic advances secured in the UPR Second Cycle involved engagement of the federative units and National Councils.⁶ All state and the Federal District's governors received information and an invitation to contribute to the UPR process. A total of eighteen states⁷ and the Federal District submitted recommendations. In addition, Brazil notified 39 National Councils about the UPR process, in view of their role as a channel for dialogue between the government and civil society.⁸ This engagement was part of a strategy to institutionalize public oversight of human rights in Brazil, using democratic channels that have been created and legitimized by Brazilian public administration. Through these initiatives, Brazil has sought to establish formal mechanisms to promote participation of different social actors in the UPR process, strengthening its methodology and facilitating follow-up by government and social entities.

II. Legal and institutional framework for the promotion and protection of human rights in Brazil

5. Brazil has demonstrated its commitment to protecting human rights by acceding to most international conventions and extending a standing invitation to the special procedures and mechanisms to visit the country and monitor compliance with its international obligations. The Brazilian Constitution serves as a model in relation to the recognition of rights and fundamental guarantees. Article 5 sets forth a number of provisions defined as entrenchment clauses, preventing their suppression. Under its aegis, human rights treaties have been invested with the status of constitutional amendment⁹ since 2004. In 2009, the

Convention on the Rights of Persons with Disabilities became the first international instrument enacted into domestic law with constitutional force.

6. Achieving development with respect for human rights, in a manner that ensures empowerment of individuals and groups, is a priority for the Government. For Brazil, the best development policy is to combat poverty, while the best human rights policy is to reduce inequality and discrimination among people, regions, races and genders.¹⁰

7. Guided by these principles and in partnership with social movements and the international community, Brazil has fulfilled the commitment undertaken before the UN and met virtually all millennium development goals before 2015, integrating the human rights perspective in their fulfilment.

8. With a view to reducing poverty and social inequality, in recent years Brazil has integrated social policies into economic growth strategies, fostering sustainable and inclusive development. Consequently, 39,6 million people were incorporated to the middle class between 2003 and 2011.¹¹ Income inequality declined as well. Between 2001 and 2009, the ratio of household per capita income of the richest 20% against the poorest 20% dropped from 24.3 to 17.8.¹² Similarly, the Gini Index fell from 0.59, in 1999, to 0.54, in 2009.¹³ Finally, the resumption of dynamic economic growth vaulted Brazil's economy from the world's 13th largest, in 2000, to the 6th largest, in 2011.¹⁴

A. National Human Rights Programme

9. Equally crucial has been the implementation of international and domestic legal frameworks. Thus, in 1996, Brazil instituted the National Human Rights Programme (PNDH), pursuant to the 1993 Vienna Declaration and Programme of Action.¹⁵ The Programme establishes commitments and guidelines for State action, consolidating the perspective of human rights as a cross-cutting axis of public policy.¹⁶ The third version of the Programme grew out of a broad-ranging discussion between various organizations and spheres of government, involving 33 ministries in its approval and execution and with the active engagement of civil society. The PNDH-3 is an extensive programme, in which all recommendations of the UPR First Cycle are addressed through programmatic government actions. As it constitutes the democratically created roadmap for State action in the field of human rights, an effort was made to apply the PNDH-3 as reference for the development of this report.

10. One of the significant innovations of the PNDH-3 lies in its cross-cutting approach to human rights, thereby affirming their indivisible and interdependent character.¹⁷ In order to more effectively coordinate and monitor execution of PNDH-3, on September 2010 the Inter-Ministerial Committee for Follow-Up and Monitoring of the Programme was established.¹⁸ In November 2011, the Government pledged to strengthen public oversight of the PNDH-3's execution by enhancing social participation in the Committee.

B. National Human Rights Institution (Recommendation 14)

11. As established in the PNDH-3, an effort has been made to strengthen social participation by creating new spaces and instruments to foster dialogue and promote monitoring of human rights policies. For this, it was proposed the creation of a Brazilian National Human Rights Institution in accordance with the Paris Principles.¹⁹ To meet this goal, the Federal Government has prioritized the voting of a Bill currently in the agenda of the National Congress, which provides for converting the Council for the Defence of the Rights of the Human Person (CDDPH) into the National Human Rights Council. The new body would receive all necessary human, material, and budgetary resources for its

operation and certification from OHCHR. The Bill is in the final stages of approval in the Chamber of Deputies.

C. National system of human rights indicators (Voluntary commitment)

12. With a view to integrating and expanding existing human rights databases to ensure continuous monitoring and transparency of government actions, Brazil undertook and maintains before the UN Human Rights Council, the voluntary commitment to implement a National System of Human Rights Indicators in coordination with public agencies, international organizations, and civil society.²⁰

13. The lead coordinating body for development of the indicators is the Committee for Social Statistics,²¹ a component of the Brazilian Institute of Geography and Statistics (IBGE). The Committee has enhanced official statistical information by incorporating a human rights perspective in different social indicators.²² In 2009, a study on the political and administrative organization of Brazil's 5,565 municipalities included a chapter on human rights.²³ Similarly, the 2010 Demographic Census developed more targeted questions on people with disabilities, indigenous languages, race/colour, while collecting information on civil birth certificates.

14. Brazil has a substantial database of indicators to contribute to policy making, including DATASUS,²⁴ the Family Grant Registry,²⁵ and the School Census. In addition, since 2008 the Brazilian government has performed studies that incorporate the human rights perspective, such as the national studies on human rights perception (2008),²⁶ the adult homeless population (2008),²⁷ school health (2009),²⁸ and social perceptions (2010).²⁹ The SDH/PR has also developed, in partnership with civil society and the United Nations,³⁰ the Adolescent Homicide Index (IHA). The IHA measures the impact of deadly violence on this social group and assesses the phenomenon in order to improve related public policies.

15. In 2010, the Federal Government launched an international cooperation project to develop the components of the National System of Human Rights Indicators, in partnership with the OHCHR and UN agencies. The goal of the project is to put in place modules on civil, political, economic, social, and cultural rights based on OHCHR's proposed methodology. Completion of the initiative is slated for 2012, which will provide for continuous monitoring and evaluation of the State's efforts to ensure full realization of human rights.

D. Annual reports on the situation of human rights (Voluntary commitment)

16. The PNDH-3 institutionalized Brazil's voluntary commitment to prepare annual reports on the situation of human rights in the country, in dialogue with civil society.³¹ The State will marshal efforts to effectively develop the reports beginning in 2012.

17. The collection of information for the reports will be facilitated through the PNDH-3's Integrated Monitoring, Execution, and Control System (SIMEC) created in 2010.³² The online monitoring system provides government agencies with continuous access to updated data on implementation of initiatives to promote human rights.

E. Presidential plans

18. In order to coordinate the implementation of public policies, the Office of the President of the Republic has developed thematic plans aimed at human rights, monitoring them directly.

19. In November 2011, the National Plan on the Rights of Persons with Disabilities (Living without Limits) was launched to promote citizenship and strengthen participation of persons with disabilities by promoting their autonomy, eliminating barriers, and ensuring access to and full use of the goods and services offered to the general population on equal basis. With a budget of R\$ 7.6 billion, the Plan establishes a series of goals for implementation by 2014 based on four thematic axes: education, health, social inclusion, and accessibility.

20. Also, the following Plans were launched: the Brazil without Poverty Plan; the National Food and Nutritional Security Plan; and the Plan on Confronting the Use of Crack Cocaine and Other Drugs. Finally, the National Plan on Children and Adolescents is currently under development.

21. It is also worth highlighting the launch, in 2011, of the National Programme for Access to Professional Training and Employment (Pronatec), which will offer 8 million vacancies for technical and vocational training for students and workers until 2014; and of the second phase of the My House, My Life Programme, which will invest R\$ 125.7 billion until 2014, allowing 2 million families, 60% of which have low income, to purchase their own houses.

III. Achievements and challenges in promoting and protecting human rights in Brazil

22. On January 1, 2011, the first woman elected President in Brazil's history was sworn in. Her election represents a major step forward for Brazilian democracy and toward effective equal opportunity for men and women. In 2008, Brazil's UPR report underscored women's low participation in the country's spheres of power. In 2010, women accounted for 14.8% of all seats in the Federal Senate and 8.8% in the Chamber of Deputies. While recognizing the continuing need to address the under-representation of women in the legislative, executive, and judicial branches of government, it is important to stress that 2011 registered the highest proportion of women holding cabinet-level positions in Brazil's history: 24.32%. This advance reflects the Government's commitment to promoting gender equality, in line with civil society and the feminist movement.

23. In conformity with recommendation 15 of the UPR First Cycle, this report incorporates gender, race/ethnicity, age, sexual orientation, and other dimensions related to the different contexts of Brazilian population, which are essential for securing the effectiveness of human rights policies.

A. Reducing poverty and promoting social equality (Recommendation 1)

24. Since 2003, the Brazilian State has made poverty eradication, deemed crucial for national development, a key priority.

25. However, 8.5% of the Brazilian population is still living in extreme poverty.³³ Of these, 59% are located in the Northeast Region, 51% are under the age of 19, and 71% are Afro-descendants (black and mulatto).³⁴ Considering that to live in extreme poverty means to be subject to the deprivation of rights and freedoms, in June 2011 the Government

launched the Brazil without Poverty Plan (BSM).³⁵ The Plan consists of a series of integrated trans-sector measures to overcome poverty and promote social inclusion. Its main objective is to remove that part of the population from extreme poverty by 2014, including measures executed through three axes: income safeguard; access to public services;³⁶ and productive inclusion, with a view to increasing production and generating jobs and income in urban and rural areas. The Plan fosters substantive interaction with states, municipalities, and civil society in the implementation of a variety of programmes to realize the required social changes in Brazil.

26. In order to reach the poorest population which stands outside the social protection and promotion network, Brazil adopted the “Active Search” strategy, which aims to actively identify and include in social policies all those who meet the prerequisite conditions.³⁷ From June to December 2011, 499,000 families were located and registered in the Family Grant Registry, of which 325,000 began receiving support from the Family Grant Programme.³⁸

27. In caring for extremely poor children and adolescents, the Family Grant Programme underwent a series of modifications in 2011, among which the 19.4% average readjustment on the value of the benefit; the extension of the variable benefits limitation per family from 3 to 5;³⁹ and the inclusion of pregnant women and nursing mothers among the beneficiaries. Due to the modifications, the average benefit climbed from R\$ 96.00 to R\$ 119.83 per family; 1.3 million children and adolescents were included in the Programme; and the benefit for pregnant women and nursing mothers, announced in September 2011, was directly paid to over 240,000 women.

28. Another important measure was the introduction of the Unified Social Assistance System (SUAS) in 2005 and its consolidation through the review and amendment of the Organic Law on Social Assistance (LOAS) in 2011.⁴⁰ The SUAS organizes the social protection network, ensuring access to social services to the poorest and/or most vulnerable people. The institutionalization of the SUAS represents a major achievement in the shift from welfare or clientelistic measures to consolidated public policies which include a human rights-approach. Nowadays, 99.6% of Brazilian municipalities participate in the SUAS.⁴¹ Additionally, the review of the LOAS incorporated the concept of “persons with disabilities” as defined by the 2009 UN Convention, thereby expanding the pool of citizens entitled to receive continuous benefits.⁴²

B. Reducing vulnerability and caring for diversity (Recommendation 1)

29. Brazil seeks to promote human rights within a context marked by historical and structural inequalities.⁴³ Instruments have been developed to confront a reality in which differences based on gender, race, age, religion, sexual orientation, and others, affect one’s access to the public policies which are crucial for securing realization of rights. In response, actions to reduce vulnerability have been incorporated to State initiatives in a number of areas provided for under the PNDH-3, including: poverty reduction, promoting adequate food, health, education, agrarian reform, combating violence in the countryside, eradicating child and slave labour, promoting rights of indigenous and *quilombo* communities, and promoting women’s rights.

Family health and stork network

30. Brazil has pursued a comprehensive and multidisciplinary health assistance model through the Family Health Strategy, among others. Present in 5,290 municipalities encompassing 52.6% of the Brazilian population, the Strategy played a critical role in reducing infant mortality and malnutrition, teenage pregnancy, and expanding vaccine

coverage. It is estimated that in the past three years the Strategy prevented more than 126,000 hospitalizations.

31. Further, in 2011 the Stork Network was launched to strengthen newborns' and infants' health assistance and promote women's sexual and reproductive rights.⁴⁴ With a budget of R\$ 9.4 billion, the Network establishes measures to ensure that 61 million women of reproductive age receive appropriate, safe, and humanized care through the SUS.

32. The government has also instituted, in 2011, the National System for Registry, Surveillance and Assistance of Pregnant and Postpartum Women for the Prevention of Maternal Mortality in the context of the Policy of Integral Care for Women's Health (PAISM), which is coordinated and executed by the Unified Health System (SUS) and aims at guaranteeing an improvement of access, coverage and quality of maternal health care, especially during high risk pregnancies.

33. It is also worth mentioning the launch in February 2011 of the Health Has no Price Programme, which guarantees free access to hypertension and diabetes medication for the Brazilian population. Currently, medications are distributed through more than 20,000 pharmacies and have reached 7.8 million people. Another 14 types of medication are also offered with up to 90% discount for treatment of asthma, rhinitis, glaucoma and Parkinson's disease, as well as adult diapers and contraceptives.

Early childhood

34. With a focus on the most vulnerable people, the Government has identified early childhood as a priority. In December 2010, the National Early Childhood Plan was approved. Additionally, the Pro-Childhood Programme was included in the Growth Acceleration Programme (PAC 2) with the objective of building 6,000 preschools and day care centres through a total investment of R\$ 7.6 billions by 2014, of which 1,507 units have already been approved. From its launch to its inclusion in PAC 2, the Pro-Childhood Programme had signed agreements with 2,317 municipalities for the construction of 2,528 day care centres and preschools. The day care centres provide children with essential education and cognitive development skills, while enhancing families' productive inclusion, particularly women.

Elderly

35. In 2008, the Programme to Promote and Defend the Rights of the Elderly was instituted, aimed at ensuring healthy ageing by eliminating all forms of discrimination and violence and providing elderly people with access to goods and services. Two National Conferences on the Rights of the Elderly (2009 and 2011), with deliberative nature, were organized, involving over 1,500 participants. Additionally, the Senior Citizen Statute (Law No. 12461/2011) was reviewed and amended, providing for mandatory reporting of violent acts committed against senior citizens in health services; and the facultative social security contribution of low income domestic workers was reduced from 11% to 5% of the minimum wage.⁴⁵

LGBT

36. The promotion of the rights of the LGBT population⁴⁶ is based on the implementation of the National Plan to Promote LGBT Rights, with the involvement of various public agencies. The dialogue with social movements was strengthened through the organization of two National LGBT Conferences (2008 and 2011) and the creation of the National LGBT Council in 2010, which is responsible for monitoring public policies' implementation.

37. Other important achievements were: normalization of the use of the social name by transvestite and transsexual federal public servants;⁴⁷ extension of benefits in health care plans for same-sex partners as dependants;⁴⁸ and the recognition of the constitutionality of same-sex civil unions by the Federal Supreme Court.⁴⁹

Unregistered births

38. Brazil has made significant efforts to ensure all Brazilians effectively exercise the right to a civil birth certificate. Consequently, from 2003 to 2009 the national average of children without birth certificates fell more than 50%. In 2009–2010, 2,895 collective mobilizations were launched to provide basic civil documents, resulting in the issuance of more than 85,000 birth certificates. Some collective mobilizations were aimed specifically at traditional, nomadic, semi-nomadic, gypsies, and homeless communities, of which 2,200 were sponsored in rural areas, resulting in the issuance of more than 1.3 million documents.⁵⁰ Thus, today only 6% of children between 1 and 2 years of age lack a birth certificate.

Religious Diversity

39. In November 2011, the SDH/PR established the Committee on Religious Diversity and Human Rights composed of government and civil society representatives as a means to ensure freedom of religion throughout Brazil. Also, a campaign for combating religious intolerance was launched.

Homeless Population

40. In December 2009, the National Policy for the Homeless Population was developed with participation of the homeless population. Its objective is to provide homeless people with access to services and benefits which allow their inclusion and empowerment. To ensure its coordination and implementation, an Inter-Sector Committee for Follow-Up and Monitoring of the Policy was established, initiating its activities in 2010.⁵¹

41. Other services to assist this population were instituted. The Reference Centres for Specialized Social Assistance for the Homeless Population (CREAS POP) already have 101 units in operation in Brazil's largest cities. Also, currently 13,900 vacancies are offered in shelter services and the goal is to reach 30,000 vacancies by 2014. Additionally, in 2011 the first Centre to Defend the Rights of the Homeless Population was launched in Belo Horizonte (MG).

42. Finally, it is worth mentioning the Directive approved in 2010 which determined preferential allocation of 5% of the vacancies from the My House, My Life Programme to homeless people.

Refugees

43. Brazil is committed to protecting the rights of refugees and stateless persons as a Party to the leading international instruments on the field.⁵² In November 2010, in a meeting hosted by Brazil, 18 Latin American countries adopted the "Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas". In December 2011, at the UNHCR Ministerial Meeting,⁵³ Brazil pledged to: 1) adopt measures to strengthen the local integration of refugees; 2) consolidate and expand the solidarity resettlement programme; 3) adopt legislation creating a mechanism establishing stateless status determination procedures.⁵⁴

Immigrants

44. Brazil is also committed to finding complementary protection responses for victims of forced displacements. To date, nearly 1,300 humanitarian visas have been granted by the National Immigration Council to Haitian citizens arriving in Brazil following the 2010 earthquake in Haiti.

C. Human Right to Adequate Food - HRAF (Recommendation 13)

45. The UN Special Rapporteur on the Right to Food recognized that Brazil “has been particularly effective in tackling extreme forms of deprivation.”⁵⁵ It is with this aim that Brazil has implemented actions to ensure full realization of the right to adequate food and nutritional security.

46. A major legal advance regarding the HRAF was its inclusion as a social right under the Federal Constitution in 2010.⁵⁶ In the same year, the regulation of the National Food and Nutritional Security System and implementation of the National Food Security Policy have strengthened integration and coordination among the federal, state, and municipal governments and civil society in implementing, monitoring, and evaluating the realization of this right. As a result, Brazil is among the countries which have achieved the most notable progress in reducing infant mortality and malnutrition. The former fell 59.7% between 1990 and 2008,⁵⁷ and the latter dropped 90% from 1979 to 2009.⁵⁸

47. The Food Acquisition Programme (PAA) is an important instrument in this process, as it promotes the institutional purchase of family agriculture products destined, among others, to food and nutrition public equipments, such as communal restaurants and kitchens, and food stocks, as well as to the assembly of Basic Food Baskets.

48. Additionally, the National School Food Programme (PNAE) guarantees meals for students in public primary and secondary schools. In 2011, it assisted 48.1 million students. In 2012, it is expected to benefit 49.9 million students.

49. In Brazil, the supply of food to the domestic and international markets has increased in conjunction with the expansion of biofuel supplies to the national energy grid. With regard to available productive land for food production, currently only 7.73% of Brazil’s croplands are reserved for ethanol production, representing slightly more than 1% of all arable land. From 2004 to 2009, Brazil increased grain harvests by 15%, while doubling ethanol production. In 2009, the Government enacted a decree providing for Sugarcane Agro-ecological Zoning, which identifies the specific areas deemed suitable for expansion of the crop and preserves farmland used for food production.⁵⁹

D. Combating slave labour (Recommendation 3)

50. Preventing and combating all forms of forced or slave labour and providing for the socioeconomic reintegration of workers are challenges still faced by Brazil. Considering the interrelationship between poverty, racial discrimination, economic exclusion, and slave labour, the government has adopted measures aimed at reducing victims’ social vulnerability, whether Brazilians or foreigners.

51. To this end, in 2008 the government launched the 2nd National Plan to Eradicate Slave Labour, which updated the 1st Plan of 2003 and introduced advances in the areas of prevention and victims’ reintegration. One of its most significant measures involves guaranteed unemployment insurance benefit for rescued workers, providing them with basic means to start reintegration in society and to seek new employment. From 2008 through July 2011, 98% of all rescued workers received the benefit.⁶⁰

52. In order to reintegrate rescued workers, in December 2005 the Ministry of Labour and Employment (MTE) and the Ministry of Social Development and Hunger Alleviation (MDS) signed a cooperation agreement giving them priority access to the Family Grant Programme.⁶¹ Since then, the benefit has been extended to 14,800 individuals. Additionally, within the framework of the BSM Plan, agents of Technical Assistance and Rural Extension (ATER) are being trained to promote preventive practices against slave labour in the countryside.⁶²

53. Recently, Brazil has expanded and reinforced its enforcement measures. From 2007 to 2010, the number of operations conducted by the Special Mobile Inspection Group and the rural units of the Regional Labour and Employment Superintendencies climbed 70% against the preceding four-year period (2003–2006). In the same period, a total of 567 inspection operations were conducted, resulting in the rescue of 17,631 workers,⁶³ a 9% increase in relation to the 2003–2006 period. While reducing the number of slave labour victims, Brazil also succeeded in cutting the unemployment rate to 6% in September 2011, the lowest rate for September since 2002.⁶⁴

54. Another important preventive instrument is the registry of companies that used slave labour, also known as “dirty list”, which prevents registered institutions from receiving public funding. In July 2011, there were 251 employers registered in the list.⁶⁵ While Article 149 of the Brazilian Penal Code provides for criminal prosecution for the crime of slavery, there is still the challenge of approving Proposed Constitutional Amendment (PEC) 438/2001, which allows for expropriation of land in cases of slave labour and constitutes a key priority of the current President.

E. Eradicating Child Labour (Recommendation 3)

55. Brazil has put in place efforts to combat child labour, resulting in a decline of the Child Labour Rate⁶⁶ from 7.80% (2005) to 5.63% (2009).⁶⁷ This decline was greater in the Northeast Region (from 11.88% to 7.85%), where child labour rates are the highest. It is estimated that child labour cases have been reduced by 874,000, with the Northeast accounting for 470,000 of those cases.⁶⁸

56. From 2007 to 2011, 6,603 inspection operations were conducted in work establishments in urban and rural areas to prevent child labour. These measures served to rescue 22,505 children and adolescents, who were referred to the social protection network. Brazil has also emphasized prevention policies, including: income transfers to families with children subjected to child labour; access and permanence in school, by implementing full school days in public schools; services aimed at strengthening family and community ties and parental oversight through the SUAS and awareness-raising campaigns.

57. In 2010, the Programme to Eradicate Child Labour (PETI)⁶⁹ benefited approximately 824,000 children in more than 3,500 municipalities, and 66.5% of Brazilian municipalities reported having implemented child labour eradication measures.⁷⁰ In 2011, the PETI benefited 817,000 children, with an investment of R\$ 258 million, and it will be strengthened in 2012, with an expected 27.1% raise in the resources provided. The BSM Plan aims, through the Active Search, to increase the number of PETI beneficiaries and to address high vulnerability situations, such as children working in dumpsters, drug trafficking, sexual exploitation, among others.

F. Promoting agrarian reform (Recommendations 11 and 12)

58. Agrarian reform policies are essential for consolidating Brazilian democracy. The right to land serves to spur local and regional economies, promote peace in the countryside,

and ensure food security and access to productive resources. Inequality in land ownership in Brazil remained stable in the period between the last two Agricultural Censuses (1995/1996 and 2006). During the period, the Gini Index of land distribution remained approximately 0.856, although the number of establishments covering more than 1,000 hectares declined, while the number of small farmers with less than 10 hectares rose by 74,700. The increase in the number of small properties was a direct result of policies adopted since 2003 to promote agrarian reform and strengthen family agriculture.⁷¹

59. The National Institute of Colonization and Agrarian Reform (INCRA) has the primary responsibility for ensuring the social function of land and contributing to sustainable development and social inclusion. From 2003 to 2010, INCRA settled 614,000 families through the establishment of 3,551 new rural settlements.⁷²

60. Households that obtain the right to land are entitled to receive Technical, Social, and Environmental Assistance (ATES). The objective of ATES is to provide technical guidance on productive inclusion and sustainable food production, while ensuring environmental preservation of the settlements. Whereas in 2003, ATES served 95,565 households, by 2010 that number had risen to 295,000 households.⁷³

61. In order to promote greater gender equality in the countryside, INCRA approved guidelines securing the rights of female rural workers. In 2007, INCRA established that all documents authorizing access to land must include the names of both the female and male owner or recipient, independent of their civil status. Consequently, the average percentage of women with title to lots increased from 24% to 55% between 2003 and 2007.⁷⁴ In 2008, INCRA established the “Women Support” credit line as a specific funding mechanism to promote greater independence and productive inclusion of women in the countryside. Since its launch, 7,157 agreements have been implemented.⁷⁵

62. The measures adopted to strengthen family agriculture have been complementary to agrarian reform strategies. Family agriculture represents 34% of the gross value of agricultural production, employing 12,3 million people and accounting for 70% of food production in Brazil. Thus, agricultural policies aimed at family agriculture have been enhanced and expanded.

63. The Rural Credit of the National Programme for Strengthening Family Agriculture (PRONAF) provided R\$ 16 billion for the 2010–2011 harvest. From 2003 to 2010, the number of households benefited by PRONAF climbed from 291,000 to 446,000.

64. The Food Acquisition Programme (PAA)⁷⁶ promotes the purchase of food produced by family agriculture, generating income and sustaining agricultural prices for family farmers, strengthening cooperatives, and ensuring access to diversified food for people subject to food insecurity. The PAA benefits family farmers served through PRONAF and the National Development Plan for Traditional Peoples and Communities.⁷⁷ From 2003 to 2011, more than R\$ 3.5 billion were channelled in investments to purchase approximately 3.1 million tons of food, involving an average of 160,000 family farmers per year in more than 2,300 municipalities. Purchased food contributed to supplying an average of 25,000 entities per year reaching nearly 15 million people.⁷⁸ With a view to promoting gender equality, a resolution was passed fostering women’s access to the programme by assigning them as priority in the selection and execution of PAA’s proposals.⁷⁹

65. Additionally, in 2011, in the context of the BSM Plan, the Programme for Fostering Rural Productive Activities was created offering technical assistance, seeds and financial resources to support the production of extremely poor family farmers, including agrarian reform settlers. Currently, 456 agents of Technical Assistance and Rural Extension (ATER) assist 37,000 families. The goal is to reach 179,000 by 2012.

G. Rights of indigenous peoples (Recommendations 3, 5, and 12)

66. According to the Constitution⁸⁰, indigenous peoples have exclusive usufruct rights to natural resources on their lands, and the State is responsible for demarcating indigenous lands, protecting and ensuring respect for their property and assets. In Brazil there are 660 indigenous lands, which correspond to approximately 13% of the national territory. In the Amazon, they account for 25% of the land area and register preservation rates higher than those found in conservation areas.

67. Between 2008 and 2011, the State achieved significant progress in promoting the rights of indigenous peoples. State measures to reinforce the rights of indigenous peoples have resulted in a rise of their self-identification in the Demographic Census. Additionally, as part of the Campaign to Eliminate Unregistered Births, more than 8,000 birth certificates of indigenous persons were issued.⁸¹ With respect to health, the incidence of tuberculosis (-14.13%), malaria (-59.1%), and infant mortality among children under the age of 1 year (-18.75%) fell⁸² in relation to 2007. In 2010, a Special Secretariat for Indigenous Health was established. By December 2011, the indigenous health network included 4,132 indigenous health agents and 1,387 indigenous sanitation agents, besides doctors, nurses, and other health care professionals.

68. However, challenges remain, including the approval of the Statute on Indigenous Peoples,⁸³ submitted in August 2009 to the National Congress. Additionally, efforts have been made to secure full occupation and sustainable management of indigenous lands.

69. In regard to territorial protection, there was a 30% rise in the number of indigenous lands accredited, a 20.1% drop in the number of vulnerable indigenous villages, and a 59.99%⁸⁴ decline in the number of lands without guaranteed usufruct rights.⁸⁵ From 2007 to 2010, a total of 39 indigenous lands were demarcated, the highest number recorded in Brazil to date.⁸⁶ Brazil is committed to regulating and removing trespassers from indigenous lands, thus, ensuring ethno-development and autonomy of indigenous communities in harmony with their own life projects.⁸⁷ Yet, a number of disputes involving indigenous lands persist, such as in the Dourados region, Mato Grosso do Sul state. To contribute toward settling the dispute, in December 2011, the CDDPH decided to restore the activities of the Guarani-Kaiowá Commission, established in 2007 to coordinate and monitor federal measures adopted on behalf of the Guarani-Kaiowá peoples in the region.

70. Brazil has taken steps to ensure that large-scale infrastructure projects safeguard the rights of indigenous peoples as well as *quilombo* and traditional communities.⁸⁸ Government bodies, together with project entrepreneurs, have developed procedures to ensure indigenous peoples receive information on and participate in projects that may affect them directly, with a view to addressing their impacts. Brazil has also promoted domestic discussions on the need to better regulate consultation procedures for prior, free and informed consent of indigenous peoples on measures which may affect them directly, in accordance with the Brazilian Constitution and ILO Convention 169⁸⁹.

71. Finally, FUNAI established a Unit to promote specific policies for indigenous women. Among other measures, the Unit has held seminars in every region of Brazil discussing the application of Maria da Penha Law on violence against women with indigenous women, treating them as autonomous agents of change and considering their specific cultural characteristics.

H. Racial equality and the *Quilombo* populations right to land (Recommendation 12)

72. The approval of the Statute on Racial Equality in 2010 marked a major step in promoting equality in diversity.⁹⁰ It reaffirms the need to promote ethno-racial affirmative action policies, defined as “public policies aimed at repairing social distortions and disparities and other discriminatory practices adopted in the public and private spheres during the country’s social formation.”⁹¹

73. Special attention has been given to the *quilombo* communities,⁹² one of the most vulnerable Afro-descendant population segments. Launched in 2004, the Brazil *Quilombo* Programme (PBQ) aims at providing *quilombo* communities access to land as well as social and productive inclusion. The Programme seeks to overcome remaining obstacles to fulfil their rights,⁹³ which requires continuous cooperation and coordination between the various branches of government and Brazilian states.

74. Between 2005 and 2011, the PBQ benefited 11,506 *quilombo* families by regulating their right to land through the publication of 113 Technical Identification and Delimitation Reports. Until 2008, the PBQ provided: assistance to 19,821 households through the Electricity for Everyone Programme; inclusion of 19,000 families under the Family Grant Programme; and investments of R\$ 86 million for measures to promote regional development and ensure social rights.⁹⁴ In addition, a *Quilombo* Women’s Programme was developed to provide women with access to productive activities, autonomy, and equity.⁹⁵

75. Assistance to traditional communities and peoples is also emphasised in the BSM Plan. Currently, 4,500 families receive assistance from ATER agents through the Programme for Fostering Rural Productive Activities.

I. Promoting peace and justice in the countryside (Recommendation 3)

76. Despite having advanced legislation in the field, Brazil continues to face the challenge of securing peaceful settlement of disputes and justice in the countryside. According to the National Agrarian Ombudsman, there were 227 occupations of rural properties and 63 murders in the countryside in 2010. These figures underscore the importance of combating rural violence.

77. Brazil has implemented mechanisms to face this challenge. In 2006, the Peace in the Countryside Programme and the National Plan to Combat Violence in the Countryside were launched. The Programme focuses on measures to monitor agrarian conflicts and provide social, technical and legal assistance to landless families in settlements, in addition to receiving and investigating complaints through the National Agrarian Ombudsman.⁹⁶ Further, the Programme pursues mediation efforts in order to secure decentralized negotiated peaceful agreements, involving local partnerships between the government and civil society. Complementarily, the Plan provides for measures developed in partnership between public agencies,⁹⁷ fostering legislative changes and intensifying prevention efforts. All these efforts contributed to reducing the number of deaths related to agrarian conflicts from 42 in 2003 to 11 in 2010.

78. Moreover, in April 2010 the National Justice Council (CNJ)⁹⁸ established the Forum on Land Affairs, with a view to ensuring land titling regularization, social pacification, access to justice, adequate housing, and the distribution of properties in the countryside and urban areas.⁹⁹

79. Brazil has also given attention to the issue of violence against women in the countryside and forest areas. In 2007, the Permanent National Forum to Combat Violence

against Women in the Countryside and Forest Areas was introduced as part of the National Pact to Combat Violence against Women. In this context, the national symbol of women's struggle for justice in the countryside is the *Margaridas* March, named in honour of union leader Margarida Maria Alves, murdered for her struggle on behalf of rural populations. President Dilma Rousseff took part in the closing ceremony of the 4th March in August 2011, in which the government undertook a series of commitments on behalf of rural women. Among these was the implementation of the Stork Network in the countryside, aimed at reducing maternal mortality and strengthening care for newborns.¹⁰⁰

J. Combating violence against women (Recommendation 3)

80. Violence against women (VAW) is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.¹⁰¹ In Brazil, 34% of women report having been victim of some form of physical violence.¹⁰² Thus, it is a State priority to address VAW through public policies. Since the establishment of the Secretariat for Women's Policies (SPM) in 2003, efforts have been pursued to consolidate and strengthen mechanisms to eliminate VAW and provide support for victims. Between 2007 and 2011, the number of state and municipal women's policy bodies increased from 155 to more than 300.¹⁰³ However, challenges remain in the effort to deconstruct gender roles and promote a real transition toward gender equality in Brazil.

81. An important consolidated effort to eliminate VAW in Brazil has been the establishment of Special Police Stations for Women's Assistance (DEAM). First launched in 1985,¹⁰⁴ the purpose of DEAM is to investigate crimes against women victims of domestic, family, and sexual violence, and to safeguard their rights through qualified assistance and awareness-raising. By 2010, there were 475 DEAM distributed across Brazil.¹⁰⁵ Similarly, in 2005, the Women's Assistance Hotline – Dial 180 was introduced to serve as a monitoring mechanism and toll-free assistance service for women. In 2009, the hotline was restructured in response to a 1,890% demand increase since its inception, which involved expanding its capacity and transforming it into an effective mechanism to break the cycle of violence.¹⁰⁶ Until December 2011, 2.3 millions calls were received.

82. The 2006 Maria da Penha Law was a milestone in fulfilling Brazil's commitments regarding the rights of women victims of domestic violence, by guaranteeing implementation and enforcement of criminal provisions to punish their perpetrators.¹⁰⁷ In order to ensure the Law's effective application, federal public agencies of the Judiciary and Executive branches have worked in partnership with states and municipalities to introduce specialized mechanisms for women's assistance.¹⁰⁸ With investments of more than R\$ 32 million, the Government supported installation of 104 mechanisms from 2008 to 2010.¹⁰⁹ Most recently, another important accomplishment was the Federal Supreme Court's decision which, to settle interpretation debates regarding the Law, confirmed the Federal Prosecutor's Office's competence to continue the lawsuit against the assaulter despite a complaint by the victim. The Court also defined that the complaint may be made by any witness.¹¹⁰

83. In December 2011, the 3rd Conference on Women's Policies was held to assess the national context and policies with a view to establishing priority actions aimed at fostering gender equality in Brazil.

K. Human rights education

84. The National Guidelines for Human Rights Education, which include strategies for incorporating human rights education in primary, secondary and higher education curricula,

are being finalized by the National Education Council and involved government and civil society's participation in its development process. To implement the Guidelines, the SDH/PR and the Ministry of Education have focused on: boosting the National Human Rights Education Plan's implementation, enacted in 2003 and reviewed in 2007; strengthening the National Education and Human Rights Committee, established in 2003; securing budget for 100 State and Municipal Human Rights Education Committees slated to be created by 2015; and developing indicators on Human Rights Education. In 2011, Brazil invested more than R\$ 4 million in human rights courses and projects, involving government and civil society stakeholders.

L. Promoting public security and combating violence (Recommendations 2 and 5)

85. The PNDH-3 consolidates initiatives to promote public security, justice, and combat violence, reflecting an understanding as to the inter-dependence of the three elements. Brazil is committed to foster urgent and far-reaching reforms in the justice system, incorporating the primacy of respect for human rights.

86. In the past decade, Brazil implemented a series of strategies to prevent and combat torture and excessive use of force by police officers and prison guards, improve detention conditions and guarantee broad access to justice. The major challenge faced in implementing strategies for tackling these historical and multifaceted phenomena is to coordinate actions and forge effective partnerships between civil society and public agencies of the legislative, executive and judicial branches of government in the federal, state and municipal levels.

87. The National Public Security Policy bases its efforts on this cooperative perspective by prioritizing prevention and combating the causes of crime, while promoting social order and public security. Actions coordinated jointly by the Union, states, municipalities, and civil society stakeholders have been developed through the Policy for the purpose of enhancing the value of public security professionals, restructuring the penitentiary system, preventing crime, and combating police corruption.

88. Measures to bolster the value of public security professionals and prison personnel have been implemented within the Ministry of Justice. Efforts include providing access to: the National Housing Plan for Public Security Professionals; training courses and graduate programmes in public security; capacity building in law enforcement investigation and forensic medicine; and capacity building to ensure appropriate assistance to vulnerable groups. Training and awareness-raising initiatives are of fundamental importance to these efforts, especially given the interrelationship between violence, marginalization, race, age, gender, and income.

89. Another important initiative focuses on the Rio de Janeiro state government's effort to implement Pacification Police Units (UPP) as a new model of public security based on community policing in recently pacified communities. There are currently 19 UPPs operating in selected *favelas* of Rio de Janeiro. Complementarily, the UPP Social Programme was instituted to provide social development in order to consolidate territorial control and pacify communities in which UPPs have been established. Through the Programme, populations previously cut off by the drug trade receive public services centred on access to citizenship and justice, including the issuance of basic civil documentation, legal assistance, and establishment of community mediation centres. Initiatives to protect and safeguard human rights in the pacification process are deemed essential to assure rights and address situations of abuse of authority.

M. Promoting community justice (Recommendations 3 and 8)

90. Since 2008, the Ministry of Justice has developed actions to promote a culture of peace and alternative dispute resolution measures. Among these actions, it is important to highlight the Community Justice initiative, which aims at stimulating locally designed strategies to ensure timely, peaceful, and conciliatory justice in communities highly susceptible to violence. Since 2008, 46 Community Justice Centres have been established through investments of approximately R\$ 15 million. The Centres sponsor, among other activities, human rights education and awareness-raising initiatives and provide community conflict mediation.

N. Promoting access to justice (Recommendations 3 and 8)

91. In 2003, Brazil created the Judicial Reform Secretariat to promote access to justice in its broadest sense by coordinating governmental actions to make the judiciary system more accessible. As a follow-up to the Constitutional Amendment 45/2004 reforms¹¹¹, in 2009 the “II Republican State Pact for a more accessible, speedy, and effective justice system” was signed containing a series of bills aimed at strengthening the justice system.

92. In this context, significant strides have been made via laws relating to the activities of the Public Defender’s Offices (PDO), which are charged with providing legal assistance to those without the means to obtain legal services. Complementary Law No. 132/2009, while organizing and improving the PDO, reiterates their focus on the most vulnerable by prioritizing their work in areas with the highest rates of social exclusion and population density. Also, Law No. 12313/2010¹¹² provides for the creation of specialized units to provide comprehensive legal assistance free of charge. Under the new law, the PDO have the prerogative to enter police, prison, and collective detention facilities freely and unannounced, which contributes to preventing torture and abuses by law enforcement and prison personnel by strengthening external oversight.

93. Brazil also supports the implementation of Specialized Legal Assistance Centres for male and female inmates and their family members. In 2008–2009, a total of 19 Centres in state PDO and 17 Legal Assistance Sections for Inmates and Their Family Members within the framework of the PDO of Brazil were established, which involved investments of over R\$ 13 million.¹¹³

94. Despite the efforts mentioned above, it is important to recognize that ensuring comprehensive legal assistance to nearly 134 million Brazilians that have no financial means poses a major challenge for the PDO and their associated mechanisms. Progress was made in 2011 in Paraná and Goiás where the establishment of PDO was approved.

O. Improving the prison system (Recommendations 3, 5, 6, and 7)

95. The Brazilian Government recognizes the need to reform the country’s prison system. Brazil has nearly 513,802 individuals held in penitentiary facilities and police stations.¹¹⁴ Police stations currently hold nearly 9.6% of the country’s inmate population.¹¹⁵ Addressing this situation is a priority for states, with the support of the Federal Government.

96. Brazil has monitoring instruments of the penitentiary system, according to which the Brazilian prison population has a profile of predominantly young male Afro-descendants with little schooling. In 2011, 53.6% of prison inmates were between the ages of 18 and 29 years, 93.6% were men, 57.6% were Afro-descendants, and 34.8% were white. In addition, 45.7% of prison inmates had not completed their primary education, while 0.4% had

concluded higher education.¹¹⁶ The statistics orient the multi-sector initiatives to combat institutionalized racism, reduce poverty, and stimulate schooling and productive inclusion for young people.

97. One of the immediate challenges of the penitentiary system involves increasing the number of vacancies in detention facilities. To this end, in 2011 the National Programme to Support the Prison System was established with a budget of R\$ 1.1 billion. The aim of the initiative is to eliminate the deficit in female prison establishments and remove provisional detainees from police stations. These measures are urgent, particularly given the growth of the inmate population in recent years, from 361,402 in 2005 to 513,802 in 2011, representing a nearly 42% increase.¹¹⁷

98. To prevent unnecessary detentions, in 2011 the Law on Precautionary Measures (Law No. 12403/11) was approved, giving judges the authority to adopt alternative measures to preventive detention. The Law is of critical importance, as currently there are nearly 169,075 individuals subject to provisional detention throughout Brazil (representing around 36% of the prison population),¹¹⁸ all of whom must have their constitutional right to await trial in freedom.

99. Another important project is the Collective Mobilization for Prison Reviews launched by the CNJ. The collective reviews of all case records of defendants and convicted inmates, mutually undertaken by CNJ, the Courts, Public Prosecutor's Office, Public Defender's Office, Brazilian Bar Association, and the Prison Administration Secretariats, in a sustained effort, allow for the identification of irregular detentions, in addition to precise diagnostic analyses of the prison and criminal justice systems, paving the way for course corrections, planning, and the adoption of preventive measures. Since the establishment of the Collective Mobilization for Prison Reviews in 2008, a total of 334,635 case files from across the country have been reviewed, resulting in the release of 33,800 people, corresponding to nearly 11% of the cases reviewed.¹¹⁹

P. Improving the juvenile justice system (Recommendation 3)

100. With a view to providing more effective assistance to adolescents in conflict with the law, the National Council on the Rights of the Child and the Adolescent (CONANDA) approved, in 2006, the National System for Social-Educational Assistance (SINASE), which establishes essential standards and guidelines for implementation of the Statute on Children and Adolescents (ECA) and for enhancing juvenile justice in Brazil. Its development involved the participation of representatives of the government, civil society organizations, and experts and centred on individualized assistance plans that take into account young people's potentialities, capacities and limitations while valuing tolerance and promoting individual's inclusion.

101. Accordingly, the Federal Government has sought to reform and build new detention units and to improve the quality and individualization of assistance, while emphasizing the educational aspect of detention over the punitive one. Between 2003 and 2010, the Government invested R\$ 296 million in the juvenile justice system, and is currently funding 39 additional units in 21 states.

102. In January 2012, SINASE was legally instituted,¹²⁰ establishing the minimum standards that each detention unit should meet, both in terms of architecture and assistance, aiming at the adolescent's effective re-socialization.

Q. Preventing and combating torture and other cruel, inhuman, or degrading treatment or punishment (Recommendations 3 and 6)

103. In 1997, Brazil instituted the Law No. 9455, regulating the crime of torture. The Brazilian Constitution expressly prohibits acts of torture and other cruel, inhuman, or degrading treatment or punishment,¹²¹ and many efforts have been undertaken to combat these crimes.

104. In 2010, the Prison Pastoral Care reported that the entity had received 211 complaints of torture between 1997 and 2009.¹²² In that same year, the Human Rights Hotline – Dial 100 received 398 complaints of torture in the first 10 months of the year. Even if these statistics fail to provide an accurate picture of torture in Brazil, the data support the conclusions of the Parliamentary Inquiry Commission of the Chamber of Deputies, established in 2008, that practices of physical and psychological torture are employed in various detention facilities.¹²³

105. To more effectively register and refer cases of torture, in 2011 a special torture module was added to the Human Rights Hotline - Dial 100. The hotline, a service aimed at registering complaints of human rights violations and a channel for the dissemination of information to the population, received more than 2.5 million calls and referred over 150,000 reports of rights violations from around the country between May 2003 and February 2011.¹²⁴ From 2009 to 2011, the Dial 100 modules were expanded to include reports of rights violations against homeless people, senior citizens, LGBT, and persons with disabilities. It also received complaints of torture and mistreatment in mental hospitals and psychiatric treatment centres as well as in the so-called therapeutic communities.

106. As a result, Brazil has undertaken coordinated initiatives to combat, prevent, and assist victims of torture.¹²⁵ Since 2006, the Committee to Combat Torture, composed of government and civil society representatives, has been active at the federal level. The Committee's task is to monitor, debate, and propose government initiatives to combat torture and other forms of cruel, inhuman, or degrading treatment or punishment.

107. In 2011, the government sent the National Congress a Bill that would institute the National System to Prevent and Combat Torture which would include the establishment of a National Committee and a National Preventive Mechanism, in accordance with the Optional Protocol of the UN Convention against Torture. The mechanism would incorporate independent experts with unrestricted legal and political power to monitor detention facilities throughout the national territory.

108. At the state level, there are 11 State Committees to Combat Torture, which include the participation of civil society and government representatives. Steps have also been taken toward the establishment of State Preventive Mechanisms, also in accordance with the Optional Protocol. Since March 2011, the Rio de Janeiro State Preventive Mechanism has been operative, and Alagoas and Paraíba have approved laws creating their mechanisms.

R. Preventing and combating summary executions, abuse of power, and human trafficking (Recommendations 2 and 3)

109. The Federal Government has encouraged the establishment of independent Ombudsman Units and Internal Affairs Offices in law enforcement agencies to exercise oversight of federal, civil, and military police forces. These measures are aimed at combating impunity for the crimes of torture, human trafficking, summary execution, abuse of power, and corruption involving law enforcement and prison personnel. In 2006, the National Forum of Police Ombudsman Units was established to formulate joint strategies in

this area. Of the 21 Police Ombudsman Units in Brazil, six have fulfilled the directives of the PNDH-3, particularly in regard to their independence.

110. Despite governmental efforts, the so-called “death squads”, criminal organizations implicated in summary executions and other serious human rights violations, remain active in some states.

111. In recent years, the Federal Police Department launched investigations to dismantle these organizations. In 2010, the Human Rights Division of the Federal Police Department took over responsibility for investigating death squads and the creation of a specific Police Unit dedicated to this issue is currently under study.

112. Another significant legal progress was the approval of a law enabling the displacement of jurisdiction from state to Federal Justice in cases of serious human rights violations. The first case to which the displacement of jurisdiction was applied was related to death squads operating in the state of Paraíba, which set a critical legal precedent for addressing similar cases.

113. It is also worth highlighting the important work of the CDDPH, which has as its primary duty to receive and investigate human rights violations. Among the Council’s traditional activities are drafting reports, organizing conciliatory meetings, mobilizing efforts, and carrying out joint operations with the states and municipalities to combat impunity of grave human rights violations, such as human trafficking and those perpetrated by death squads.

114. As part of the effort to prevent and combat human trafficking, in 2006 Brazil implemented the National Policy to Combat Human Trafficking, which sets forth principles, guidelines, and actions to prevent, repress, punish and assist victims. Measures were adopted in the areas of justice and public security as well as education, health, social assistance, racial equality, women’s rights, tourism, and others. To strengthen the Policy, in 2010 the process of reviewing the I National Plan to Combat Human Trafficking was initiated and the II Plan was developed through a joint effort between government agencies and civil society.

S. Federal jurisdiction over human rights crimes (Recommendation 9)

115. With a view to combating impunity for serious human rights violations, in 2004 Constitutional Amendment No. 45/2004¹²⁶ was approved, which allows for transferring responsibility of criminal investigation and prosecution of perpetrators of serious human rights violations from state Courts to Federal Courts. The first case subject to the displacement of jurisdiction involved the murder of Manoel Mattos, an attorney, city councilman, and human rights defender, in the state of Paraíba in 2009.¹²⁷ The murder stemmed from Mr. Mattos’ human rights advocacy and support for investigations of crimes perpetrated by a “death squad” acting along the Paraíba-Pernambuco state line. In approving the displacement of jurisdiction over the case in October 2010, the responsibility for investigating the crime now rests with the Federal Courts.

T. Protecting human rights defenders, victims, and witnesses (Recommendations 3 and 4)

116. In 2004, the Programme to Protect Human Rights Defenders was instituted. The Programme operates on the basis of UN General Assembly Resolution 53/144 and of Presidential Decree No. 6.044 of 2007, which instituted the basis for the National Policy to Protect Human Rights Defenders.

117. In order to strengthen and regulate the Programme as a State policy initiative, in 2009 the Federal Government submitted Bill No. 4575 to the National Congress. The proposal awaits a final vote by the Chamber of Deputies.

118. Across Brazil, human rights defenders may access the Programme, if necessary. At the federal level, the Programme is organized around a General Coordination attached to the SDH/PR and at the state level around State Coordination Units. The Programme is currently in place in five states¹²⁸ and it is expected to be implemented in three others¹²⁹ shortly. Since its launch, the Programme provided assistance in 464 cases, resulting in protection measures for 257 individuals. Today, 211 individuals receive protection through the Programme. In states not yet part of the Programme, human rights defenders may seek assistance from the General Coordination.

119. Since 1999¹³⁰ Brazil has sponsored the Programme to Protect Threatened Victims and Witnesses (PROVITA), which provides protection to witnesses subject to coercion or serious threat by virtue of their cooperation in a criminal investigation or proceeding. The Programme operates in 17 states, in addition to the Federal Programme, through which nearly 700 individuals currently receive protection, including victims, witnesses, and family members. To date, PROVITA has assisted more than 10,000 people.

120. To ensure attention for the most vulnerable people, in 2003 the Programme to Protect Children and Adolescents Threatened with Death (PPCAAM) was established to guarantee the right to life and the physical integrity of these groups, with particular emphasis on delivering comprehensive protection and family interaction. Until September 2011, a total of 3,731 people, specifically 1,501 children and adolescents and 2,230 family members, had received protection. In 2009, the Programme to Reduce Deadly Violence against Adolescents and Youth was implemented to promote strategies to protect the lives of this population, in particular through violence prevention measures. Further, in 2011 the Adolescent Homicide Index was established. The Index revealed that in 2009 homicides represented 46% of the cause of death of individuals aged 12-18 years; and that male teenagers are 12 times more likely than female teenagers of being murdered, while Afro-descendant teenagers are three times more likely than white teenagers.¹³¹

U. Right of access to public information (Recommendation 10)

121. In October 2011, the Law on Access to Public Information was enacted establishing as a rule the public access to information produced and held by the State, prohibiting also the non-disclosure of official documents for indefinite timeframes. The Law restricts the possibility of non-disclosure only to very specific cases and establishes a 50-year limit on the confidentiality and non-disclosure of State held documents. The Law also prohibits assigning classified status to documents relating to human rights violations.¹³² Similarly, a system to provide citizens with guidance on their right to access to information will be developed. The system will provide clarifications on procedures governing public documents and protocols for accessing information. Through these measures, Brazil has made important strides toward consolidating its democratic system on the basis of full transparency and broad access to information.

122. The Transparency Portal of the Federal Government is a tool that aims at ensuring the fine and proper use of public resources. The goal is to increase the transparency of public management allowing the citizen to follow how the public income is being used and to support monitoring.

V. Truth Commission and the promotion of transitional justice

123. Considering that recapturing the past is crucial to overcoming historical violence and impunity and to construct a national identity more conscientious, responsible, and just, one of Brazil's most notable achievements was the creation of the Truth Commission in November 2011.¹³³

124. The Commission will investigate serious human rights violations and will contribute to preventing the recurrence of these practices within the context of Brazil's public institutions. The Commission will play a lead role in starting a process of transitional justice in the country.

125. As part of this process, in an effort to realize the right to memory and truth, in 2001 Brazil implemented a programme to compensate the victims of human rights violations during the military regime, which is coordinated by the Amnesty Commission of the Ministry of Justice. Until 2010, it is estimated that the State had pledged approximately R\$ 2.6 billion to reparation payments, making Brazil's programme one of the biggest in the world. In addition to promoting financial reparations, since 2008 Brazil adopted a series of symbolic, social and cultural measures to promote non-financial reparation through the Amnesty Caravan,¹³⁴ Marks of Memory,¹³⁵ and Amnesty Memorial¹³⁶ projects.

IV. Conclusion

126. Brazil has made enormous efforts to promote sustainable development with social inclusion and fulfilment of human rights, based on the belief that this strategy provides the path to a more equal, just and peaceful society. Among the many tasks still ahead, particular priority must be given to initiatives aimed at the most vulnerable people, especially through the implementation of cross-cutting and integrated actions in the public service, private sector, and civil society. It is with this long-term development perspective that Brazil has been organizing itself to receive the Rio+20 Conference, the 2014 FIFA World Cup, and the 2016 Summer Olympic Games.

127. In a global scenario marked by crisis and change, the same principles that have guided the government's actions on the domestic front have inspired its efforts on the international sphere. The human rights perspective, which has been historically used to translate social demands into policies and actions that promote and fulfil the fundamental rights of all people, is equally relevant beyond the nation's borders. For, ultimately in a multi-polar world, human rights emerge as a fundamental pillar in the pursuit of lasting peace.

Notes

¹ BRAZIL. Brazilian National Report to the Universal Periodic Review Mechanism of the United Nations Human Rights Council. A/HRC/WG.6/1/BRA/1. Geneva, 2008.

² The following recommendations were submitted to Brazil as part of the UPR First Cycle: 1. Continue and intensify its efforts to reduce poverty and social inequality (Belgium); 2. Continue its commitment to resolving the issue of abuse of power and excessive use of force (Ghana); 3. While continuing its positive initiatives, invest more rigour in evaluating the outcomes of planned activities in many of these areas: prisons conditions, criminal justice system, juvenile justice system, violence and extrajudicial killings committed by state military police, torture, protection of human rights defenders, violence against women, indigenous communities, rural violence and land conflict, child and slave labour, impunity for those involved with human trafficking and corruption (United Kingdom); 4. Intensify efforts for the security of human rights defenders and reinforce cooperation

with all stakeholders, in particular, the states and the military police (Belgium); 5. Give a more thorough consideration to the issues of human rights violations of indigenous people, lack of public security and poor detention conditions (Republic of Korea); 6. Take action to improve prison conditions and implement recommendations made by the Committee against Torture and by the Human Rights Committee (Germany); 7. Make greater efforts regarding prisons systems in a number of states of the federation in order to be transformed into rehabilitation centres (Uruguay); 8. Enhance access to justice as well as improve the judicial system (Mexico); 9. Implement at the earliest possible moment the initiative to bring serious human rights abuses under Federal Law if it is not done yet (The Netherlands); 10. Do its utmost to ensure that Congress adopt the law on access of citizens to public information (Peru); 11. Continue its commitment to the programme of land reform (Ghana); 12. Succeed with greater pace in land reform in the cast away areas by pursuing public policies targeted at improving the life of African descendants and minorities (Nigeria); 13. While paying special tribute to the pioneering role of Brazil in developing bio fuels based on non-edible agricultural products, scale up this experience and preserve the right to food (Algeria); 14. Encourage the establishment of a national institution compliant with the Paris Principles (Mexico); 15. Integrate gender perspectives in the follow-up process to the UPR review (Slovenia):

<http://www.direitoshumanos.gov.br/cooperacao-internacional/revisao-periodica-universal>. United Nations. Working Group on the Universal Periodic Review – Brazil. UN Doc. A/HRC/WG.6/13/BRA/4 of 15 April 2008.

- ³ In the UPR First Cycle, Brazil voluntarily undertook to develop new human rights monitoring tools, including a National System of Human Rights Indicators and the elaboration of annual reports on the situation of human rights in Brazil.
- ⁴ United Nations Human Rights Council, “Decision 17/119 of 17 June 2011,” UN Doc. A/HRC/DEC/17/119.
- ⁵ The following agencies submitted contributions to the Secretariat for Human Rights of the Presidency of the Republic: Office of the Attorney-General of Brazil; National Justice Council; Office of the Comptroller General of Brazil; Ministry of Agriculture, Livestock, and Food Supply; Ministry of Cities; Ministry of Culture; Ministry of Agrarian Development; Ministry of Social Development and Hunger Alleviation; Ministry of Education; Ministry of Sport; Ministry of Justice; Ministry of the Environment; Ministry of Mines and Energy; Ministry of Social Welfare; Ministry of Health; Ministry of Labour and Employment; Secretariat of Strategic Affairs of the Presidency of the Republic; Secretariat for Women’s Policies of the Presidency of the Republic; National Indigenous Foundation; National Institute for Colonization and Agrarian Reform.
- ⁶ National Councils are standing institutional thematic forums in which representatives of social movements, civil society organizations and government agencies discuss priorities for the formulation and oversight of public policies.
- ⁷ Acre, Amapá, Amazonas, Bahia, Ceará, Espírito Santo, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Pernambuco, Piauí, Rio de Janeiro, Rio Grande do Sul, Santa Catarina, Sergipe, São Paulo, and Tocantins.
- ⁸ The following Councils received official communications from the Secretariat for Human Rights of the Presidency of the Republic about the UPR and corresponding consultation process: National Council to Combat LGBT Discrimination; Council for the Defence of the Rights of the Human Person; National Council on the Rights of Persons with Disabilities; National Council on the Rights of Children and Adolescents; National Council on the Rights of Senior Citizens; National Commission for the Eradication of Slave Labour; Board of Trustees of the Guaranteed Employee Severance Fund (FGTS); National Council on Economic Solidarity; National Immigration Council; Deliberative Council of the Workers’ Assistance Fund (FAT); National Commission for the Eradication of Child Labour; National Social Assistance Council; National Commission for the Sustainable Development of Traditional Peoples and Communities; National Civil Defence Council; Council on Public Transparency and Combating Corruption; Council of Cities; National Council on Criminal and Penitentiary Policy; National Public Security Council; National Council on Narcotics Policy; National Commission for Indigenous Policies; National Environmental Council; National Council on Water Resources; Economic and Social Development Council; National Food and Nutritional Security Council; National Youth Council; National Social Security Council; National Council on Cultural Policy; National Council on the Promotion of Racial Equality; National Health Council; National Tourism Council; National Sports Council; National Council on Women’s Rights;

National Education Council; National Council on Aquaculture and Fisheries; National Science and Technology Council; National Sustainable Rural Development Council; Special Commission on Political Deaths and Disappeared; National Committee on Preventing and Combating Torture; National Human Rights Education Committee.

- ⁹ Paragraph 3 of Constitutional Amendment No. 45 of 2004 mandates that “the international human rights treaties and conventions approved in each chamber of the National Congress in two votes with a three-quarters majority of the respective members shall be deemed the equivalent of Constitutional Amendments.” The measure confers on Human Rights treaties the status of constitutional provision. Currently, human rights treaties are treated as supra-legal provisions.
- ¹⁰ Address by President Dilma Rousseff in the UN General Assembly, 21 September 2011.
- ¹¹ NERI, Marcelo Cortes (coord.). *Os Emergentes dos Emergentes: Reflexões Globais e Ações Locais para a Nova Classe Média Brasileira. (The Emergent of the Emergent: Global Reflections and Local Actions for the New Brazilian Middle Class)* Rio de Janeiro: FGV/CPS, 2011. http://www.ipea.gov.br/portal/images/stories/PDFs/100408_relatorioodm.pdf
- ¹² On this issue, see: IBGE. *Síntese de indicadores sociais: Uma análise das condições de vida da população brasileira 2010 (Summary of Social Indicators: A review of the living conditions of the Brazilian population 2010)*. (Rio de Janeiro: IBGE, 2010).
- ¹³ IBGE, *SIS 2010*.
- ¹⁴ IPEA. *Mudanças na ordem global: desafios para o desenvolvimento brasileiro (Changes in the global order: challenges for Brazilian development)* (Brasília: IPEA, 2011), p. 02.
- ¹⁵ UN. Vienna Declaration and Programme of Action, (United Nations, Vienna, 1993), par. 71.
- ¹⁶ The PNDH-3 revises and goes beyond its predecessors (PNDH-I, 1996, and PNDH-II, 2002). It is composed of the 36 guidelines and 702 resolutions approved at the 11th National Conference on Human Rights held in December 2008 and preceded by State Conferences throughout the country. The Programme also includes the obligations provided for in the international treaties ratified by Brazil, the recommendations of international human rights organizations, and the recommendations of more than 50 national conferences held between 2003 and 2008 on various human rights related issues, including education, health, youth, women’s rights, racial equality, LGBT, persons with disabilities, senior citizens, and others. Secretariat for Human Rights of the Presidency of the Republic (SDH/PR). *Programa Nacional de Direitos Humanos – PNDH-3 (National Human Rights Programme)*, (Brasília: SEDH/PR, 2010), 18–19.
- ¹⁷ The PNDH-3 is based on axes developed for guiding public policy aimed at the realization of human rights in the broadest sense. The cross-cutting axes address i) Democratic Interaction between the State and Civil Society; ii) Development and Human Rights; iii) Universalized Rights in a Context of Inequality; iv) Public Security, Access to Justice, and Combating Violence; v) Human Rights Education and Culture; and, vi) Right to Memory and the Truth. In addition to these axes, the Programme is subdivided into 25 guidelines, 82 strategic objectives, and 519 programmatic actions, with corresponding identification of the executing agencies and partners. SEDH/PR. *PNDH-3*, 3–10.
- ¹⁸ The Committee is composed of 21 ministries with permanent seats (Secretariat for Human Rights of the Presidency of the Republic, which will coordinate the body; Secretariat for Women’s Policies of the Presidency of the Republic; Secretariat for Racial Equality Promotion Policies of the Presidency of the Republic; General Secretariat of the Office of the President of the Republic; Ministry of Culture; Ministry of Education; Ministry of Justice; Ministry of Fisheries and Aquaculture; Ministry of Social Welfare; Ministry of Health; Ministry of Cities; Ministry of Communications; Ministry of External Relations; Ministry of Agrarian Development; Ministry of Social Development and Hunger Alleviation; Ministry of Sport; Ministry of the Environment; Ministry of Labour and Employment; Ministry of Tourism; Ministry of Science and Technology; and Ministry of Mines and Energy) and 12 associated ministries.
- ¹⁹ See Axis I, Guideline 1, Strategic Objective I, programmatic action a. SEDH/PR. *PNDH-3*, 28.
- ²⁰ See Axis I, Guideline 1, Strategic Objective I, programmatic action a. SEDH/PR. *PNDH-3*, 34.
- ²¹ The Committee for Social Statistics is composed of the Brazilian Institute of Geography and Statistics (IBGE), the Institute of Applied Economic Research (IPEA), the Ministries of Health and Education, and the SDH/PR, among other bodies.
- ²² IBGE. “Comitê de Estatísticas Sociais” (“Social Statistics Committee”), accessed 4 November 2011. www.ibge.gov.br/projetos/comite_estatisticas_sociais/
- ²³ IBGE. *Pesquisa de Informações Básicas Municipais (Study on Basic Municipal Information)*, (Rio de

- Janeiro: IBGE, 2009).
- ²⁴ DATASUS is the Department of Computer Systems of the Unified Health System (SUS) tasked with providing information on the SUS capable of contributing to objective analyses on the status of health in Brazil, evidence-based decision making, and the development of health action programmes.
- ²⁵ The Family Grant Registry is the database system for the Brazilian Family Grant (*Bolsa Família*) Programme, which aims at reaching individuals in extreme poverty.
- ²⁶ Pesquisa Nacional de Percepção dos Direitos Humanos (National Human Rights Perception Survey) performed by the Secretariat for Human Rights of the Presidency of the Republic – SDH/PR.
- ²⁷ Pesquisa Nacional sobre População Adulta em Situação de Rua (National Adult Homeless Population Survey) conducted by the Ministry of Social Development and Hunger Alleviation – MDS.
- ²⁸ Pesquisa Nacional de Saúde do Escolar (National School Health Survey) performed by the Brazilian Institute of Geography and Statistics – IBGE.
- ²⁹ Sistema de Indicadores de Percepção Social (Social Perception Indicators Database) developed by the Institute of Applied Economic Research – IPEA. Issues addressed: Exclusion and Services; Culture; Labour Rights and Vocational Training; Education; Gender Equality; Justice; Urban Mobility; Health; Public Security; Work and Income.
- ³⁰ United Nations Children’s Fund (UNICEF) and Observatório de Favelas, in partnership with the Violence Analysis Laboratory of the State University of Rio de Janeiro (LAV-Uerj), within the framework of the Programme to Reduce Deadly Violence against Adolescents and Young Adults (PRVL).
- ³¹ See the programmatic actions under Guideline 3, Strategic objective II, on monitoring of international commitments undertaken by the Brazilian State in the field of Human Rights. SEDH/PR. *PNDH-3*, 36.
- ³² It involves a partnership launched in 2010 with the Ministry of Education.
- ³³ Extreme poverty corresponds to a monthly household income of up to R\$ 70.00. The profile of Extreme Poverty in Brazil is based on preliminary data of the 2010 Census. May 2011. http://www.brasilemmiseria.gov.br/wp-content/themes/bsm2nd/perfil_extrema_pobreza.pdf
- ³⁴ Brazil without Poverty Plan. Demographic Census 2010 (IBGE) – Permanent and occupied private residences http://www.brasilemmiseria.gov.br/wp-content/themes/bsm2nd/caderno_brasil_sem_miseria.pdf
- ³⁵ See Decree No. 7492 of 2 June 2011. For further information on the Plan, go to: www.brasilemmiseria.gov.br
- ³⁶ In the fields of education, health, social assistance, basic sanitation, and electric power.
- ³⁷ This is the case, for example, with the Family Grant Programme, a direct conditional income transfer programme aimed at benefiting families in poverty and extreme poverty. The income transfers promote immediate relief from poverty, while the programme conditions reinforce the access to basic social services in education, health, and social assistance. In addition, there are complementary programmes, including incentive to the development of productive capacities capable of contributing to the development of families in a manner that allows recipients to overcome their vulnerability.
- ³⁸ ASCOM/MDS. “Parceria para localizar população extremamente pobre,” (Partnership to locate extremely poor population) accessed 5 November 2011. <http://www.brasilemmiseria.gov.br/noticia/governo-federal-conta-com-parceria-da-sociedade-estados-e-municipios-para-localizar-populacao-extremamente-pobre/>
- ³⁹ The variable benefit is paid to families which are composed of children and adolescents up to 15 years of age, pregnant women and nursing mothers.
- ⁴⁰ The Organic Law on Social Assistance (LOAS – Law No. 8742/1993), updated through Law No. 12435/11, which entered into effect 6 July 2011.
- ⁴¹ MDS. “SUAS” accessed 11 October 2011, <http://www.mds.gov.br/assistenciasocial/suas>
- ⁴² Brazil ratified the Convention on the Rights of Persons with Disabilities in August 2008 (enacted in Brazil through Decree No. 6949/2009 and approved by the National Congress through Legislative Decree No. 186/2008). It marked the first human rights treaty ratified as a constitutional amendment, in accordance with article 5, paragraph 3, of the Brazilian Constitution. The Continuous Social Benefit (BPC) is assured under the 1988 Federal Constitution and regulated by Law No. 8742 of 7 December 1993, Organic Law on Social Assistance – LOAS, and Law No. 10741 of 1 October 2003, through which the Statute on Senior Citizens was instituted. The BPC consists of the payment of a minimum monthly salary to senior citizens 65 years of age and above and to persons with disabilities

- of any age whose disability does not allow them to lead an independent life and to work. In both cases, the benefit is granted if the gross per capita household income is less than ¼ the monthly minimum salary. In effect since 1 January 1996, the BPC served 3.6 million recipients in 2010, specifically 1.9 million persons with disabilities and 1.7 million senior citizens, representing an investment of R\$ 22.8 billion.
- ⁴³ SEDH/PR. *PNDH-3*, 63 e 64.
- ⁴⁴ The Stork Network is a strategy developed by the Ministry of Health and operated through the Unified Health System founded on the principles of humanization and assistance, through which women, newborns, and children are ensured the right to: access, care, and enhanced quality of prenatal assistance; transportation for purposes of prenatal care and child delivery; affiliation to a single child delivery reference centre; safe delivery and childbirth through good health care practices; the presence of a companion during labour and child birth, as freely chosen by the pregnant woman; health care for children 0 to 24 months of age with quality and appropriate problem-solving capacity; access to reproductive planning.
- ⁴⁵ Law No. 12.470, 31 August 2011.
- ⁴⁶ Lesbian, gay, bisexual, transvestite and transsexual people.
- ⁴⁷ MOPG Directive n° 233, 18 May, 2010 (Ministry of Planning, Budget and Management).
- ⁴⁸ Precedent Ruling No. 12, dated May 4, 2010, National Agency of Health.
- ⁴⁹ Federal Supreme Court. Judgment in the Direct Action of Unconstitutionality No. 4277. Rapporteur: Minister Carlos Ayres Britto. Judgment on May 5, 2011.
- ⁵⁰ Undertaken in partnership with the Female Rural Worker Documentation Programme.
- ⁵¹ The Inter-Sector Committee on the Homeless Population is composed of the representatives of nine ministries and nine civil society stakeholders. The Committee was established in March 2010, for the purpose of formulating and coordinating public policies for this population segment.
- ⁵² On 15 November 1960, Brazil ratified the 1951 Convention Relating to the Status of Refugees; on 7 April 1972, the country ratified the 1967 Protocol. The national law on refugees was adopted in 1997 (Law No. 9474/97). The State ratified the 1954 Convention relating to the Status of Stateless Persons on 30 April 1996 and ratified the 1961 Convention on the Reduction of Statelessness on 25 October 2007.
- ⁵³ These pledges reflect the position of the Brazilian government at the Ministerial Meeting of the UNHCR held in Geneva, December 7-8 2011. The voluntary commitments were submitted during the official remarks of the head of the Brazilian delegation, Dr. Luiz Paulo Ferreira Teles Barreto, Executive Secretary of the Ministry of Justice and President of the National Committee for Refugees.
- ⁵⁴ During the official visit of the United Nations High Commissioner for Refugees, Mr. António Guterres, to Brazil in August 2011, Dr. Luiz Paulo Barreto submitted a draft Bill for review by the UNHCR on the implementation of the 1954 Convention Relating to the Status of Stateless Persons and the establishment of internal procedures for determining stateless status.
- ⁵⁵ Report of the Special Rapporteur on the right to food, Olivier De Schutter. *MISSION TO BRAZIL* (12-18 October 2009) p. 4.
- ⁵⁶ In 2010, Proposed Constitutional Amendment No. 47/2003 amended article 6 of the Brazilian Federal Constitution through incorporation of the following revised text: “Education, health, food, work, housing, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute are social rights, as set forth by this Constitution.”
- ⁵⁷ Ministry of Health. “Saúde Brasil 2009”.
http://portal.saude.gov.br/portal/arquivos/pdf/SAUDE_BRASIL_2009_COLETIVA.pdf
- ⁵⁸ Ministry of Health. “Saúde Brasil 2009,” accessed 4 November 2011.
http://portal.saude.gov.br/portal/arquivos/pdf/SAUDE_BRASIL_2009_COLETIVA.pdf
- ⁵⁹ Brasil. Zoneamento agroecológico da cana-de-açúcar: Expandir a produção, preservar a vida, garantir o futuro (Sugarcane Agro-Ecological Zoning: Expanding production, preserving life, and winning the future). Organizers Celso Vainer Manzatto et al. Rio de Janeiro: Embrapa Solos, 2009. p. 7.
http://www.cnps.embrapa.br/zoneamento_cana_de_acucar/ZonCana.pdf
- ⁶⁰ Ministry of Labour, *Relatórios de Fiscalização para Erradicação do Trabalho Escravo 2003-2010* (*Inspection Reports on the Eradication of Slave Labour 2003-2010*), updated September 2011.
- ⁶¹ Family Grant is the Brazilian conditional cash transfer Programme.
- ⁶² In the first phase of the Brazil without Poverty Programme, 136 technicians will receive training to assist 10,000 families in 47 municipalities of the Citizen Territories (Territórios da Cidadania) in

- Serra Geral, Minas Gerais, Velho Chico, Bahia, and Irecê, Bahia. ASCOM/MDA. “MDA e Direitos Humanos firmam acordo contra o trabalho escravo.”
<http://www.brasilsemisera.org.br/noticia/mda-e-direitos-humanos-firmam-acordo-contra-o-trabalho-escravo/> Accessed 20 October 2011.
- ⁶³ Ministry of Labour, *Relatórios de Fiscalização para Erradicação do Trabalho Escravo 2003-2010 (Inspection Reports on the Eradication of Slave Labour 2003-2010)*, updated September 2011.
- ⁶⁴ IBGE. <http://www.ibge.gov.br> Accessed 5 November 2011.
- ⁶⁵ Agência Brasil. “Lista ‘suja’ do trabalho escravo inclui 251 empregadores registrados, diz ministério.”
<http://oglobo.globo.com/economia/mat/2011/07/29/lista-suja-do-trabalho-escravo-inclui-251-empregadores-no-pais-diz-ministerio-925005929.asp> Accessed 20 October 2011.
- ⁶⁶ The Child Labour Rate is the proportion of children between the ages of 5 and 15 years in situations of work.
- ⁶⁷ IBGE. *Pesquisa Nacional por Amostra de Domicílio: síntese de Indicadores (National Household Sample Survey: Summary of Indicators)*, (Rio de Janeiro: PNAD, 2009), p. 69.
- ⁶⁸ From 2005 through 2009, the number of cases fell from 2,934,000 to 2,060,000. IBGE. *PNAD*, 69.
- ⁶⁹ The PETI consists in the transfer of income to families with children and adolescents through 16 years of age in situations of work, for the purpose of ending underage work. Families participating in the PETI undertake to fulfill commitments defined as conditionalities in three distinct areas: i) education: for children ages 6-15 years, enrollment and a minimum attendance of 85% of monthly classroom hours; ii) health: for pregnant women and nursing women, as applicable, prenatal visits and participation in educational activities on maternal breastfeeding and general child nutrition and health care and, for children under the age of 7 years, completion of the vaccination schedule and tracking of growth and development; iii) social assistance: for children and adolescents up to 15 years of age at risk of or removed from child labour, a minimum attendance of 85% at social-educational sessions. Within the framework of the Ministry of Social Development, the PETI is part of the Unified Social Assistance System (SUAS). Families are monitored by the Basic Social Protection system in their reference unit – the Specialized Social Assistance Reference Centre (CREAS). With regard to income transfers, the benefits are transferred from the federal government directly to families through the Family Grant Programme or the PETI, by means of the banking system.
- ⁷⁰ IBGE. *SIS 2010*, 155.
- ⁷¹ IBGE.
<http://www.ibge.gov.br/home/estatistica/populacao/trabalhoerendimento/pnad2009/default.shtm>
- ⁷² INCRA also incorporated 48.3 million hectares of land in the Agrarian Reform Programme. MDA. INCRA. *Prestação de Contas Ordinárias Anual – Relatório de Gestão do Exercício de 2010 (Ordinary Annual Accountability Statement – Management Report for Fiscal Year 2010)*. Brasília, March 2011.
- ⁷³ MDA/INCRA. *Prestação de Contas Ordinárias Anual – Relatório de Gestão do Exercício de 2010 (Ordinary Annual Accountability Statement – Management Report for Fiscal Year 2010)*, (Brasília: INCRA, 2011), 29.
- ⁷⁴ MDA. http://www.mda.gov.br/portal/noticias/item?item_id=8393275 Accessed 28 October 2011.
- ⁷⁵ MDA. http://www.mda.gov.br/portal/noticias/item?item_id=8393275 Accessed 28 October 2011.
- ⁷⁶ The PAA was implemented through article 19 of Law No. 10696 of 2 July 2003, regulated by Decree No. 6447 of 7 May 2008, and updated by Provisional Measure No. 535 of 2011.
- ⁷⁷ Traditional Peoples and Communities (PCT) are classified, in accordance with Decree No. 6040 of 7 February 2007, as culturally distinct groups that recognize themselves as such and have their own forms of social organization, occupy and use territories and natural resources as a condition for their cultural, social, religious, ancestral, and economic reproduction, utilize knowledge, innovation, and practices generated and transmitted by tradition. These groups include: extractivist, *quilombo*, settled landless rural worker (defined pursuant to MDA Directive No. 111 of 20 February 2003), indigenous, river, Pomeranian, *caboclo*, *terreiro*, and artisanal fishing communities, as well as families displaced and affected by dam projects.
- ⁷⁸ MDA http://www.mda.gov.br/portal/noticias/item?item_id=8094079, accessed 11 October 2011.
- ⁷⁹ Resolution No. 44 of 17 August 2011 <http://www4.planalto.gov.br/consea/noticias/imagens-1/resolucao-44>
- ⁸⁰ 1988 Brazilian Federal Constitution, article 231, paragraph 2.

- ⁸¹ Ministry of Justice. *Ações MJ 2007-2009 (MJ Actions 2007-2009)*, (Brasília: MJ, 2009), 45.
- ⁸² Data from the “Protection and Promotion of Indigenous Peoples Programme”, Plano Plurianual 2008-2011 (the Multi-Annual Plan 2008-2011), published by the Ministry of Planning at http://www.planejamento.gov.br/secretarias/upload/Arquivos/s/pi/PPA/2010/100920_PPA_2010_AnexoI.pdf, accessed 12 September 2011.
- ⁸³ For example, ten regional seminars were held throughout Brazil with indigenous communities in 2008 to present and discuss the content of Bill No. 2057/91, governing the development of a new Statute on Indigenous Peoples. Following the seminars, indigenous peoples’ contributions were systematized and on 5 August 2009 the CNPI’s proposed text was sent to the president of the National Congress, where it is awaiting approval.
- ⁸⁴ Data from the “Protection and Promotion of Indigenous Peoples Programme”, Plano Plurianual 2008-2011 (the Multi-Annual Plan 2008-2011), published by the Ministry of Planning at http://www.planejamento.gov.br/secretarias/upload/Arquivos/s/pi/PPA/2010/100920_PPA_2010_AnexoI.pdf, accessed 12 September 2011.
- ⁸⁵ Indigenous lands with non-indigenous trespassers or occupiers.
- ⁸⁶ A number of contentious issues have been resolved, such as demarcation of the Tupiniquim Guarani territory in the state of Espírito Santo and continuous demarcation of the “Raposas Serra do Sol” Indigenous Land in the state of Roraima. On the latter question, on 20 March 2009 the Federal Supreme Court recognized the rights of an estimated 19,000 indigenous individuals from the Ingarikó, Makuxi, Taurepang, Wapixana, and Patamona ethnicity to their lands and the removal of all non-indigenous inhabitants from the region. Implementation of the Court’s decision has not yet been completed.
- ⁸⁷ PNDH-3. Strategic Objective III: Guaranteed access to land and housing for low income populations and vulnerable social groups. SEDH/PR. *PNDH-3*, 71.
- ⁸⁸ See Guideline 4, Objective I, action i, of the PNDH-3. SEDH/PR, *PNDH-3*, 46.
- ⁸⁹ The ILO Convention 169 was ratified by Brazil in 2002.
- ⁹⁰ Approval of Law No. 12288 of 20 July 2010, governing the Statute on Racial Equality, fulfils the first programmatic actions of Guiding Axis III, Guideline 9, Strategic Objective I, of the PNDH-3, which calls for: support, before the Legislature, for the approval of the Statute on Racial Equality, with a view to meeting Strategic Objective I: Equality and protection of the rights of Afro-descendant populations historically subject to discrimination and other forms of intolerance. SEDH/PR. *PNDH-3*, 105.
- ⁹¹ Article 4 of Law No. 12288 of 20 July 2010.
- ⁹² The *quilombo* communities were established by Afro-descendants who resisted slavery by seeking refuge in inland areas of the country, generally isolated and remote regions. The majority of these communities remained cut off from public services and regular contact with the rest of society and their current socioeconomic condition reflects this exclusion.
- ⁹³ The National Congress is currently considering Bill No. 44/2007, which would suspend Decree No. 4887 of 20 November 2003, governing the procedures for identifying, recognizing, delimiting, demarcating, and titling lands occupied by *quilombo* communities. In addition, a decision is pending from the Federal Supreme Court on a Declaratory Action of Unconstitutionality (ADIN) of the same Decree No. 4887/2003.
- ⁹⁴ SEPPPIR. “Brazil *Quilombo* Programme”, <http://www.seppir.gov.br/acoep/pbq>. The data in the report were updated based on SEPPPIR’s 2010 data.
- ⁹⁵ The *Quilombo* Women’s Project was implemented by the Ministry of Agrarian Development in partnership with United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Department for International Development of the United Kingdom (DFID). MDA. “Mulheres Quilombolas,” (“*Quilombo* Women”), <http://sistemas.mda.gov.br/aegre/index.php?sccid=588>.
- ⁹⁶ The National Agrarian Ombudsman which coordinates the Peace in the Countryside Programme is subordinated to the Ministry of Agrarian Development.
- ⁹⁷ These include the judicial branch, the Public Prosecutor’s Office, the Federal Police Department, the Military Police, the Civil Police, the Courts, the Internal Affairs Offices, and the Secretariats of Public Security.
- ⁹⁸ Created on 31 December 2004 and established on 14 June 2005, the National Justice Council (CNJ) is a judicial branch body acting throughout the whole national territory in ensuring that judicial

- protection is provided with morality, efficiency, and for the benefit of all of society. CNJ. “Sobre o CNJ,” (“On CNJ”) accessed 2 November 2011, <http://www.cnj.jus.br>.
- ⁹⁹ National Justice Council. “Fórum de Assuntos Fundiários” (Forum on Land Affairs). <http://www.cnj.jus.br/programas-de-a-a-z/forum-de-assuntos-fundiarios>.
- ¹⁰⁰ Planalto. Address by the President of the Republic, Dilma Rousseff, at the closing ceremony of the Margaridas March, accessed 2 November 2011, <http://www2.planalto.gov.br/imprensa/discursos/discurso-da-presidenta-da-republica-dilma-rousseff-durante-solenidade-de-encerramento-da-marcha-das-margaridas-2011-brasilia-df-31min17s>
- ¹⁰¹ Committee on the Elimination of Discrimination Against Women. “General comment 19 on violence against women,” adopted at the 11th session, 1992.
- ¹⁰² 24% of all cases involve armed threats to the freedom of movement, while 13% involve marital rape or abuse. Perseu Abramo Foundation and SESC. *Brazilian Women and Gender in Public and Private Spaces*. 2010. pg. 235.
- ¹⁰³ SPM. *National Pact to Combat Violence against Women*. (SPM: Brasília, 2010), 74.
- ¹⁰⁴ Information available at http://www.pc.ro.gov.br/portal/observatorio/index.php?option=com_content&view=article&id=9&Itemid=17. Accessed 21 October 2011.
- ¹⁰⁵ Technical Standard of the Special Police Stations for Women’s Assistance. p. 59.
- ¹⁰⁶ Brazil. Special Secretariat for Women’s Policies. *Balço da Central de Atendimento à Mulher – 2006 a 2009 (Overview of the Women’s Assistance Hotline – 2006 to 2009)*. Brasília, 2010.
- ¹⁰⁷ Law No. 11340 established domestic violence as a type of human rights violation and incorporated into the domestic law the Inter-American Convention on Preventing, Punishing, and Eliminating Violence against Women (Belém do Pará Convention), ratified by the Brazilian State in 1995, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the Brazilian State in 1984.
- ¹⁰⁸ These mechanisms include: Domestic and Family Violence Units in Courts of Justice; Specialized Women’s Defence Centres in Public Defender’s Offices; among others.
- ¹⁰⁹ Ministry of Justice, “*Efetivação Lei Maria da Penha*,” accessed 23 November 2011, www.mj.gov.br/reforma
- ¹¹⁰ Federal Supreme Court Decision. Declaratory Action of Constitutionality No. 19 and Direct Action of Unconstitutionality No. 4424. Rapporteur: Marco Aurelio Min. Judgment on February 9, 2012.
- ¹¹¹ Among other measures, the Constitutional Amendment No. 45 embodied the constitutional reforms of the judicial branch, implementing profound changes to various constitutional provisions, most notably in respect of the judiciary and the Public Prosecutor’s Office, with a view to ensuring more effective legal protections for Brazilian citizens.
- ¹¹² Law No. 12313 of 19 August 2010, which amended Law No. 7210 of 11 July 1984 – Law of Criminal Execution.
- ¹¹³ Ministry of Justice, “Assistência ao Preso,” www.mj.gov.br/reforma.
- ¹¹⁴ INFOPEN. Indicadores automáticos. Brasília, June 2011. Accessed 11 January 2012.
- ¹¹⁵ INFOPEN. Indicadores automáticos. Brasília, June 2011. Accessed 11 January 2012. <http://portal.mj.gov.br/data/Pages/MJD574E9CEITEMIDC37B2AE94C6840068B1624D28407509CPTBRNN.htm>
- ¹¹⁶ The number of young men and women aged 18-29 years currently incarcerated in the penitentiary system is 249,122. A total of 267,681 prison inmates are Afro-Brazilians and mulatto, while 161,584 are white. The number of prisoners who have not completed their primary education is 212,266, against 1,947 who concluded a higher education programme. Automatic Indicators. Brasília, June 2011. <http://portal.mj.gov.br/data/Pages/MJD574E9CEITEMIDC37B2AE94C6840068B1624D28407509CPTBRNN.htm>
- ¹¹⁷ Indicadores automáticos. Brasília, June 2011. Accessed 11 January 2012. <http://portal.mj.gov.br/data/Pages/MJD574E9CEITEMIDC37B2AE94C6840068B1624D28407509CPTBRNN.htm>
- ¹¹⁸ Indicadores automáticos. Brasília, June 2011. Accessed 11 January 2012. <http://portal.mj.gov.br/data/Pages/MJD574E9CEITEMIDC37B2AE94C6840068B1624D28407509CPTBRNN.htm>
- ¹¹⁹ Updated data of the Collective Mobilization for Prison Reviews, CNJ, 1 November 2011.

- ¹²⁰ Law No. 12.594, 18 January 2012.
- ¹²¹ Article 5, III, of the Brazilian Federal Constitution provides that “no one shall be submitted to torture or to inhuman or degrading treatment.”
- ¹²² Prison Pastoral Care. *Relatório Sobre Tortura: uma experiência de monitoramento dos locais de detenção para prevenção da tortura (Report on Torture: an experience of monitoring detention facilities to prevent torture)*. (São Paulo, 2010), p. 07.
- ¹²³ Chamber of Deputies. Parliamentary Inquiry Commission to Investigate Case of torture and Mistreatment by Public Officials. *Report*. 2002.
- ¹²⁴ Secretariat for Human Rights. *Disque Direitos Humanos - Disque Denúncia Nacional Módulo Criança e Adolescente (Human Rights Hotline – Child and Adolescent Module)*, accessed on 1 November 2011, http://portal.mj.gov.br/sedh/spdca/T/relatorio_geral_maior_fev_2011.pdf
- ¹²⁵ The initiatives were initially reflected in the Plan of Integrated Actions to Prevent and Combat Torture of 2006 and have been continuously expanded throughout the years.
- ¹²⁶ Article 109, paragraph 5 of the Brazilian Federal Constitution.
- ¹²⁷ In 2005, an effort was made to displace jurisdiction to Federal Justice in the case of the murder of American missionary Dorothy Stang, who was engaged in defending the rights of settlers involved in conflicts with squatters in Pará. However, the Superior Court of Justice did not grant the motion of displacement, arguing that the state authorities were committed to resolving the crime, bringing the perpetrators to trial, and prosecuting the accused.
- ¹²⁸ Bahia, Minas Gerais, Espírito Santo, Pernambuco, and Pará.
- ¹²⁹ Rio de Janeiro, Rio Grande do Sul, and Ceará.
- ¹³⁰ Law No. 9807/99.
- ¹³¹ Ministry of Justice. “Índice de Homicídios na Adolescência” (“Adolescent Homicide Index”), accessed 29 November 2011, <http://portal.mj.gov.br/sedh/documentos/idha.pdf>
- ¹³² Chamber of Deputies Bill (PLC) 41/10.
- ¹³³ Chamber of Deputies Bill (PLC) 88/11.
- ¹³⁴ The Amnesty Caravans are public hearings held at the sites where human rights violations occurred and other locations with symbolic importance to victims to consider amnesty applications. The activity is composed of a memory and tribute session, followed by review of the amnesty application, a public statement from the victim, and an official apology by the State. To date, 50 editions of the Caravans have been held in 17 states throughout Brazil, involving public reviews of more than 850 applications and the estimated participation of over 15,000 people.
- ¹³⁵ The Marks of Memory project launched in 2010 is aimed at decentralizing historical memory policies from the State to civil society through resource transfers. Every year, the Amnesty Commission issues public calls for the submission of historical memory projects in a diversity of areas, including: the collection of statements, production of books, films, theatre performances, and art exhibits.
- ¹³⁶ The Amnesty Memorial, a national memorial on political repression designed to honour the victims of past violations and disseminate human rights principles in the present, is currently under construction in Belo Horizonte. Scheduled for inauguration in 2014, the Memorial has been developed with the extensive participation of civil society stakeholders through participatory councils.