

Universal Periodic Review

Mid-Term Report
3rd Cycle

Brazil – 2019



FEDERATIVE REPUBLIC OF BRAZIL
MINISTRY OF WOMEN, FAMILY, AND HUMAN RIGHTS

UNIVERSAL PERIODIC REVIEW
MID-TERM REPORT
3RD CYCLE

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1. INTRODUCTION

1. Brazil considers the Universal Periodic Review (UPR) an important mechanism for monitoring the situation of human rights in all states parties to the international human rights system since 2006, upon creation of the United Nations' Human Rights Council. The principles of equality between nations, sovereignty, and, above all, lack of selectivity in addressing issues related to human rights in several countries represent significant milestones, which Brazil has supported since the inception of such mechanism.

2. What makes the UPR so valuable for countries in general, and for Brazil in particular, is the possibility of performing a self-assessment of the human rights situation together with one's peers. The Brazilian Government is committed to overcoming the main challenges and obstacles to protect and promote human rights for its citizens. Since the UPR is an inter-governmental mechanism, the Government's effort to look at its own situation is critical, with the valuable help of countries in different stages of development and understanding, which is very different from an expert panel with formulas ready to be applied.

3. Brazil committed to submit, on a voluntary basis, this mid-term report, in response for the recommendations received at the 27th session of the Human Rights Council, in May 2017, as part of the third cycle of the mechanism, currently underway. The Brazilian Government also undertook to submit this report as part of its voluntary commitments of its candidacy for reelection to the Human Rights Council (2020-2022), further reinforcing the role of this monitoring tool in the international human rights system. As in previous cycles of the UPR, Brazil has sought to raise awareness about the importance of the mechanism, not only by governmental bodies, but also – and especially – the civil society, which has embraced the normative framework and the routines of the mechanism, in a way it can actually become a beacon for monitoring of the human rights situation in the country.

4. The coordinating effort to compile information related to the UPR is within the mandate of the Ministry of Women, Family, and Human Rights. It currently has a Coordination Office dedicated to the preparation of reports, within the structure of the

Special Office for International Affairs. Its task is also to address the list of information provided in the international human rights system, in equivalence with the UN's classification of a National Mechanisms for Reporting and Follow-up (NMRF). In the previous reviews, such competences belonged to governmental bodies, which merged into the current Ministry of Women, Family, and Human Rights, leaving a legacy of inter-institutional coordination, which surpasses any one government administration, encompassing the perspective of the Brazilian State regarding its international human rights commitments. This perception was clear at the commitment of the sectoral agencies responsible for the several public policies, as well as the other branches (Legislative and Judiciary branches), whenever they were required to participate in discussions regarding the UPR. Therefore, it is crucial to emphasize the importance of this report as a result of the Brazilian Government's commitment towards its current international obligations undertaken with respect to human rights.

5. For the third cycle, Brazil received 246 recommendations and accepted 242. Since then, the Government has been monitoring these recommendations within the scope of national public policies to ensure, first, that the recommendations reach the policy implementation bodies and, more broadly, that they affect the formulation of new measures directed to the population, aiming for full implementation of human rights.

6. Intense social participation is another aspect that deserves attention, as the Brazilian civil society has been heavily involved with the monitoring of the UPR since the first cycle and has been increasing its participation every year. The UPR reports are submitted to public consultations and hearings and provide a wide debate on society's most sensitive issues. Additionally, the National Human Rights Council has a Permanent Commission on Monitoring of and Actions for Implementation of International Human Rights Obligations, which systematically monitors such obligations, including UPR recommendations. In this regard, the Coordination Office for International Human Rights Reporting was invited to attend the 6th, 7th, and 8th meetings of the Commission to engage in the discussion with the civil society organizations represented therein regarding working methods to better monitor UPR recommendations.

7. This mid-term report refers to the period between September 2017 and August 2019 and provides an overview on the supervision and monitoring of the implementation of the 242 recommendations submitted to Brazil in the third cycle of the review.

2. METHODOLOGY

8. Many of the merits of the UPR rely on the inherent participative discussion and inclusive methodology. In view of the self-assessment performed by the Government through the analysis of recommendations received, the structure of this report by itself already represents an effort to understand the most significant movements and tendencies related to the human rights situation in the country.

9. The first effort, therefore, is to identify the partner bodies for implementation of the recommendations received. Out of the 242 recommendations, 150 are under the mandate of the Ministry of Women, Family, and Human Rights, which occupies a position of prominence in the public administration, not only regarding mandate over the coordination and preparation of the report, but also with respect to the actions to be taken for its effective compliance. For this reason, the first measure was to establish an internal working group in the Ministry, formed by representatives from all thematic Offices, in order to follow up on and monitor the recommendations of the UPR. The group was created through Ordinance No. 177 of the Ministry of Women, Family, and Human Rights (MDH) of March 28, 2018. In May 2018, it delivered the Preliminary Report of Monitoring and Supervision of the Implementation of the Recommendations of the Universal Periodic Review, a 70-page document divided into sections according to each Ministry Office at that time.

10. In addition to preparing its own report, the Ministry of Women, Family, and Human Rights coordinated a training workshop for civil servants, in a partnership with UN Brazil, to raise awareness among its own staff and other ministries about the UPR (May 2018). It also held an inter-ministerial coordination meeting (September 2018) to address the methodology for the preparation of this report.

11. An important step in preparing this report, other than the discussion with the partners, was the definition of topics in the report, rather than reporting on each

recommendation. It was perceived by the Ministry that the division into topics enables further monitoring of themes.

12. In order to divide the sections as presented in this mid-term report, several reference matrixes were used, namely: i) the internal Report of the Ministry of Women, Family, and Human Rights (MDH) (with 5 sections and 22 sub-sections); ii) the UN's guiding document for the third cycle of the UPR (with 5 sections and 20 sub-sections); iii) the Brazilian Addendum to the recommendations (with 16 sections); and, finally, iv) the most frequent topics among the 242 recommendations (with 10 sections). Each of these documents adopts specific organization criteria and helped to guide the preparation of this report regarding what must be emphasized during the monitoring period.

13. Thus, information will be presented in 21 sections, namely: i) international human rights instruments; ii) general recommendations on human rights; iii) national human rights institutions; iv) poverty reduction and social development; v) racial equality; vi) indigenous peoples; vii) policies for women; viii) promotion and protection of the rights of persons with disabilities; ix) promotion and protection of the rights of children and adolescents; x) LGBT rights; xi) migrants, refugees, and fight against human trafficking; xii) human rights defenders; xiii) business and human rights; xiv) human rights education; xv) public security; xvi) prevention and fight against torture; xvii) justice system; xviii) abolition of slavery; xix) right to health; xx) right to adequate housing; and xxi) right to education, in addition to the introduction and methodology sections.

14. At the end of 2018, a version of the report was prepared taking into account the type and information available until the end of that period. During the first semester of 2019, with the new Government and administrative renovation that changed the mandate of several agencies of the Federal Executive Branch, the draft was submitted for review by the sectoral agencies for new contributions and reviews, which were fully incorporated into this version.

15. Additionally, the public consultation proposed by the civil society was in a semi-structured electronic form composed of open fields for comments for each of the 21 topics listed in this report, available at the website of the Ministry of Women, Family, and

Human Rights for one week. Such comments and contributions were incorporated into each of the sections.

16. This report addresses the progress in implementing the recommendations received by the Brazilian Government, considering the respect to the universality and indivisibility of human rights provided for in the Constitution of the Federative Republic of Brazil and in the international commitments undertaken by the country. This is objective information for implementation in the monitoring period and demonstrates the progress, challenges, and good practices with respect to human rights in Brazil, pursuant to the guidelines of the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the documents guiding the preparation of this report.

3. INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Recommendations related to the topic:

136.1 – To ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (Albania); (Angola); (Argentina); (Montenegro); (Portugal);

136.2 – To sign and ratify the Protocol to the ICESCR (El Salvador); (Ukraine);

136.3 – To speed up adherence to the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (Gabon);

136.4 – To ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights and to accept the mandate of the Committee with respect to the consultation procedure and to the interstate communications (Finland);

136.5 – To ratify the Optional Protocol to the Convention on the Rights of the Child in a communication procedure (Albania); (El Salvador); (Georgia); (Montenegro); (Liechtenstein);

136.6 – To ratify the Optional Protocol to the CRC in a Communication Procedure (Ukraine);

136.7 – To ratify, prior to the following cycle of the UPR, the Optional Protocol to the CRC in a communication procedure (Czech Republic);

136.8 – To consider the ratification of the Optional Protocol to the International Convention on the Rights of the Child in a Communication Procedure (Croatia); (Mongolia);

136.185 – To combat domestic violence suffered by women and the maternal mortality rates according to the UN’s Convention on the Elimination of all Forms of Discrimination Against Women (Estonia);

136.9 – To sign and abide by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPRMW) (Sierra Leone);

136.10 – To consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Chile); (Indonesia); (Sri Lanka);

136.11 – To reinforce the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Togo);

136.12 – To promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPRMW) (Guatemala);

136.13 – To sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (El Salvador);

136.14 – To anticipate the efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labor Organization – ILO Convention No. 189 (Philippines);

136.15 – To ratify and adjust the Arms Trade Treaty (ATT) to its laws and regulations (Guatemala);

136.16 – To consider ratifying the ILO Convention No. 189 on domestic workers (Nicaragua);

136.17 – To ratify the International Labor Organization Convention No. 87 and to finish the national procedures to abide by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);

136.18 – To ratify the Kampala amendments to the Rome Statute aiming at contributing to the activation of the jurisdiction of the International Criminal Court – ICC with respect to the crime of aggression in 2017 (Liechtenstein);

136.19 – To ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (Armenia);

136.21 – To reinforce the productive cooperation with the treaty bodies of the United Nations (Ivory Coast);

136.29 – To completely align its national laws and regulations with all obligations under the Rome Statute of the International Criminal Court (Estonia);

136.85 – To proceed with the enactment of the laws and regulations effectively implemented by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on state and federal level, and to take measures to abide by the UN’s Mandela Rules (Czech Republic);

136.127 – To develop a national strategy to solve modern slavery, including the ratification of the protocol to ILO’s Forced Labor Convention of 2014, and

the increase in the efforts to protect rural workers and women at risk of trafficking (United Kingdom of Great Britain and Northern Ireland);

17. In the third cycle of the Universal Periodic Review, Brazil received several recommendations related to the ratification and recognition of international human rights instruments.

18. As for the Optional Protocol to the Convention on the Rights of the Child, it is important to note that, in June 2017, the Brazilian Senate approved the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure. Brazil ratified the act through Legislative Decree No. 85 of June 8, 2017.

19. The Executive Branch signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and sent the text to the Congress for ratification. In any case, in face of the new Migration Law, the full content of the treaty has already been incorporated into the Brazilian legal system.

20. Brazil also ratified ILO Convention No. 189 on domestic workers.

21. As for ILO Convention No. 87 on Freedom of Association and Protection of the Right to Unionization, follows the principle of union unity. Workers' movements are contrary to any constitutional reform to the contrary.

22. As for the recommendations related to the Kampala Amendments to the Rome Statute, which provide for the conditions under which the International Criminal Court, as established by the Rome Statute, can exercise its jurisdiction over the crime of aggression. Brazil is committed to the ongoing ratification process of these amendments.

23. Regarding the Arms Trade Treaty (ATT), the instrument was signed by the Brazilian Government during the Conference on Disarmament, held on June 3, 2013 in the headquarters of the United Nations in New York. The document was submitted by the Executive Branch to the National Congress on November 10, 2014. In the House of Representatives, the matter was approved through Legislative Draft Decree No. 298/2015, on December 7, 2007. In the Senate, the ATT was approved on February 8, 2018 and published under Legislative Decree No. 8, on February 15, 2018. The ratification instrument from the Brazilian Government was filed with the Secretary-

General of the United Nations in New York on August 14, 2018. On November 12, 2018, the treaty came into force in Brazil. The process of internalization of the ATT is currently pending a presidential decree.

24. Notwithstanding the process of implementation of the abovementioned instrument, the Brazilian Government has already adopted procedures for control of arms exports through the National Export Policy for Military Equipment (PNEMEM), updated through the National Policy on the Export and Import of Defense Products (PNEI-PRODE), published in Decree No. 9,607 of December 12, 2018. Finally, Brazil has participated in the four Conferences of States Parties to the ATT held until now, including the Fourth Conference of States Parties (CSP-4), held on Tokyo from August 20 to August 24, 2018.

25. With respect to the ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the Brazilian Government still has not ratified the instrument. It should be noted that Decree No. 4.388 of September 25, 2002, that enacted the Rome Statute of the International Criminal Court. The Rome Statute provides, in its article 29, that the crimes under the jurisdiction of the Court have not lapsed, which include, according to article 5: i. crime of genocide; ii. crimes against humanity; iii. war crimes; and iv. crimes of aggression.

26. Regarding the Kampala Amendments, Brazil has no objection to the content of such amendments, which are pending ratification. The time frame for this may be extended due to the complex process of approval of international agreements, which depends on the preparation of a statement of reasons by the concerned ministries, analysis of the merits by the National Congress, and measures for the ratification and enactment by the Executive Branch.

4. GENERAL RECOMMENDATIONS ON HUMAN RIGHTS

Recommendations related to the topic:

136.22 – To further reinforce the active commitment to the international community to promote human rights in all areas (Myanmar);

136.37 – To take measures to eliminate the cases of discrimination against some groups (Iraq);

- 136.38 – To support initiatives and strategies to eliminate discrimination and promote the inclusion of vulnerable persons (Madagascar);
- 136.47 – To reinforce the policies related to the elimination of discrimination against indigenous and Afro-Brazilian children and other vulnerable children from an integral and intersectoral perspective (Chile);
- 136.207 – To continue the elimination of discrimination against children in street situation and in rural areas, as well as children with disabilities and other minorities, and to take all measures required to prevent the abuse of their vulnerabilities (Turkey);
- 136.209 – To maintain the efforts to provide the assistance required to vulnerable groups, especially persons with disabilities (Myanmar);
- 136.152 – To maintain the efforts to develop and implement inclusive health and education policies that benefit all segments of society (Nepal);
- 136.55 – To maintain the efforts to implement the National Policy on Climate Change for the reduction in deforestation in the Amazon (Ethiopia);
- 136.60 – To continue implementing measures directed to prevent violence and racial discrimination against Afro-Brazilians and protecting their cultural heritage and sacred places (Namibia);
- 136.123 – To strengthen the civil society so it participates in events for humanitarian help and major sports events (Sudan);
- 136.149 – To maintain the efforts to reduce unemployment, including by reinforcing vocational courses (Libya);

27. Some recommendations address general human rights topics, which enable a comprehensive discussion regarding the extensive national human rights agenda. In the field of religious freedom, for example, despite the fact that there is no recommendation that expressly addresses religious diversity, article 33 of the Guidelines and Bases for National Education (LDB) establishes that the religious education in Brazil should respect cultural and religious differences. This is due to the major interface with the issue of discrimination and to the possibility of federal policies eliminating discrimination for religions or beliefs in school.

28. In the same sense, Law No. 11,645 of March 10, 2008 amended the guidelines and bases for national education (Law No. 9,394 of December 20, 1996) to include in the official curriculum of the school network the mandatory teaching of Afro-Brazilian and indigenous history and culture. The curriculum includes several aspects of history and culture that characterize the Brazilian population based on these two ethnic groups, such as the study of the history of Africa and Africans, the struggle of Afro-Brazilians and indigenous peoples in Brazil, the Afro-Brazilian and indigenous culture, and Afro-Brazilian and indigenous peoples in the formation of the current society, recovering the visibility of their contribution to social, economic, and political areas applicable to the

history of Brazil. The contents are taught throughout the school curriculum, especially in the fields of art education and Brazilian literature and history.

29. The National Guidelines for Human Rights Education were established by the Plenary Council of the National Board of Education in 2012 through Resolution No. 1 of May 30, 2012. These guidelines must be observed by education systems and their institutions. According to the guidelines, Human Rights Education (HRE) is one of the fundamental axes of the right to education, defined as the use of concepts and educational practices based on Human Rights and their processes of promotion, protection, defense, and application in daily and citizen life of individuals and in individual and collective responsibilities.

30. The inclusion of knowledge on Human Rights Education in the organization of curricula of basic and higher education may occur through transversality and disciplinarity, in the form of specific content and in a varied manner. The Guidelines state that Human Rights Education shall guide the initial and further training of all education professionals as a mandatory curriculum component in courses directed to these professionals, and it shall also be included in the initial and further training of professionals from all areas of knowledge.

31. On November 24, 2016, the former Special Office for Human Rights of the Ministry of Justice and Citizenship, currently the National Office for Global Protection of the Ministry of Women, Family, and Human Rights (SNPG/MDH), and the Ministry of Education signed Cooperation Agreement No. 01/2016. Its subject matter is to establish the National University Covenant for the Promotion of Respect to Diversity, Culture of Peace, and Human Rights (<http://educacaoemdireitoshumanos.mec.gov.br>).

32. The purpose of the covenant is to support the implementation, by higher education institutions, of the Human Rights Education for the promotion and defense of Human Rights in higher education, and the overcoming of discrimination and violence stigmas in university and society. This support occurs through the formulation, implementation, monitoring, and dissemination of measures organized into five areas – education,

research, continuing education, management, and coexistence in the university and community.

33. In 2006, the former Office for Human Rights of the Presidency of the Republic (currently the Ministry of Women, Family, and Human Rights) created the Film and Human Rights Festival for promotion Human Rights education and culture. The exhibition is held in all Brazilian capitals and, as a public policy that creates a positive agenda, it impacts and promotes debate on Human Rights in the entire society. Since 2006, more than 400 films about several topics were exhibited. In 2018, the Festival celebrated the 70-year anniversary of the Universal Declaration of Human Rights.

34. Regarding the maintenance of the efforts to implement the National Policy on Climate Change with respect to reduced rates of deforestation in the Amazon region, official data show a clear long-term trend of reduced rates of deforestation in such biome. The annual deforestation rate decreased from 27,700 km² in 2004 to 7,500 km² in 2018, which represents a 72% reduction.



Legend:

Área desmatada (km²) = Deforested area (km²)

Período = Period

Média 19.625 km² = Average 19,625 km²

0% de desmatamento ilegal até 2030 = 0% of illegal deforestation until 2030

1ª Fase PPCDAm = 1st Stage of the Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm)

2ª Fase PPCDAm = 2nd Stage of the PPCDAm

3ª Fase PPCDAm = 3rd Stage of the PPCDAm

4ª Fase PPCDAm = 4th Stage of the PPCDAm

35. The Executive Office of the National Public Security Force of the Ministry of Justice and Public Security has conducted a total of 46 Operations in the States of Acre, Amazonas, Maranhão, Mato Grosso, Pará, and Rondônia, in support of the Brazilian Institute of Environment and Renewable Natural Resources – IBAMA and the Chico Mendes Institute for Biodiversity Conservation – ICMBio (independent agencies related to the Ministry of the Environment), as well as supporting the Federal Police and the Ministry of Mines and Energy.

36. Until July 2019, the actions against illegal deforestation, illegal logging, and illegal mining to carry out environmental inspections in preserved areas in order to prevent agricultural conflicts and to combat environmental crimes resulted in one hundred twenty-one thousand, two hundred and twenty-five (121,225) assistance operations, sixteen thousand, nine hundred and fifteen (16,915) seizures of goods, and two million, four hundred sixty-one thousand, nine hundred and seventy-three cubic meters (2,461,973.391 m³) of timber and coal seized.

37. The reduction in deforestation depends on efforts that go beyond environmental inspection and involve the development of sustainable productive activities, land-use planning, land regularization, and appreciation of traditional territories.

38. In this new stage, a new field of action related to economic and regulatory instruments was included to promote a sustainable forest economy that benefits from the Brazilian comparative advantages in this industry, as well as to encourage the good practices in production chains.

39. The Ministry of the Environment – MMA coordinates the policies and actions to fight against deforestation, but relies on the involvement of other ministries and federal entities, which actions related to nine strategic objectives:

- 1) To promote land regularization;
- 2) To promote land-use planning, strengthening protected areas;

- 3) To enforce criminal accountability for environmental crimes and violations;
- 4) To implement shared forest management;
- 5) To prevent and fight forest fires;
- 6) To enhance and reinforce vegetation monitoring;
- 7) To promote sustainable forest management;
- 8) To promote sustainability in agricultural production systems; and
- 9) To implement regulatory and economic instruments to control illegal deforestation.

40. In addition to federal actions, the fight against deforestation requires several partnerships with State Governments, the private sector, and civil society, something the Ministry of the Environment – MMA has been promoting extensively.

41. With respect to efforts to reduce the unemployment rates, the apprenticeship initiative is undertaken by the Ministry of Economy. The apprenticeship program provided for in the Consolidated Labor Laws (CLT) and regulated through Decree No. 5,598 of 2005 consists of a principle directed to the technical and professional education of teenagers and young adults with theoretical and practical activities under a special employment contract effective for up to two years.

42. The apprentices may be 14- to 24-year-old teenagers and young adults enrolled in and attending regular education, if they have not graduated yet. It is important to note that for persons with disabilities there is no maximum age limit, and that they may accumulate their apprentice salary with the Continuous Cash Benefit (BPC) for a period of two years.

43. The apprenticeship program is a policy that aims at professionalizing and including teenagers and young adults in the labor market in a protected manner, since the apprentices enjoy all labor and social-security rights, such as vacation period, 13th salary bonus, Contribution to the Government Severance Indemnity Fund for Employees (FGTS), among others. We also note that apprenticeship is an effective policy against child labor.

44. By law (10,097/2000), large and medium-sized companies are required to hire and enroll apprentices in a percentage of 5% to 15% of their employees, except for certain positions.

45. The following positions are excluded from the basis for calculation of the apprentice quota: I – positions that require technical or higher education, direction and management positions, or positions of trust (art. 10, paragraph 1, of Decree No. 5,598/05); II – temporary positions, as provided for in Law No. 6,019 of January 3, 1973 (art. 12 of Decree No. 5,598/05); III – apprentices already hired.

46. The theoretical portion of the apprenticeship program shall be proportional to the practical activities implemented by the apprentice in the company and shall be offered first by the National Apprenticeship Services and, in further cases, by Technical Schools, Non-Profit Entities, Entities, and Sports Entities related to national, state, and/or district Sports systems.

47. The Labor Office of the Ministry of Economy works to increase the number of apprenticeship contracts and systematically ensure quality of all apprenticeship programs.

48. Since its regulation, 3,460,904 apprentices have been hired, and in the second quarter of 2018, 227,626 apprenticeship contracts have been implemented. It is estimated that there were 430,661 active apprenticeship contracts in June 2018.

49. In 2008, the former Ministry of Labor and Employment established the National Forum of Apprenticeship (FNAP). The FNAP aims to promote the continuous discussion between Governments, educational institutions, civil society, employers, workers, inspection bodies, and the International Labor Organization to enhance and promote actions towards apprenticeship. Such Forum is coordinated by the Labor Office of the Ministry of Economy and is composed of Government representatives, the Labor Prosecution Service, the National Forum of Prevention and Elimination of Child Labor, Unions, Confederations, Councils, Educational Institutions of the S System, Public Educational Institutions for Vocational and Technologic Education, six non-profit educational institutions registered with the National Registry of Apprenticeship, and six representatives of organizations of the civil society.

50. In 2018, the former Ministry of Labor and Employment, supported by the FNAP, created the National Plan for Apprenticeship (PNAP), which aims at creating actions to promote and improve of apprenticeship programs, increase the number of apprentices hired in the country, and ensure incorporation of this important public policy. Thus, the PNAP seeks to ensure teenagers and young adults' right to professional qualification as provided for in the Brazilian Federal Constitution, requiring decent employment contracts and ensuring labor and social-security rights, vocational training, and higher education. The effective period of the PNAP is from 2018 to 2022.

51. The *Escola do Trabalhador* program, which consists of an online course platform launched on November 21, 2017. It currently offers 24 courses with 40 class hours. Access to the courses is unrestricted, free, and does not require proof of prior education. *Escola do Trabalhador* will provide a total of 50 courses by 2019, seeking to serve up to 6 million workers by 2019.¹

52. *Escola do Trabalhador* was developed under the *Qualifica Brasil* Program, directed to the promotion of vocational training and professional certification in the scope of the *Seguro-Desemprego* Program as an integrated part of the National System of Employment (SINE). *Qualifica Brasil* has three specific objectives: to promote worker employability, to increase worker productivity and income, and to contribute to the country's economic and social development.

53. Regarding the use of efforts to implement inclusive policies for health and education that benefit all segments of society, in practice, the policies for promotion of equity in health care compose a set of health care actions and services prioritized by virtue

¹ Currently, the following courses are available on the platform: 1. Travel Agency 2. Creating a successful business 3. Hygiene in the food industry 4. Introduction to Excel 5. Basic Portuguese applied to the labor market 6. Accounting statements and analysis 7. Learning the Community Health Agent profile and its work process 8. Fundamentals and processes of Human Resource management 9. Information Security 10. Image editing and processing 11. English applied to the labor market 12. Elderly Care 13. Written Communication for Work 14. Corporate Payroll Development 15. Investment Analysis 16. Spanish applied to the labor market 17. Risk Analysis in Construction 18. Fishing and Entrepreneurship 19. Fishing Business Planning 20. Quality Management 21. Industrial Processes 22. Excel: Intermediate 23. Visual identity and customer management 24. Portuguese for Hispanic speakers.

of the situation of vulnerability of the concerned populations. Such policies help to overcome, equally and universally, the greatest challenge of the Unified Health System (SUS): guaranteeing timely and quality remedial access to the health care actions and services. Today, the SUS has specific policies to assist the Afro-Brazilian and LGBT populations, as well as the rural, indigenous, and riparian populations. Furthermore, it relies on established health care actions for the street population and the Roma. In order to implement the policies in Brazil, the Ministry of Health has supported the creation of technical committees for promotion of health care equity in the states and cities. The committees are consultative spaces, with the participation of management and patients of the SUS, with the purpose of promoting and monitoring the implementation of the policies for promotion of health care equity and popular education.

54. In 2017, the information systems of the SUS were adjusted and regulated taking into account sexual orientation, race/color, and ethnicity to promote full care with equity. In this regard, Ordinance No. 344 of February 1, 2017, was enacted, addressing the need to fill the race/color questions in health care information system forms. The professionals working in health care services must fill the form respecting self-declaration, according to the standards used by the Brazilian Institute of Geography and Statistics – IBGE in health care information system forms: Caucasian, Afro-Brazilian, Asian-Brazilian, *Pardo*, or Indigenous.

55. Such ordinance also establishes that the Ministry of Health annually submits a Systematic Report on the Health Situation of the Afro-Brazilian Population in Brazil, aiming at guiding the effective implementation of the National Policy for Comprehensive Health Care to the Afro-Brazilian Population and the actions and activities in the scope of the International Decade for People of African Descent – 2015/2024, declared by the UN General Assembly (Resolution No. 68/237). The Statute of Racial Equality, the National Policy for Comprehensive Health Care to the Afro-Brazilian Population, and Ordinance No. 344 of February 1, 2017, emphasize the importance and imperativeness of feeding information systems with data on Race/Color.

56. As for the Committees for policies of promotion of health care equity for populations in situations of social vulnerability, in April 2017, the National Meeting of

Committees for Policies of Promotion of Health Care Equity and Popular Education was held with the participation of the National Committee for LGBT Health Services, *Grupo da Terra*, the Technical Committee for Health Care to the Afro-Brazilian Population, the National Committee for Health Care to the Population in Street Situation, the National Committee for Popular Education, and the Roma Health Care Working Group. The meeting was important to assemble the equity committees and discuss actions and strategies to reinforce equity policies in states and cities. Improvement of the mechanisms to monitor and support these bodies was also requested in order to filter agendas and tailor them to local situations. Actions aiming at strengthening and creating new city and state committees are still being implemented through internal department meetings to align strategies and create such bodies, as well as technical visits in territories and communication with local managers and movements.

57. With respect to the support to the social participation of women, Afro-Brazilians, traditional communities and peoples, young adults, LGBT persons, persons with disabilities, and persons with other vulnerabilities, with their specificities, in the processes of preparation and implementation of public health policies, several actions were developed. They aimed at promoting and supporting, whether directly or indirectly, the social participation in the processes of preparation, debate, and implementation, such as: distance learning courses on the comprehensive health care of LGBT, Afro-Brazilian, rural, indigenous, and riparian populations; approved operative plans of equity and affordable health education policies; and free conferences (II Free Conference – Female Workers of the Ministry of Health and four Free Conferences on Health Surveillance: Populations exposed to pesticides, Rural, Indigenous, and Riberian Populations, Persons in Street Situation, and the Roma).

58. Other events were also held, such as: the Macro-Regional Workshop of Equity Policies of the SUS for the Roma; new classes for educators and students of the Affordable Health Education (EdPopSUS) course; the Meeting of the National Committees of Equity Policies and Affordable Education; the release of the book “Adolescent Health and Sexuality” [*Saúde e Sexualidade de Adolescentes*]; the Health Equity Policies Workshop with Military Fire Departments; activities during the 11th

HIV/Aids Congress and the 4th Viral Hepatitis Congress; preparation of the National Campaign for Comprehensive Health Care to the Afro-Brazilian Population; support to the mass migration of Venezuelans to Brazil and the effects on health; printing of publications (Health for All: Rights and Duties of Users of the Health System, National Policy for Comprehensive Health Care to the Afro-Brazilian Population: a SUS Policy; four types of posters, folder, and two shipments of the guide for the health campaign for the Afro-Brazilian population).

59. As to the National Policy on Affordable Health Education (PNEPS), which encompasses the policies of equity promotion in the SUS, there were several actions to support the implementation of the PNEPS-SUS in the country and partnerships with other areas of the Ministry of Health. In this regard, the policy supported affordable health education booths at health events, national and international seminars, State Exhibitions of the Improvement Course on Affordable Health Education in the states and Free Conferences. 1,470 spots were offered for the Training Program on Affordable Health Education (EdPopSUS). There was a frustrated expectation as to the results: low rate of qualifications in stage I of EdPopSUS, because 2,345 spots were offered and 73.4% of those spots were filled. The second round of the EdPopSUS Course had low dropout rate (1,470 spots offered and 83.5% filled). It is possible to note that students, educators, and alumni were committed to the construction of educational health processes.

5. NATIONAL HUMAN RIGHTS INSTITUTIONS

Recommendations related to the topic:

136.23 – To maintain efforts to strengthen the national human rights institutions (Nepal);

136.24 – To keep working in order to ensure that the National Human Rights Institutions receive an “A” status pursuant to the Paris Principles (Portugal);

136.25 – To align the National Human Rights Council with the Paris Principles (Sierra Leone);

136.26 – To make the funds required available so that the National Human Rights Council can have its independence increased in order to effectively perform its duties (Uganda);

136.27 – To provide the National Human Rights Council with the budget, administrative, and political independence required to fully perform its duties (Greece);

136.28 – To provide the National Human Rights Council with the budget, administrative, and political independence required to fully develop the activities of its new term of office (Guatemala);

136.31 – To fully align its national human rights institutions, especially the National Human Rights Council, with the Paris Principles (Poland);

136.111 – To maintain the efforts to provide better protection to human rights defenders and to strengthen the civil society as an essential partner for improvement of the human rights system (Tunisia);

136.123 – To strengthen the civil society so it participates in events for humanitarian help and major sports events (Sudan);

60. Brazil has received some recommendations related to National Human Rights Institutions (NHRI), among which it is worth mentioning the existence of the National Human Rights Council – CNDH, an institution that is similar to a NHRI. As described in its Internal Regulations (Resolution No. 1 of June 9, 2015), “CNDH shall perform its institutional mission based on the Principles Related to the Status of National Human Rights Institutions (Paris Principles) as established by Resolution A/RES/48/134 of December 20, 1993, of the United Nations General Assembly.”

61. On June 22, 2017, the CNDH’s Plenary Session passed Resolution No. 6, which provides for the creation of the Permanent Commission on Monitoring of and Actions for the Implementation of International Human Rights Obligations. Among its duties, it is charged with “encouraging the approval and ratification of, or adherence to international human rights instruments, as well as to monitor the performance of the obligations arising from international agreements to which Brazil is a party.” The Resolution also sets forth that the Permanent Commission “shall propose before CNDH’s Plenary Session the measures required, supported by the competent authorities from the United Nations (UN), to achieve acknowledgement of CNDH as an accredited national human rights institution.”

62. Considering that one of the challenges for accrediting CNDH as a National Human Rights Institution (NHRI) is the lack of autonomy in its financial control, CNDH's plenary session approved Recommendation No. 8 on October 25, 2017, recommending that the Ministry of Economy and the Ministry of Women, Family, and Human Rights comply with art. 14 of Law No. 12,986/14, which provides for the calculation of CNDH's budget allocation, guaranteeing full operation of the collegiate board.

63. The National Office for Global Protection (SNPG) of the Ministry of Women, Family, and Human Rights has prioritized the consolidation of CNDH's administrative autonomy, and, in its Strategic Planning, it has established in Project No. 2 that "the consolidation of the administrative, infrastructure, and budget autonomy with respect to the Ministry of Women, Family, and Human Rights is essential to ensure independence to the National Human Rights Council. Such independence, in its turn, is essential to accredit the Council as a National Human Rights Institution, pursuant to the Paris Principles." In order to make progress related to budget for the collegiate board, the National Office for Global Protection created a CNDH Budget Program within Budget Actions No. 2,000 and 2,064 of MDH, clarifying that more progress is necessary in order to comply with the laws and regulations.

64. SNPG's Strategic Planning also establishes the preparation of an action plan based on the requirements for accreditation as National Human Rights Institution; the coordination of a specific normative instrument emphasizing the independent nature of CNDH; management with the competent authorities, to contract civil servants for the executive office of the Council and choose a physical space for the Council; and the need for actions of dissemination and preservation of the institutional memory and transparency in the operations of the collegiate board. Regarding the latter, it is important to note that operations have been conducted by MDH together with the Office for Communication of the Presidency of the Republic, and both fully agree and shall give the necessary support, based upon financial feasibility analysis, to create a website for CNDH, which is an important progress for the society to understand CNDH's political autonomy with respect to the Executive Branch.

65. Agreements between the National Human Rights Council and the area in charge of budget and finance of the Ministry of Women, Family, and Human Rights culminated in the filing of a specific budget proposal in the 2020 Annual Budget Bill (PLOA) entitled “Operation of the Councils and Commissions of Rights”, in which the budget plan “Operation of the National Human Rights Council” was registered aiming at covering the expenses of CNDH, such as monthly meetings of CNDH’s Plenary Session and Permanent Commissions, missions and other events to be resolved by the Plenary Session of the Council, and researches and other inputs enabling CNDH’s communication.

66. It is clear, therefore, that CNDH will rely on its own budget allocation to be managed, pursuant to the decisions of that Council.

67. The Council has also promoted its interaction with international agencies and other national human rights institutions, understanding the importance of an international acknowledgement of its operations. Thus, CNDH has maintained contact with and forwarded Council documents to bodies of the Inter-American Human Rights System, Reporting Offices of the Organization of the American States – OAS and of the UN, and also formalized, in December 2017, a request for partnership with the United Nations High Commissioner for Human Rights (HCHR).

68. Still regarding the political autonomy of the Council and its international integration, the current president of CNDH has participated, during the session period of the UN’s Human Rights Council, in September 2017, in Geneva, in the Brazilian UPR Parallel Event – “Universal Periodic Review in Brazil: the challenges of implementing the recommendations” and held hearings with the Permanent Mission of Brazil, the Americas section of the HCHR, and the Global Alliance of National Human Rights Institutions.

6. POVERTY REDUCTION AND SOCIAL DEVELOPMENT

Recommendations related to the topic:

136.30 – To keep using outstanding efforts to reinforce the legal and institutional structure in order to promote and protect human rights, reduce poverty and promote social equality (Bhutan);

136.139 – To keep implementing and reinforcing the public policies and programs for inclusion, poverty and inequality reduction, non-discrimination, and equality and inclusion promotion (Nicaragua);

136.140 – To keep implementing measures to fight poverty and social inequality by implementing rural development plans encompassing vulnerable groups, especially women in rural areas (Sri Lanka);

136.50 – To consolidate the progress made regarding the Sustainable Development Goals (SDGs) and keep using efforts directed to socio-economic development programs focused on the eradication of poverty (Iran);

136.134 – To keep promoting the sustainable socio-economic development and improve the population's standard of living (China);

136.135 – To keep reinforcing and improving the *Bolsa Família* Program within the context of fighting hunger and poverty (Pakistan);

136.141 – To implement additional measures to solve problems related to poverty and socio-economic inequality regarding vulnerable regions and groups, such as persons living in rural areas (Uzbekistan);

136.143 – To keep using material efforts in Governance and reduction of poverty (Ivory Coast);

136.144 – To keep using efforts to fight poverty and promote social equality (Lebanon);

136.148 – To reinforce even more the social-security system and to effectively protect the rights of vulnerable groups (China);

136.165 – To keep implementing measures to improve the quality of education and reduce inequality in terms of education due to income and social status (Japan);

136.173 – To improve quality of public education, especially for those that live below poverty line, especially Afro-Brazilians, focusing on the psychological health and integration of psychosocial elements in order to achieve a better learning environment (Haiti);

136.221 – To ensure egalitarian access of Afro-Brazilians to poverty reduction policies and social-security benefits as a form of protection to their fundamental rights (Botswana);

136.235 – To keep investing in poverty reduction policies and ensure more effective and targeted implementation thereof to reduce socio-economic inequality, especially for rural populations and indigenous peoples (Singapore);

69. Regarding the recommendations on the subject of poverty reduction and social development, the main actions of the Brazilian Government are being taken by the Ministry of Citizenship. The information listed refers to policies implemented mainly in the period between 2016 and 2018.

70. In 2016, there was an improvement of the verification routines of registration inconsistencies regarding the Sole Registration (*CadÚnico*), aiming at improving the quality of information included in the Sole Registration. Data from the Sole Registration database and the *Bolsa Família* payroll were crossed with other administrative records of the Federal Government. With these initiatives, in addition to those annually contemplated by the Registration Review and Verification, new families were called to update their socio-economic data. These crossings allowed us to identify 1.1 million contemplated families with registration discrepancies.

71. In order to maintain the purchasing power of the beneficiaries of the *Bolsa Família* Program, in July 2016, a 12.38% increase was granted in comparison with the June average benefit of R\$162.07, resulting in an average benefit of R\$182.13 in July. In the same opportunity, there was an adjustment to the poverty lines – from R\$154 to R\$170 – and extreme poverty lines – from R\$77 to R\$85. The adjustment percentage, 12.38%, exceeded the extended national consumer price index (IPCA) accrued from June 2015 to June 2016, 9.70%, as well as the inflation measured by the Central Bank in 2016 – 6.29%.

72. Another measure to improve the conditions of payment to the beneficiary families was the implementation, in March 2016, of a new method to pay the stipend of the *Bolsa Família* Program: the *Poupança Caixa Fácil* (Savings Account). This method has no binding financial products and generates income based on the amounts held in the account for more than 30 days. In November 2016, 976,005 deposits were made to Savings Accounts, an amount corresponding to 8% of the transactions of payment of the stipend of the *Bolsa Família* Program at that time.

73. Important results were also achieved in the management of conditionalities of the *Bolsa Família* Program in 2016. In the last follow-up period for education, 92.1% of the children and teenagers of the general public had their school attendance recorded in the Attendance System of the Ministry of Education. This result is due to actions taken by the education network aiming at increasing the monitoring of the beneficiaries of the *Bolsa Família* Program, especially using the School Census of 2016 to identify unidentified students (those with no information regarding which school they attend) in the Attendance System.

74. Another important result achieved in the first semester of 2016 was the identification of 371 thousand pregnant women beneficiary of the *Bolsa Família* Program, an increase of more than 50% in comparison with the first semester of the preceding year, which is due to the integration of the *Bolsa Família* Program (PBF) Management System in Health with the *SisPréNatal* software of the Ministry of Health – MS.

75. In 2016, the Ministry transferred more than R\$493 million in resources of the Decentralized Management Index (IGD) of the *Bolsa Família* Program to states, cities, and the Federal District. Additionally, several events were held with state coordinating offices, such as the Technical Roundtable, in April, and the National Meeting (ENCE), in November.

76. In 2017, even with the change of management in most Brazilian cities plus the economic crisis, important results were achieved. The following are noteworthy: the enhancement of management of the *Bolsa Família* Program's benefits, the rectification of the federal transfers of funds to state and city managements, the normative enhancement of the program, and the follow-up records in health and education conditions. Regarding the Sole Registration, there have been improvements in the instruments for family search and analysis, in addition to the enhancement of information focus, transparency, and security.

77. In 2017, the figures of the Sole Registration Review and Verification broke records. In 2016, 7.1 million families were called to update their data. In 2017, this figure was 14.2 million. Of this total, more than 6.2 million families have updated their registration before the deadline. In 2017, all families with outdated data were called, not only families contemplated in social programs. Additionally, more than 1.2 million families were added to the process as required by the regulatory authorities. In March 2018, about 1.8 million benefits of the *Bolsa Família* Program were canceled because the families had not updated their registrations or lacked the profile for the program.

78. Two initiatives made the Sole Registration data more accessible in 2017. In May, the platform Citizen Consultation – tool that enables consultation of family information

in the Sole Registration in a practical, quick, and debureaucratized way – was made available. In the same month, the Sole Registration Network was created. It enables the exchange of experiences between program and policy managers who use data from the Sole Registration to select the families to be contemplated.

79. In November 2017, there were two important normative innovations in the Sole Registration: the Access Control Policy, created to protect information provided by the registered families and to guide the data provision to the Sole Registration; and the institution of the Terms of Use regulating the relationship between Sole Registration managers and managers of other social policies.

80. In December 2017, the *Bolsa Família* Program reached 13.8 million families – around 44.5 million people. Over the year, 2.8 million new families received the benefits. There has been no waiting list for the program for over a year. All families registered in the Sole Registration with the profile for the program, data updated less than 24 months ago, and no discrepancies in registration information can be benefitted.

81. In 2017, there have also been improvements to the mechanisms of prior verification of registration information for the concession of benefits of the *Bolsa Família* Program. The measure prevents the program from benefitting families with different information disclosed in the Sole Registration and in other administrative records from the Federal Government.

82. Important progress was recorded in the monitoring of the *Bolsa Família* Program conditions in 2017. More than 13 million 6- to 17-year-old children and teenagers had their school attendance recorded bi-monthly. More than 95% of these students had the minimum attendance required for students registered in the *Bolsa Família* Program. In the same year, 75.2% of the 11.6 million families with the health profile were monitored. Of these, 5.7 million children had their vaccination cards checked and 98.9% had their vaccinations up to date.

83. Almost 389 thousand pregnant women contemplated were identified, which corresponds to 80.3% of the total 488 thousand pregnant women estimated by the Ministry of Health (MS). In absolute numbers, there was an increase of approximately 11

thousand monitored pregnant women between the second semester of 2016 and the first semester of 2017. Of the total amount of pregnant women monitored, 99.5% were going through prenatal care, something that contributes to reduce the infant mortality rate and chronic nutritional deficiency rates in the country.

84. There was an important progress in the communication with municipal authorities in 2017. In March, the website “*Bolsa Família* Program and Sole Registration in Your City” was made available to facilitate the access of city managers to basic information from each of the 5,570 Brazilian cities. The procedure to update city managers and state coordinators in the *Bolsa Família* Management System (SigPBF) was also improved, which resulted in the increased registration update rate in SigPBF from 50% to 85%.

85. The result of the assessment performed through the Continuous National Household Sample Survey (Continuous PNAD), disclosed in November 29, 2017, by the Brazilian Institute of Geography and Statistics – IBGE, showed that 91.6% of the families contemplated by the *Bolsa Família* Program are included in the 40% poorest households in Brazil. This evidences the quality of the Sole Registration and the high focus that the *Bolsa Família* Program has on the poorest and most vulnerable population.

86. In 2017, six regional workshops directed to Traditional and Specific Population Groups (GPTes) included in the Sole Registration took place, and gathered 355 municipal authorities. There was also a workshop to discuss alternatives to facilitate the payment of social benefits to this group. The Sole Registration has about 2.37 million families pertaining to 15 GPTes, among which are indigenous peoples, *quilombolas*, Romani peoples, riparian peoples, and extractivist populations.

87. On May 14, 2018, we presented a financial literacy and social inclusion strategy for those contemplated by *Bolsa Família*, the *Futuro na Mão* Program: improvement of the financial life as part of the *Progridir* Plan by the Ministry of Citizenship. The objective is to offer social technologies – prepared through a partnership with the Brazilian Financial Literacy Association (AEF – Brasil) – to promote financial knowledge and household budget planning. Through this initiative there shall be workshops for more

than 200 thousand women taking place throughout the country, in strict partnership with the social assistance network.

88. The Extended Technical Roundtable took place from June 11 to June 13, 2018, with participation of guest managers of metropolises and other cities, state coordinators, and federal technicians of the Health, Education, and Social Assistance areas of the Sole Registration and of the *Bolsa Família* Program. Altogether, 26 cities and all 26 States were represented therein.

89. The monitoring of school attendance in the first period of the year, comprising February and March, yielded a positive result. Out of 14.87 million children and teenagers monitored, 13.24 million had their attendance recorded, which represents 89.06% of the monitoring of beneficiaries of the *Bolsa Família* Program. Since 2007, this is the best number achieved for the period. Out of the total students monitored (13.24 million), 95.8% met the conditionality of education.

90. In February 2019, the Ministry of Citizenship and the Ministry of Education – MEC released a new standard to facilitate the identification of schools attended by children and teenagers unidentified in the Attendance System/MEC, enabling a quicker response in situations of school desertion and dropout among beneficiaries of the *Bolsa Família* Program. The standard also provides guidance for the assistance to those families through decentralized networks.

91. In early May, the 2018 process of registration update was released, which includes the processes of Registration Review and Verification. First, the types of inconsistency identified in family records shall be disclosed, which will facilitate assistance by city managements.

92. Finally, the adjustment of benefits and eligibility lines of the *Bolsa Família* Program as of July 2018 deserves attention. The 5.67% increase in the amount of the average benefit of the program aims at maintaining the purchasing power of the benefits. In the same occasion, there were adjustments in the poverty line – from R\$170 to R\$178 – and extreme poverty line – from R\$85 to R\$89. The adjustment percentage of 5.67%

was based on the National Consumer Price Index (INPC) accrued from July 2016 to March 2018, which was 4.01%.

93. For recommendations No. 136.141 and 136.143, it is worth pointing out some of the actions that contribute to reinforce social programs and improve the focus and rationalization of public expenditure.

94. In order to manage public policies, it is essential to work with consistent and updated information. The process of assessing information includes periodic comparisons of information from different sources and origins. The Office for Information Evaluation and Management – SAGI of the Ministry of Citizenship has carried out a procedure for the use of consistent methods to compare data, such as the comparison between records of the Continuous Cash Benefit (BPC) with information of the Mortality Information System (SIM) and the Computerized System for Death Registry (SISOBI), a work carried out within the scope of the “Continuous Cash Benefit Inter-Institutional Working Group” (GTI-BPC), created on January 19, 2017, through MDS Ordinance No. 38. Given the size of this income transfer program, the first challenge in the administrative agenda is to manage the BPC, especially regarding the granting, maintenance, and registration verification of the benefits. Through this intersection, another goal was to propose a permanent model of reassessment of benefits more effective than the current one. Evidence of discrepancies was identified through the inclusion of registration information and comparison between the databases, evidencing the importance of modernizing the systems and processes for a more effective management of the program. Increasing the quality of management of the BPC contributes to a decrease in focus errors of the program, as to guarantee the right to beneficiaries that actually need it.

95. Within the agenda of the Ministry of Citizenship regarding the transparency and incentive to independent research encouraged by MDS Ordinance No. 192/2017, the Departments of Monitoring (DM) and Information Management (DGI) made the unidentified sample bases of the Sole Registration marked under the *Bolsa Família* Program available to the civil society. This was the first time such marking under the *Bolsa Família* Program is a part of the sample microdata package unidentified in the Sole Registration. Before such initiative, the Ministry of Citizenship used to supply an average

of one base per month to researchers. Since the first online disclosure in July 2017, this number increased to an average of 1,000 monthly downloads. Nowadays, any researcher can access socio-economic information on low income families and persons included in the Sole Registration. These microdata are in (.CSV) format, with 30 unidentified variables for the families and 34 variables for the persons.

96. Additionally, after integration between the Ministry of Citizenship and the Brazilian Institute of Geography and Statistics – IBGE, it was possible to expand the set of information on PBF’s general public even further. Afterwards, other programs of the Ministry of Citizenship shall be incorporated to such bases, so researchers in Brazil and abroad are free to investigate different aspects of our policies.

97. The Ministry of Citizenship also has a Monitoring Policy for public policies applied to plans, policies, programs, projects, services, and actions, through follow-up on indicators defined by SAGI or by a competent related agency. The monitoring is defined as the systematic and periodic analysis of processes, products, or results through indicators. This effort is guided to produce knowledge that subsidizes the management of public policies, based on the principles of transparency, relevance for the decision-making process, and reliability of data, information, and indicators.

98. Still regarding item 136.141, two assessments of impact and process are in progress for the policies of rural incentives and cisterns (water for production) in a partnership with the Office for Food and Nutritional Safety – SESAN, which purpose is to analyze both the impacts and the results of these policies on the contemplated population with respect to the process of implementation. It is important to note that these are policies already consolidated within the scope of the Ministry of Citizenship and that the assessments aim at producing evidence of the policies’ success and at subsidizing the management with respect to the opportunities of improvement related thereto.

99. Finally, regarding recommendation No. 136.235, we inform that SAGI carried out, between 2013 and 2014, a research on Ethnographic Studies on Indigenous People and the *Bolsa Família* Program, encompassing seven indigenous lands from various ethnicities in different locations of the national territory.

100. The results of this research were presented to the indigenous communities through workshops held between 2017 and 2018, when the initial findings were evidently improved. Other actions were also monitored in order to keep ensuring the effective implementation of such policy with indigenous people.

101. With respect to recommendations No. 136.30, 136.50, 134.134, 136.139, 136.143, 136.144, 136.221, all related to poverty reduction, it must be noted that Brazil has a 2016-2019 National Plan for Food and Nutritional Safety (II PLANSAN). The first challenge indicated in the PLANSAN is the promotion of universal access to proper and healthy food, with priority to families and persons in situations of lack of food and nutritional safety. Within the scope of the II PLANSAN, the promotion of access is understood, among other aspects, as access to income, enabling acquisition of proper and healthy food, as well as physical access to food.

102. Thus, in the II PLANSAN, two major policies compose the challenge of promoting access to food: income transfer and school meals. Within the scope of income transfer, there are two important governmental actions: the *Bolsa Família* Program, which transfers income to families in poverty and extreme poverty situations; and the Continuous Cash Benefit (BPC), which ensures payment of a monthly minimum wage to elderly persons of 65 years of age and older and persons with disabilities of any age and with long-term impairments (whether physical, psychological, intellectual, or sensory), provided that they prove that they do not have means to earn a living or be supported by their family, with a monthly family *per capita* income lower than 1/4 of the prevailing minimum wage.

103. In December 2017, the *Bolsa Família* Program supported 13.82 million families. Out of these, 90% had women as family guardians and 402 thousand belonged to Traditional and Specific Population Groups (GPTes). About 44.5 million persons were benefited, 75% of which were Afro-Brazilians or *Pardos*.

104. On its turn, in 2017, the Continuous Cash Benefit (BPC) was paid to 4.55 million beneficiaries, which represented an investment of R\$50.3 billion. Out of these beneficiaries, 2.53 million were persons with disabilities and 2.02 million were elderly persons.

105. The constant improvement in income transfer programs for low-income families is essential not only for poverty reduction, but also to guarantee food and nutritional safety to the Brazilian population.

106. In December 2017, 26,946,898 families were enrolled in the Sole Registration for Social Programs of the Federal Government (*CadÚnico*), which corresponds to 76,539,470 people. More than 20 social programs are currently using the *CadÚnico* database to define their scopes, which makes it one of the main mechanisms for mapping poverty and social vulnerabilities, for it supports the preparation and monitoring of several public policies.

107. In terms of school meals, the National Program for School Meals (PNAE) is an important strategy to promote access to food and a healthier diet, as established in PLANSAN Challenge No. 5. PNAE has universal coverage for the entire public system of primary education and, in 2017, it served 40.6 million students, accounting for an investment of R\$3.9 billion. *Per capita* amounts passed on by the Federal Government within the scope of the PNAE were increased by Resolution No. 1 of the Decision-Making Body of the National Education Development Fund – CD/FNDE on February 8, 2017.

108. With respect to recommendations No. 136.140, 136.141, and 136.235 regarding the promotion of rural development, there are two other important challenges to be highlighted in II PLANSAN: “Challenge No. 2: Fighting the lack of food and nutritional safety and promoting rural productive inclusion in specific population groups, with emphasis on Traditional Peoples and Communities and other groups of social vulnerability in rural areas” and “Challenge No. 3: Promoting the production of healthy and sustainable food, the organization of family agriculture, and the reinforcement of agroecology-based production systems.”

109. A study carried out by the Interministerial Chamber of Food and Nutritional Safety (CAISAN), with the title “Mapping Lack of Food and Nutritional Safety based on the analysis of *CadÚnico* and the Food and Nutritional Monitoring System (SISVAN)”, concluded that, between 2013 and 2016, there was a significant drop in the height/age

deficit for *quilombola* and indigenous children under the age of 5 monitored by the health teams of the *Bolsa Família* Program. The percentage of indigenous children affected dropped from 32.9% to 22.3%, and for *quilombola* children, from 23.4% to 11.7%. However, the percentage achieved is still high when compared to the national average showed in the study, which corresponds to 10.1%.

110. In this regard, Brazil has been on the path towards the development and implementation of differentiated and specific policies, based on the principles of ethnodevelopment, respect for cultures, social organization structures, and ethnic, racial, and gender specificities. It is necessary to ensure continuity and improvement of policies intended to expand the conditions of access to food for those who are still more susceptible to famine in order to overcome malnutrition in these groups as well.

111. The II PLANSAN proposes eight priority topics to make progress in facing Challenge No. 2: Lack of Food and Nutritional Safety, Rural Productive Inclusion, Access to Land and Land Management, Biodiversity, Health Care to the Indigenous, Extractivist, and Riparian Peoples, Access to Water, and Access to Public Policies.

112. Challenge No. 3, on its turn, contemplates actions aiming at promoting sustainable food production systems, organized in the seven topics: Strengthening of Family Agriculture, Land Reform, Agroecological Transition, Women, Youth, Seeds, and Climate Change. This Challenge reinforces the concept of Food and Nutritional Safety set forth in the Organic Law for Food and Nutritional Safety (SAN) (Law No. 11,346/2006), encompassing the implementation of public policies and sustainable and participative strategies for food production, sale, and consumption, observing the multiple cultural characteristics in the country.

113. The Federal Government has implemented the *Progridir* Plan, created by Decree No. 9,160/2017, which involves actions to create jobs and income sources and to promote the autonomy of persons registered with the Sole Registration.

114. The cooperation between Government sectors involved in the *Progridir* Plan is ensured by the convergence of efforts used by the Ministry of Citizenship with those used

by the Ministries of Education, Economy and of Science, Technology, Innovation, and Communication, which compose the *ProgreDir* Plan Management Group.

115. Moreover, for integration and coordination of productive inclusion actions within the context of the *ProgreDir* Plan, the Social Development Partner Network was created. This Network is a group of public and private institutions operating with the Ministry of Citizenship to offer job opportunities, vocational training, and entrepreneurship to low-income Brazilian families.

116. Within the context of the productive sector, the Partner Network enables the minimization of information asymmetry in the process of mapping demand in the job market, integrating the intermediation of labor and vocational training by promoting direct interactions among companies (employers), low-income workers, public managers, and educational institutions. The *ProgreDir* Plan currently has nearly 300 private sector partners, including representatives of all types of productive activities: industry, trade, services, and agriculture.

117. Supported by the Partner Network, the *ProgreDir* Plan is based on three axes:

- Vocational training: the actions and tools developed for this axis aim at expanding access to vocational training courses and preparatory workshops, with a portfolio based on mapping the demands of the productive sector for the inclusion and permanence in sustainable labor activities.
- Labor intermediation: aims at creating mechanisms to facilitate access to the productive sector for low-income groups to increase inclusion in the labor market.
- Entrepreneurship: aims at developing and enhancing undertakings of low-income workers through access to productive microcredit and technical and management support.

118. A digital platform (www.mds.gov.br/progreDir) materializes the actions promoted between the network partners, beneficiaries of the *ProgreDir* Plan, and public managers.

119. The *ProgreDir* Plan Portal includes actions for digital inclusion to map and refer young adults contemplated by the *Bolsa Família* Program to programming courses to

encourage and increase access to the labor market. In addition to digital inclusion, more than one hundred distance learning courses for vocational training have already been made available to those contemplated by the *ProgreDir* Plan, with more than 85 thousand students enrolled.

120. The Ministry of Citizenship also offers workshops for preparation to the labor market, within the scope of the *Acessuas Trabalho* Program, provided by the Unified Social Assistance System. This program is a major partner of the *ProgreDir* Plan, acting specifically in the qualification of persons for the labor market and monitoring of the professional career of low income families. By the end of 2018, 435 thousand persons with low income shall participate in the activities taking place in 1,100 cities.

121. The *ProgreDir* Plan has developed initiatives to encourage productive microcredit, with regulatory changes that may benefit those registered in the Sole Registration. The first initiative was the coordination between the Ministry of Citizenship and other Federal Government entities in order to change the National Monetary Council's rules to create a regulatory incentive for banks to grant microcredit to those persons registered with the Sole Registration.

122. The *ProgreDir* Plan's second initiative was to coordinate actions with the Central Bank and the Ministry of Economy in order to cause a legislative change to simplify and modernize the granting of microcredit, with flexibility of technical support, diversification of the network of partners offering microcredit, and the consequent reduction in the cost of transactions.

123. The *ProgreDir* Plan focuses on the general public by identifying the micro-entrepreneurs registered with the Sole Registration who are interested in microcredit. With such information, the *ProgreDir* Plan brings the entities offering microcredit closer to the general public registered with the Sole Registration, reducing sourcing costs and increasing the volume of transactions contracted.

124. In the first six months of the *ProgreDir* Plan, about USD600 million were granted to the target market as microcredit, one third of such amount being directed to beneficiaries of the *Bolsa Família* Program – the poorest Brazilians registered with the

Sole Registration. These results – which exceeded the expectations for the initial goals set at the beginning of the program – confirmed entrepreneurship potential as a tool for the productive inclusion of families registered with the Sole Registration and the *ProgreDir* Plan's success in coordinating a convergence environment between the financial and compensation systems and the target market.

125. Some factors have been contributing for the success of the *ProgreDir* Plan's actions. The choice for information systems so that low income families can access the services directly is an innovative strategy that provides more autonomy to the beneficiaries of the *ProgreDir* Plan. In fact, the *ProgreDir* Plan Portal allows those registered with the Sole Registration to enroll directly in vocational training courses, express interest in microcredit, seek job openings, and even prepare résumés to be submitted to the companies in the Network.

126. The *ProgreDir* Plan Portal enables the registration of job openings and vocational training courses, in addition to the prospecting of résumés registered for job interviews and microcredit granting. In this sense, the Portal is a great hub of opportunities for productive inclusion, multiplying and sharing training offers, job openings, and entrepreneurship tips. Since the *ProgreDir* Plan was implemented, there has been an average of 42 thousand accesses to the portal every month, a number that only tends to increase with the new adherents to the Network that the *ProgreDir* Plan has gathered lately.

127. New partners joining the Network undertake the commitment to social responsibility, discarding any of the prejudices common in Brazil toward low-income families' ability to enter the labor market. In this regard, the *ProgreDir* Plan promotes a virtuous circle as it believes in the potential of its beneficiaries and shares these values with hundreds of Network partners.

128. In order to encourage, identify, recognize, and value local initiatives that promote the implementation of actions directed to productive inclusion and contribute to the improvement of the quality of life of people in poverty, the Ministry of Citizenship created the *ProgreDir* Prize as a means to ensure recognition of mayors who encourage

local policies for productive inclusion. The Prize not only promotes the multiplication of reference experiences, but also enables Government support to the grant agreement for qualification and expansion of winning projects.

129. The *ProgreDir* Plan seeks precisely to create opportunities for emancipation and consolidate the policy for social development from a perspective of eradication of poverty by means of social and productive inclusion. This action is fully consistent with goals 1, 4, 8, and 10 of the UN Sustainable Development Goals.

130. The Unified Social Assistance System (SUAS) is a public system that organizes social assistance services in Brazil. With a participative management model, it uses the efforts and resources from the three governance levels, i.e. cities, states, and the Union, for the enforcement and financing of the National Policy on Social Assistance (PNAS), directly engaging national, state, municipal, and Federal District structures and regulatory milestones. SUAS organizes social assistance actions under two types of social protection. The first type is Basic Social Protection, directed to the prevention of social and personal risks through the offer of programs, projects, services, and benefits to individuals or families in social vulnerability situation. The second type is Special Social Protection, directed to families and individuals already in risk situation and who had their rights infringed as a result of abandonment, ill-treatment, sexual abuse, drug use, among others.

131. Regarding recommendations No. 136.30, 136.50, 136.134, 136.139, 136.143, and 136.144, related to poverty reduction and promotion of equality and inclusion, it is important to emphasize that the Ministry of Citizenship has used efforts in several sectors and with multiple target audiences to combat poverty, inequality, and unemployment. These actions are performed within the scope of Basic Social Protection through the services of Full Protection and Assistance to the Family (PAIF), Coexistence and Bond Strengthening (SCFV), and Promotion of Access to the Labor Market (ACESSUAS *Trabalho*). Through the continuous social work with the families, these services prevent bond breaks and reinforce the function of protection, aiming at improving quality of life.

132. The Ministry of Citizenship carries out the federal co-financing, aiming at supporting the cities, the Federal District, and federated states in the offer of Special Social Protection services and programs (medium and high complexity).

133. Medium-Complexity Special Social Protection is offered in state public units of social assistance, among them the Specialized Reference Center for Social Assistance (CREAS), the Specialized Center for Persons in Street Situation (*Centro Pop*), and the Day Reference Center for the person with disabilities. Additionally, pursuant to the National Typification of Social Assistance Services, services in facilities of the non-governmental Network linked to SUAS may also be offered, as long as they meet the parameters established within the scope of social assistance.

134. Medium-Complexity Special Social Protection also enables the co-financing of actions related to strategic programs, such as the Program for Eradication of Child Labor, aimed at reinforcing the identification of child labor and promoting the inclusion of children, teenagers, and their families under vulnerability and personal and social risk situation in the social protection network.

135. High-Complexity Special Social Protection aims at ensuring full protection to individuals or families rejected from their original families or communities through the decentralized offering of (institutional and family) support services of several types, also contemplating the protection of persons in public calamity and emergency situations.

136. The purpose of co-financing is to ensure assistance, specialized monitoring, and support services to families and individuals in risk situations, with their rights threatened or infringed, contributing to the interruption, prevention of aggravation and situations of infringement of rights or contingencies, full protection whenever necessary, and to the reinforcement of the protection function through services, programs, and benefits.

137. In 2017, 2,512 (municipal and regional) CREAS units were co-financed, which represents coverage of 2,048 cities in all federative units with the Municipal CREAS. There are also Regional CREAS units, reaching coverage of 273 other cities in 14 federative units, amounting to a monthly assistance capacity of approximately 140 thousand families and individuals.

138. With respect to recommendations No. 136.139, 136.221, and 136.235, which address equality and non-discrimination, it is important to highlight that, according to the Institute of Applied Economic Research – IPEA (2011), social assistance in Brazil serves mainly the Afro-Brazilian population. Afro-Brazilian women, more specifically, represent 63% of the persons contemplated by the *Bolsa Família* Program. Racism, especially institutional racism, in this scenario, is a major obstacle to the access by this population to services and rights. By acknowledging this reality, the Ministry of Citizenship, in a partnership with MDH, launched the campaign “SUAS without racism,” in an effort to equalize access to benefits and public policies through the fight against institutional racism.

139. In Brazil, thousands of indigenous persons are served by the social assistance network, through hundreds of Reference Centers for Social Assistance – CRAS and CREAS, and some are even located inside indigenous communities. The respect for social organization, culture, and autonomy of indigenous peoples are is the foundation for the effective and dignified assistance to this population. Lack of knowledge on their culture and points of view leads to the invisibility of this population and, therefore, to the inadequacy of the services provided. Thus, the effort for a culturally adequate assistance policy culminated in the construction of the handbook “Social Work with Indigenous Families” for Basic Social Protection. The document is used in the training of local managers, aiming at promoting the guarantee of rights. Accordingly, through CRAS, indigenous families are included in SUAS and participate in programs such as the Full Protection and Assistance to the Family (PAIF) Program, facing inequalities and discrimination.

140. Still regarding the indigenous population, it is important to note that, in 2017, the Indigenous Working Group of the National Social Assistance Office (SNAS), created by SNAS Ordinance No. 73/2015, continued the implementation of the activities provided for in the Technical Cooperation Agreement (ACT) entered into with the National Indigenous Foundation – FUNAI on December 31, 2014.

141. In this regard, SNAS has taken the following actions: attending the meetings for assessment and monitoring of the joint effort for the right to family and community

coexistence in the South Cone; producing informative materials for the social assistance network “April: Month of Indigenous Peoples”; and preparing and disclosing the analysis of the Survey on the assistance to indigenous peoples in the CREAS and in Assistance Units.

142. The tendency to prioritize vulnerable groups – such as the LGBT community, indigenous peoples, Afro-Brazilian populations, and traditional communities – has been consolidated in the social assistance policy over the last few years. Therefore, social assistance has been using efforts to better address the specificities of its users through the participation and representation of managers in councils, committees, and other bodies for discussing, building, and consolidating rights.

143. In this regard, in 2017, the *CAPACITASUAS* Program handbook was updated to include persons supported by social assistance services in general. However, acknowledging the need and urgency of working with the specificities of social assistance users, in 2016 and 2017, informative materials on the following topics were prepared:

- LGBT: “The SUAS combating discrimination against LGBTs” and “Ensuring use of transvestites’ and transsexuals’ chosen name”.
- Child and Adolescent: “National Day to Combat Sexual Abuse and Exploitation of Children and Adolescents”; “Political and Methodological Guidelines for Providing Social Assistance to Children and Adolescents in Street Situation”; “Parameters for taking Depositions of Children and Adolescents subject to Violence Situation” (joint drafting with the Ministry of Women, Family, and Human Rights and other stakeholders); Protocol on Actions to Protect the Rights of Children and Adolescents within the Context of Works and Real Estate Developments (in process of drafting completion, together with the Ministry of Women, Family, and Human Rights and other stakeholders).
- Indigenous Peoples: Survey on the Indigenous Population in the CREAS and in Assistance Units.

- Afro-Brazilian Population: Report on the “Afro-Latin American and Afro-Caribbean Women’s Day” in a partnership with the Department of Basic Protection.
- Persons with disabilities: technical handbook on Day Center for children with microcephaly.

144. Regarding recommendation No. 136.148, over the last few years, the Brazilian social-security system has been searching for greater cohesion and better application of its resources through technological innovation projects and adoption of management, control, and verification programs.

145. An example of this effort is the “Digital INSS” project, which is at an advanced stage of implementation. Given that the Brazilian National Social Security Institute – INSS is responsible for operationalizing the recognition of the rights of those insured by the General Social Security Regime (RGPS), which included more than 50 million insured individuals and approximately 33 million beneficiaries in 2017, the Digital INSS project was conceived as a tool for users to access their information and claim social security benefits online, as well as to have their rights automatically recognized in this process of debureaucratization and inclusion.

146. Another new feature in the project is the “My INSS” service center, created as a facilitation tool for the persons insured, accessible from computers or mobile phones. The feature enables scheduling and consultation, in addition to the possibility of access and monitoring of all information about their working life, such as data on social-security contributions, employers, and periods worked. This tool has already more than 10 million users registered, a number that is constantly increasing.

147. Moreover, management, verification, and control procedures were adopted, allowing the cessation of benefits to holders that were no longer entitled, and the exponent of this process was the Disability Benefit Review Program (PRBI). The PRBI was implemented upon the identification of the need for review of disability benefits held for periods longer than 2 years and not yet reviewed. Such action saved R\$9.6 billion to the

public budget until June 2018, an amount expected to increase to R\$15.7 billion by the end of 2018.

148. As to the protection of rights of vulnerable groups within the scope of the social security system, two measures stand out: the maternity pay period for mothers of children with neurological sequelae as a result of diseases transmitted by *Aedes aegypti* and the new amount of the special pension payable to the person with the physical disability known as Thalidomide Syndrome.

149. Persons with the physical disability known as Thalidomide Syndrome receive a special, monthly, and non-transferable pension for life, which is a guaranteed right since 1982, upon enactment of Law No. 7,070. However, the amount of the benefit lost value over time. Law No. 13,638 of March 22, 2018, increased the reference amount for the calculation of the benefit from R\$426.53 to R\$1,000.00.

150. Due to the cases of diseases transmitted by *Aedes aegypti*, especially the ones caused by the chikungunya and zyka viruses, which cause neurological sequelae to the children of women who had such diseases during pregnancy, Law No. 13,301 of June 27, 2016 increased the maternity leave and, consequently, the maternity pay period with respect to the social security benefit from one hundred and twenty to one hundred and eighty days for mothers of children with neurological sequelae arising from diseases transmitted by *Aedes aegypti*.

7. RACIAL EQUALITY

Recommendations related to the topic:

136.35 – Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples (Uzbekistan);

136.36 – Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity (Uganda);

136.37 – Take measures to eliminate cases of discrimination against certain groups in society (Iraq);

136.38 – Support initiatives and strategies to combat discrimination and promote the inclusion of vulnerable persons (Madagascar);

136.42 – Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons (Colombia);

136.46 – Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda);

136.47 – Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective (Chile);

136.48 – Further promote ethnic and racial equality, building on the important policy measures already taken (Greece);

136.49 – Continue taking active measures aimed at eradicating discrimination against Afro-Brazilian women based on their gender and ethnicity (Namibia);

136.51 – Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities (Netherlands);

163.65 – Take further steps in order to prevent violence against people of African descent (Republic of Korea);

136.133 – Redouble efforts to further reduce the income gap between the AfroBrazilians, especially Afro-Brazilian women, and the general population (Pakistan);

136.150 – Strengthen policies on the elimination of inequalities in the access to employment on the grounds of gender or racial origin (Colombia);

136.183 – Extend the “Women Living without Violence” programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent (Belgium);

136.219 – Continue to promote the rights of communities of African descent, in particular children’s rights (Senegal);

136.220 – Continue to improve procedures to ensure the rights of people of African descent (El Salvador);

136.221 – To ensure egalitarian access of Afro-Brazilians to poverty reduction policies and social-security benefits as a form of protection to their fundamental rights (Botswana);

136.243 – Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society (Holy See);

136.60 – Continue putting in place measures aimed at preventing violence and racial discrimination against Afro-Brazilians and at protecting their cultural heritage sites and places of worship (Namibia);

136.68 – Undertake strategies to reduce gun violence, particularly among poor black youth (Bahamas);

136.69 – Take all necessary measures to reduce murder rates among AfroBrazilian men, particularly through robust educational programmes

adapted to their needs, following recommendations 119.138, 119.154, 119.157, 119.158, 119.159 and 119.160 from the second cycle (Haiti);

136.98 – Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces (Indonesia);

136.150 – Strengthen policies on the elimination of inequalities in the access to employment on the grounds of gender or racial origin (Colombia);

136.151 – Step up efforts to promote, in law and in practice, the inclusion of persons of African descent in the educational system and on the labour market by taking policy measures (Honduras);

136.154 – Continue reinforcing the policy on effective and qualitative access to health services for vulnerable populations, especially women of African descent who still remain the group with the highest mortality (Colombia);;

136.173 – Improve the quality of public education, particularly for those who live below the poverty line, particularly Afro-Brazilians, with focus on psychological health and integrating psychosocial elements in order to achieve a better learning environment (Haiti);

136.174 – Continue strengthening efforts to eliminate discrimination, including racial discrimination in education (Indonesia);

136.175 – Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout (Paraguay);

136.222 – Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being (Bangladesh);

151. Brazil has passed extensive anti-discrimination laws and regulations, at the constitutional, administrative, criminal, civil, labor, tax, and social-security level. Over the last few years, several measures adopted contributed to the establishment of a system of protection against discrimination, fighting negative practices and their effects.

152. These laws and regulations are based on the principle of equality and the prohibition against discrimination of any kind, as respectively provided for in art. 5 and art. 3, item IV, of the Brazilian Federal Constitution of 1988. They are also based on the contributions of international human rights conventions which the country has ratified. Since 2008, these conventions are legally addressed as rules of constitutional or supra-legal value, according to the interpretation determined by the Brazilian Supreme Court. The same interpretation establishes that, in the event of conflict between the convention and the domestic law rules, the rules and interpretations that are more favorable to the individual to whom legal protection is granted shall prevail.

153. Article 3, IV, of the Brazilian Constitution establishes that the promotion of everyone's welfare, without prejudice against origin, race, sex, color, age, and any other forms of discrimination, is a fundamental objective of the Government. Pursuant to such article, the Brazilian Federal Constitution also establishes that every person is equal before the law, without distinction between Brazilians and foreigners living in the country, guaranteeing the inviolability of the right to life, freedom, security, and property. Article 5, sub-item I, clarifies that men and women have equal rights and obligations.

154. Article 7, item XLII, on its turn, sets forth that racism is a imprescriptible crime not subject to bail, as well as subject to arrest as provided by law. These provisions, registered in the list of fundamental rights and guarantees, indicate that the constitutional legislator, by incorporating this regulation, also acknowledges that racism is still a component of the social and economic reality in Brazil, and the Government must combat it.

155. These provisions guide all prevailing laws and regulations outside the scope of the Brazilian Federal Constitution. Law No. 9,029/95 expressly sets forth that “[it is] forbidden to adopt any discriminatory or restrictive practices regarding access to or maintenance of employment relationships on the grounds of sex, origin, race, color, marital status, household conditions, disability, professional rehabilitation, age, among others, except for, in this case, the cases of protection to the child and the adolescent provided for in item XXXIII of art. 7 of the Brazilian Federal Constitution”.

156. Three major types of conducts are characterized as crime or misdemeanor based on discriminatory elements regarding racial identity: one described in art. 20 of Law 7,716/1989, generally regulating prejudice on the grounds of race/color, religion or country of origin; the conducts involving disparate treatment, impeding or denying access to places and services specified therein, based on the discriminatory acts described in articles 3 to 14 of the abovementioned law; and racial slur, a subtype of crime against a person's dignity, provided for in paragraph 3 of art. 140 of the Brazilian Penal Code.

157. The crime of racial slur is described as the one committed with the intention of affecting a certain person's dignity, and the offender, in this case, uses elements related to

race, color, ethnicity, religion, origin, or to the offended person's condition of being an elderly or a person with disabilities. Racial slur is legally defined as a crime against personal identity, affecting the offended person's self-image, individuality, and intimacy, driving this person to an inferior and humiliating condition.

158. The crime of racism is the one directed to an undetermined group of individuals, discriminating the entire social group identified for its color/race, ethnicity, religion, background, or country of origin. It is defined by Law 7,716/1989, and art. 1 thereof sets forth that all crimes of discrimination or prejudice related to race, color, ethnicity, religion, or country of origin shall be punished.

159. For the crime of racial slur, the Brazilian Penal Code sets forth a penalty of confinement from one to three years, and a fine. For the crime of racism, there are several penalties for different types of conduct, as provided for in Law 7,716/1989. Although it regulates a wide range of conducts, the abovementioned law provides for distinct criminal sanctions for similar situations, an aspect that evidences a need for enhancing the legislative approach to the matter.

160. Until 2016, the crime of racial slur was considered aailable and lapsable crime submitted to a legal system other than the crime of racism. In January 2016, the Superior Court of Justice – STJ changed that understanding, so as to consider that racial slur is also an imprescriptible crime, making it different from the regulation established for other crimes against human dignity. By doing so, the case law consolidates a legal system for discriminatory practices on the grounds of the racial element, which differ from each other only in type.

161. Considering the crime of racial slur as a non-bailable and imprescriptible crime confirms that the constitutional regulation establishes a high degree of social, political, and institutional condemnation related to racist conducts of any kind, also acknowledging the severity of its damages.

162. The Brazilian laws and regulations also support the dissemination and production of knowledge, as well as attitudes, postures, and values that promote the education of citizens about the ethnic and racial diversity in the country. That is the objective of Law

11,645/2008, that provides for the mandatory inclusion of “Afro-Brazilian and Indigenous History and Culture” in school curricula.

163. Such topic would emphasize the importance of the Afro-Brazilian culture in the education of the Brazilian society, consider Afro-Brazilians as historical figures, and, thus, value the thoughts and ideas of important intellectual Afro-Brazilians and the culture (music, cuisine, dance) and religions of African origins.

164. The teaching materials were adapted to include the content of the law. A good example of material about African history is the collection General History of Africa, aiming at understanding the ethnic diversity that constitutes the African continent. This collection has approximately ten thousand pages, distributed into eight volumes. Created and re-edited as an initiative of the United Nations Educational, Scientific and Cultural Organization – UNESCO, the collection encompasses from the prehistory of the African continent to the '80s, and it is available for free download at <http://www.dominiopublico.gov.br>.

165. The National Office for Racial Equality Promotion Policies – SNPIR is currently working on the development and implementation of actions directed to identifying, selecting, recognizing, and disseminating Good Practices throughout the country in both public and private schools, portraying ethnic and racial diversity, emphasizing the importance of education to ethnic and racial relations, and promoting the publication and distribution of material, the development of researches, education for *quilombola* communities, and the release of public notices on the topic. It has established a partnership with the Office for Specialized Mobility in Education, of the Ministry of Education, which is also interested and using efforts to comply with Article 26-A of the Guidelines and Bases for National Education (Law No. 9,394/1996) and Articles 11, 14, and 16 of the Statute of Racial Equality (Law No. 12,288/2010).

166. In addition to participating in several actions of recognition and appreciation of good practices for the implementation of the Guidelines and Bases for Education, another initiative by SNPIR was the publication and distribution of the books “Afro-Brazilian and African History and Culture in Early Education” [*História e cultura afro-brasileira e*

africana na Educação infantil], “Culture, Land, and Resistance – the Knowledge of Southern *Quilombos*” [*Cultura, terra e resistência – saberes dos quilombos do sul*], and “Brazil, Africa, Crossed Histories – Elementary School” [*Brasil, África, Histórias cruzadas – Ensino Fundamental I*].

167. Still in line with the inclusion and appreciation of ethnic and racial plurality, Brazil relies on legal instruments that guarantee affirmative actions in higher education and public positions at the federal level. Law No. 12,711/2012 reserves at least fifty percent (50%) of places for students who have completed high school in public schools, and half of them must be filled by self-declared Afro-Brazilian and *Pardo* applicants. Law No. 12,990/2014 reserves for Afro-Brazilians twenty percent (20%) of positions in the public sector recruitment examination for effective jobs and public positions within the federal public administration, independent agencies, public foundations, governmental entities, and public-private companies controlled by the Federal Government.

168. Law No. 12,711/2012 improved the opportunity of Afro-Brazilians to achieve a college diploma, quadruplicating their participation in the last few decades in Brazil. After over 15 years since affirmative actions for higher education was first established, the percentage of Afro-Brazilians and *Pardos* that completed undergraduate courses increased from 2.2% in 2000 to 9.3% in 2017.

169. Due to matters of supply of positions, Law No. 12,990/2014 did not reach the same level as Law No. 12,711/2012. However, other actions are being discussed to promote the inclusion of Afro-Brazilians, indigenous, and Roma populations in the labor market, as well as to promote entrepreneurship among these groups, thus expanding their chances of earning and increasing their income.

170. It is worth to highlight, at this point, the *Ação Afirmativa* Program of the Ministry of Foreign Affairs: the Scholarship/Award for Vocation for Diplomacy. Such program is a pioneering initiative by Itamaraty and aims at increasing the conditions for inclusion of Afro-Brazilians in the diplomatic career, increasing diversity in the Brazilian Foreign Service. Over the last 14 years, Itamaraty has invested more than R\$15.5 million to

implement the Program, through which 677 scholarships were granted to 403 Afro-Brazilian candidates.

171. Regarding income, the Brazilian Government has been implementing important social programs such as the *Bolsa Família* Program. It is a direct income transfer program for families in conditions of poverty and extreme poverty throughout Brazil, so they may overcome the condition of vulnerability and poverty.

172. Regarding health care, the National Office for Racial Equality Promotion Policies acts together with the Ministry of Health to monitor the National Policy for Comprehensive Health Care to the Afro-Brazilian Population, approved by the National Health Council in 2006. The National Policy for Comprehensive Health Care to the Afro-Brazilian Population (PNSIPN) was created in 2009 by Ordinance No. 992 of the Minister's Office in the Ministry of Health – GM/MS of May 13, 2009.

173. This Policy focuses on recognizing racism, ethnic and racial inequalities, and institutional racism as social determinants of a person's health situation, aiming at promoting health equality. Its objective is to promote full assistance to the Afro-Brazilian population, giving priority to reducing ethnic and racial inequalities and fighting racism and discrimination in institutions and services provided under the scope of SUS.

174. With the implementation of this Policy, the Ministry of Health acknowledges the necessity for mechanisms for the promotion of comprehensive health care for the Afro-Brazilian population and the fight against institutional racism in SUS, aiming at overcoming structural and daily obstacles that negatively affect the health indicators of that population – early deaths, high mortality rates for mothers and children, higher prevalence of chronic and infectious diseases, and high rates of violence. Ordinance No. 344 of February 1, 2017 standardizes and mandates the inquiry and record of the patient's race/color in all SUS information systems, pursuant to the classification of IBGE, which defines five self-declared categories: Caucasian, Afro-Brazilian, Asian-Brazilian, *Pardo*, and Indigenous.

175. The Policy also reaffirms the responsibilities of the different areas of SUS – within the Federal Government, states, and municipalities – in the implementation of actions and

in the integration with other sectors of the Government and civil society to ensure the access of the Afro-Brazilian population to health actions and services in a timely and humanized manner, contributing to the improvement of the health conditions of this population and to the reduction in the disparities of race/color, gender, generation, and class.

176. The Brazilian Government published the booklet “SUS has its arms wide open for the health of the Afro-Brazilian population.” This booklet was developed to contribute to the effectiveness of the National Policy for Comprehensive Health Care to the Afro-Brazilian Population based on priority topics related to the health of the Afro-Brazilian population, prompting an exercise of reflection by the different areas of the administration.

177. Furthermore, there is the implementation of a new strategy for reproductive health care for women, adopted by the Ministry of Health since 2011: the *Rede Cegonha* Program, aimed at “ensuring the right to planned parenthood and humanized assistance in labor, and puerperium to women, as well as ensuring the right to a safe birth and to a healthy growth and development of children.” Afro-Brazilian girls and women are the majority of the persons supported by the *Rede Cegonha* Program.

178. Afro-Brazilian girls and women are also the majority of the women victims of violence. In this regard, it was essential to strengthen laws and regulations on the protection of women from violence through the approval and implementation of Law No. 11,340/2006, known as the Maria da Penha Law, Law No. 13,104/2015, which establishes femicide as an aggravated form of homicide, and art. 1 of Law No. 8,072 of July 25, 1990, which includes femicide in the list of heinous crimes.

179. Young Afro-Brazilian men are also victims of violence. In order to fight such situation, SNPIR is in the process of reactivating the *Juventude Viva* Program, which aims at reducing the vulnerability of young adults in situations of physical and symbolic violence, creating opportunities for inclusion and autonomy by offering public services in the regions most vulnerable to violence. The Plan also aims at enhancing the

Government's actions in the fight against institutional racism and to raise awareness among public officials.

180. As a means to achieve such objective, SNPIR coordinated the preparation of a distance learning course to be offered in an educational platform directed to security agents, aiming at encouraging and identifying actions and activities to promote ethnic and racial equality. It will encompass the workers and users of the National Penitentiary System and the security system. The course took place in November 2019.

181. In addition, another distance learning course was offered, focusing on ethnic and racial policies, aiming at teaching about the policies for fighting ethnic and racial inequalities, racism, and religious intolerance, and at creating new approaches to guarantee equal rights and opportunities that include diversity, sustainability, and human promotion.

182. The course instructed representatives of civil society and governmental entities on the dissemination of public policies for remediation, protection, and promotion of ethnic and racial equality, consolidating a set of agents of social transformation.

183. Due to the fact that the platform that that hosted the course is public and open to any citizen, the course can be taken by other public security agents and agents of the judicial system. The course was offered in October 2019.

184. SNPIR also offers a Training Course in Policies for Promotion of Racial Equality. The classroom course lasts two days and aims at raising awareness among public managers and in the civil society about the importance of actions related to ethnic and racial equality. It is offered upon request of any federal entity.

185. The institution that requests the course may invite the public security authorities and judicial system authorities of its location. This action has already trained authorities in 35 cities.

186. SNPIR also participates in the National Program to Fight Violent Criminality.

8. INDIGENOUS POPULATIONS

Recommendations related to the topic:

136.35 – Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples (Uzbekistan);

136.46 – Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda);

136.47 – Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective (Chile);

136.223 – Guarantee the constitutional rights of Indigenous peoples including by ensuring the National Indian Foundation has the necessary resources to carry out its work, particularly relating to the demarcation of Indigenous lands, and take measures to conclude investigations into all killings of Indigenous Peoples (Canada);

136.224 – Ensure that indigenous peoples and other minorities are protected against all forms of discrimination (Philippines);

136.228 – Take measures to combat violence and discrimination against indigenous peoples (Togo);

136.231 – Continue its efforts to establish effective consultation processes with indigenous communities with respect to any project that may affect the land or livelihoods of indigenous peoples (El Salvador);

136.232 – Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them (Estonia);

136.233 – Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them (Iceland);

136.234 – Ensure that indigenous peoples are protected from threats, attacks and forced evictions (Norway);

136.236 – Adopt an effective plan of action for the demarcation of indigenous lands and provide the necessary financial resources to ensure an effective policy for the protection of the rights of indigenous peoples and to prevent landrelated conflicts (Switzerland);

136.237 – Continue its process of demarcation of indigenous lands (Peru);

136.238 – Take necessary measures to resolve and prevent conflicts related to land issues and to complete the land demarcation processes deriving from Article 231 of the 1988 Constitution (France);

136.239 – Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights (Cabo Verde);

136.240 – To advance with the agenda for the indigenous peoples' right to free, prior, and informed consent (Norway);

136.241 – Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys (Paraguay);

136.242 – Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples (Republic of Moldova);

136.51 – Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities (Netherlands);

136.243 – Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society (Holy See);

136.102 – Establish a mechanism to allow for speedy and correct judicial decisions under strict observance of constitutional and international law regarding the territorial rights of indigenous peoples (Austria);

136.121 – Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multidisciplinary teams to implement it (Ireland);;

136.122 – Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders (Mongolia);

136.224 – Ensure that indigenous peoples and other minorities are protected against all forms of discrimination (Philippines);

136.225 – Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms (Mexico);

136.217 – Develop and implement policy to address child mortality, malnutrition, health, education and access to sanitation, of indigenous people (South Africa);

136.218 – Adopt effective measures to support Indigenous Peoples, including by ensuring food, health services, schools, and access to sanitary services and by creating conditions for higher incomes (Russian Federation);

136.226 – Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities (Holy See);

136.227 – Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation (Maldives);

136.229 – Establish and implement a clear procedure for free, prior and informed consultation that would ensure full participation of indigenous

peoples in the decision-making process regarding any major project impacting on their way of life (Republic of Moldova);

136.230 – Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the Indian National Foundation (FUNAI) (Germany);

136.235 – Continue to invest in poverty alleviation policies and to ensure more effective and targeted implementation, so as to reduce social and economic inequality, in particular for rural populations and indigenous peoples (Singapore);

187. Concerning the recommendations received by the Brazilian Government that are related to the indigenous population, there are several initiatives in the areas of health care, education, eradication of poverty, prior consultation, etc, which involve several institutions of the Federal Government, as noted below.

188. In the health care field, the National Health Care Policy for Indigenous Peoples (PNASPI), regulated by Decree No. 3,156/1999 and approved by Ordinance No. 254/2002, aims at ensuring that indigenous populations have access to basic and differentiated health care, based on their ethnic, cultural, and epidemiologic specificities. Its goal is to ensure that indigenous peoples have access to comprehensive health care, according to the principles and guidelines of the Unified Health System (SUS).

189. The Ministry of Health, through the Special Office for Indigenous Health – SESAI, is responsible for coordinating the PNAPSI and the entire management process of the Indigenous Health Care Subsystem (SASISUS), within the scope of SUS, throughout the country. Its creation in 2010 was a result of the need to restructure the indigenous health care management in the country, as requested by the indigenous representatives during the National Indigenous Health Care Conferences. This was an important step forward to ensure access to health care by indigenous populations, seeking to respect their specificities and assist them according to SUS guidelines.

190. Its mission is to implement a new and decentralized management and assistance model within the scope of SASISUS, with administrative, budget, financial, and health responsibility autonomy in all 34 Indigenous Special Health Districts (DSEIs). The DSEIs

are decentralized management units responsible for taking actions related to health care, environmental sanitation, and indigenous health care facility building in villages, and are organized according to territorial criteria, based on the geographical distribution of indigenous communities. The DSEIs may comprise more than one city and in some cases more than one state.

191. SESAI operates in compliance with PNASPI principle 4.4, which establishes that health services should be coordinated with traditional indigenous health systems to improve the health status of these peoples. Thus, the strategy planning relies on the coordination between the official health care system and indigenous practices and knowledge, based on the intercultural dialogue with the communities. This coordination between the official health system and indigenous practices and knowledge must be developed at the local level based on the intercultural dialogue with indigenous representatives and communities in order to take into account their specificities.

192. Such health care services are provided for the indigenous communities by over 800 Multidisciplinary Teams for the Health Care of Indigenous Populations. All teams rely on indigenous health agents who, in addition to facilitating the dialogue with other professionals, are trained to provide primary health care services.

193. In its actions, SESAI takes into account the diversity of the traditional indigenous medicine, promoting health care in a participative and differentiated manner, respecting the epidemiologic and social and cultural specificities of indigenous groups and imparting knowledge within the scope of health care. Additionally, its team participates in dialogues with medium and high-complexity services in order to fully meet the health needs of indigenous populations and support the access of such populations to the service network.

194. In 2017, more than 4 million appointments were made in more than 5,500 villages in an area of 1,135,182.35 km² and in a universe of 305 ethnicities and 274 different languages. The records of these appointments are compiled in a specific system for indigenous health data (SIASI), under SESAI's management. The data is separated by race and ethnicity, which promotes the implementation of proper public policies and programs and helps in the fight against inequality. SESAI is also responsible for buildings

and sanitation in indigenous lands and for promoting the logistics of transportation, communication, and medicine management.

195. SESAI ensures indigenous participation in the collegiate bodies of preparation, monitoring, and assessment of public health policies, through local and national Indigenous Health Councils, and is responsible for inspecting, debating, and submitting policies to reinforce the health care of its communities. Accordingly, SESAI is the only institution that reaches all indigenous communities, despite the difficulties of access. Its scope of work ranges from providing health services to indigenous populations close to large urban centers to providing services to isolated groups and communities recently contacted.

196. Considering the high indigenous infant mortality rate and the need for actions directed to children's health focused on 15 DSEIs, SESAI, together with the Health Care Office (SAS) of the Ministry of Health, works on the "Integrated Agenda of Actions for the Health of Indigenous Children", aiming at reinforcing and expanding programs for protection and comprehensive health care of indigenous children through training on health care and promotion, aiming at ensuring the right to health of indigenous children, women, and families, and achieving a 20% reduction in infant mortality by 2019. The targets agreed are an integral part of SESAI's Strategic Planning, to be implemented by 2019.

197. Relevant actions to reduce infant mortality have been promoted within the context of the Integrated Agenda and of the Indigenous Special Health Districts, such as increasing the percentage of children with a complete vaccine schedule, improving the access to and quality of prenatal actions, encouraging traditional home births, training health care practitioners who assist Indigenous populations to identify severe problems that may lead to infant mortality by using the Integrated Care of Childhood Illness (AIDPI) strategy, intensifying food and nutrition surveillance strategies, among others.

198. In an effort towards vocational training, SESAI has been promoting actions for professional training, with emphasis on the priority DSEIs to reduce child mortality, namely:

- Training indigenous trainers and conducting workshops for training professionals within the scope of the Integrated Care of Childhood Illness (AIDPI) strategy to identify severe problems that may lead to child mortality due to preventable causes.
- “Course in Pediatric Emergencies using Realistic Simulations” in partnership with the General Coordination Office for Child Health Care – CGSCAM and Hospital Albert Einstein.
- Distance Education course in the AVASUS platform, in partnership with the “Interculturality Network” of the Labor Management and Health Education Office – SGTES.
- Workshop aiming at providing training for actions directed to the health of Indigenous women, from March 12 to March 16, 2018, in Brasília, Federal District.
- Workshop for training in mortality surveillance (child, fetal, maternal, and related to women in reproductive age) and in the Information System on Life Births (SINASC) and the Information System on Mortality (SIM), in Manaus, State of Amazonas, from May 15 to May 17, 2018.
- Workshop on the development of competences of Indigenous families regarding the right to Food and Nutritional Safety and on strengthening the Integrated Agenda for the Indigenous Child Health Care together with UNICEF for the 5 priority DSEIs.

199. The vaccination of indigenous populations is one of the most important preventive actions taken by the Multidisciplinary Teams for Health Care of Indigenous populations (EMSI), providing protection against pneumococcal diseases and influenza. Additionally, as a measure to strengthen the comprehensive health care for Indigenous children, SESAI established, through Ordinance No. 1,397 of June 7, 2017, the Integrated Care of Childhood Illness Strategy (AIDPI Strategy), as well as the guidelines for its implementation and execution within the scope of the Indigenous Health Care Subsystem (SasiSUS).

200. In order to decrease maternal and infant mortality, SESAI has implemented efforts to intensify mortality surveillance in all DSEIs. By improving mortality surveys in indigenous areas, especially concerning the mortality of children younger than 4 years old, as well as the systematization of records related to deaths, and other strategies, it was possible to improve the collection of information related to maternal and infant mortality notified in official systems. Several measures established on a national level by the Ministry of Health contributed to this process, including the organization of Technical National and District Groups for indigenous mortality surveillance, the organization and systematization of information flows, the closer relationship between SESAI and the Health Surveillance Office – SVS to promote the harmonization between the Indigenous Health Care Information System (SIASI) and the Mortality Information System (SIM), among others.

201. Within the intersectoral context, the strengthening of the National Policy for Food and Nutritional Safety (PNSAN), established by Decree No. 7,272/2010, and by the publication of the Organic Law for Food and Nutritional Safety aim at preparing and implementing policies, plans, programs, and actions to ensure the Human Right to Adequate Food (DHAA). The full realization of the DHAA must be understood as being free from hunger and malnutrition and having access to proper and healthy food. Regarding the implementation of public policies for the promotion of proper and healthy food, the Ministry of Health used the guidelines of the Food Guide for the Brazilian Population [*Guia Alimentar para a população Brasileira*], which is an instrument to support and encourage healthy food practices included in one of the strategies recommended by the National Policy for Food and Nutrition (PNAN).

202. The Special Office for Indigenous Health – SESAI also develops comprehensive indigenous health care and education actions taking into account the singularities, epidemiologic profile, and sanitary condition of each Indigenous Special Health Districts pursuant to the SUS policies and programs and to the indigenous health practices and traditional medicine. In order to do so, public health promotion and the social inclusion are fostered through projects aiming at the prevention of health problems and the monitoring of the quality of life in indigenous communities.

203. In this context, SESAI, through the Department of Sanitation and Indigenous Health Care Structure – DSESI, is also responsible for the water supply in indigenous communities, as well as for the development of actions for quality assurance of the water, followed by actions aiming at the proper disposal of sanitary sewer, the storage and disposal of solid waste, and the diffusion of educational health and environment practices. Such actions have direct impact on sanitary conditions and on the occurrence of diseases and problems related to sanitation.

204. DSESI is also responsible for the physical structure of the assistance network of the Indigenous Health Care Subsystem (SASISUS) by promoting suitable environments for the provision of health care services through Primary Care Facilities for the Indigenous Population (UBSI), Primary Hubs, and Indigenous Health Care Facilities (CASAI).

205. Considering the number of existing indigenous villages² – 5,641 (December 2017) – 3,252 have water supply systems for the population, which represents about 58% of all villages (with water supply). With respect to the coverage of health care units to serve indigenous communities, SESAI has about 285 Primary Hubs, 888 UBSI, and 68 CASAI.

206. Since its creation in 2010, SESAI has been structured to provide better services to indigenous communities. Health care facilities and water supply systems has increased over the years, but the number of villages has also increased, which significantly affects the monitoring of the coverage of services, and such situation is a challenge for the universalization of services. Together with this factor, the funds available for investment are used not only in new initiatives, but also in renovations, improvements, and/or expansion of services already implemented in previous years, as well as in equipment purchases, and the same proportion is not maintained for the number of villages contemplated.

² It is highlighted that the Department of Sanitation and Indigenous Health Care Structure – DSESI works only with communities living in villages already registered in the Indigenous Health Care Information System (SIASI).

207. Renovations and expansions of existing structures are required to maintain the suitable conditions of operation and operability. For this reason, DSESI developed models for terms of reference for contracts on building and maintenance of water supply systems, whose scope may anticipate the entire demand for repairs and maintenance of such structures.

208. SESAI has also established partnerships with the Ministry of Defense to carry out work in remote locations, and with the Ministry of National Integration and the Ministry of the Environment to assist the indigenous populations residing in the Brazilian semiarid region by carrying out works to provide sanitation and home improvements and to build water supply systems and health care facilities.

209. Additionally, compensation measures have been granted for governmental projects directed at expanding the energy network in the North of the country, whose construction and/or operational processes reached surrounding indigenous communities. Such compensations helped expanding health care actions (coverage and physical structure), water supply, and electricity.

210. The 1988 Brazilian Federal Constitution delegated the exclusive jurisdiction over indigenous health to the Federal Government. The comprehensive indigenous health care model, established by Law No. 9,836/1999, considers actions of sanitation an essential strategy for the promotion of health and of disease prevention. The Special Office for Indigenous Health of the Ministry of Health, through the Indigenous Special Health Districts, is responsible for planning and implementing, directly or with partnerships, the services of water supply, sanitation, and solid waste management in the indigenous areas, which must have a differentiated and global approach, based on the local reality and specificities of these peoples' culture.

211. Every year, SESAI discloses, within the scope of the Annual Assessment Report of the National Plan for Sanitation (Plansab³), the actions implemented and the progress of the access of indigenous villages to sanitation services.

212. Indigenous peoples are covered by the Rural Sanitation Program, which is being prepared and shall be a part of Plansab's structure, guiding its implementation.

213. According to information provided by SESAI, within the scope of the 2016 Plansab Annual Assessment Report, 42% of the indigenous villages have water supply infrastructure, serving 62% of the total of indigenous persons in the country. SESAI has informed that, in addition to the implantation of water supply infrastructures in indigenous villages, it monitors water quality, adopting preventive actions to ensure preservation of its potability or corrective actions to restore these conditions, so as to reduce potential health risks.

214. Regarding sanitary sewer, SESAI has informed that it intervenes directly in residences, action referred to as Home Sanitary Improvements (MSD), aiming at implementing hydraulic and sanitary installations minimally composed of a toilet, water flushing system, a sink, and a discharge line, which takes the sanitary sewage up to its final disposal (septic tank or pit). It emphasizes that the installation of the MSD in villages respects historical and cultural traditions of the indigenous population, thus avoiding that the installations remain unused by the community due to resistance to changes in traditional habits.

215. As noted, the agenda of indigenous health care is quite challenging, given the high degree of vulnerability of this population, the difficulty to have access to these locations, and the need for specific capacities of the health care system in order to reach this population. Nevertheless, it is possible to observe significant progress in the national agenda, which does not mitigate the need to continue improving the efforts directed to enhance the conditions of access to health care by the indigenous population in Brazil.

³ Available at the following address: <https://www.cidades.gov.br/saneamento-cidades/plansab/relatorio-de-avaliacao/163-secretaria-nacional-de-saneamento/plansab/5622-relatorio-de-avaliacao-anual-do-plansab-2016>.

216. Concerning Indigenous Education, the indigenous populations are entitled to a specific, differentiated, intercultural, bilingual/multilingual, and community education, as defined by the Brazilian laws and regulations, which provide for Indigenous Education. According to the collaboration system provided for in the Brazilian Federal Constitution of 1988 and in the Guidelines and Bases for National Education (LDB), the national coordination of the policies on Indigenous Education is under the mandate of the Ministry of Education (MEC). State and Municipal governments are in charge of the implementation thereof to ensure this right for indigenous peoples. Aiming at ensuring this fundamental right, the National Indian Foundation (FUNAI), as the federal body responsible for articulating indigenous-related policies, works in order to contribute to the improvement of the quality of these policies and, together with indigenous groups, to monitor their operation and impacts, promoting accountability both nationally and locally. These actions take into consideration all experience and specialized knowledge accumulated over time through the operations conducted with indigenous communities.

217. Another quite significant topic with respect to the life situation of the indigenous populations is related to their participation in public consultations for projects with significant impacts on their territory, which is guaranteed by national legislation. Brazil has participated in the discussion of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which took place in San José, Costa Rica. In accordance with Principle 10 of the Rio Conference of 1992, this Agreement establishes several guidelines specifically for traditional communities, including by facilitating early participation in environmental decisions affecting them and facilitating their access to environmental information and to the law, in their original languages and in non-written forms when applicable.

218. With respect to deforestation in the Amazon, more specifically, IBAMA has developed a new environmental inspection model aiming at preventing deforestation in the region, called *Panóptico* Operation. Upon identification of areas with higher risk of illegal deforestation, farm owners are monitored and receive warnings from the Institute so that they refrain from logging. The punishment in case of failure to comply with the

order shall be immediate. IBAMA has issued 25.2 thousand warnings to owners of rural properties in 59 cities of 8 states of the Legal Amazon.

219. The areas with higher risk of deforestation are defined based on georeferenced information available in databases that enable analysis and identification of the owners of each rural property. The farm owners are instructed about the need to request prior authorization from the state environmental authority before any removal of vegetation and are informed about the administrative, civil, and criminal consequences of illegal deforestation. The fines, fees, and other sanctions provided for in the laws and regulations shall apply upon any failure to heed the Institute's guidelines.

220. In 2016, IBAMA launched the *Controle Remoto* Operation, which uses satellite images, spatial databases, and other georeferenced information to identify and classify environmental violations. Its main targets are illegal deforestation, non-compliance with the fees, impairments to vegetation regeneration, and activities developed without a valid environmental permit.

221. Technological advancements and more accurate information have enabled IBAMA to modernize actions, reduce costs, and increase the identification of illicit practices, which includes evidence of authorship and materiality. The *Panóptico* Operation was created based on scientific studies carried out by an IBAMA environmental analyst and a researcher at the Federal University of Minas Gerais (UFMG).

222. For the *Cerrado* biome, the Ministry of the Environment – MMA recently released important data regarding the National Policy on Climate Change, which set for the *Cerrado* a 40% reduction target for deforestation by 2020 when compared to the average deforestation observed in the period from 1999 to 2008. Data registered in 2017 indicate a 53% decrease in this same comparison, exceeding the target set by 13%.

223. IBAMA informs that, in 2018, in addition to command and control actions, more than 100 operations were conducted in the *Cerrado*. These and other initiatives, such as the National System for Controlling the Origin of Forest Products (Sinaflor), managed by IBAMA, and the Environmental Rural Registry (CAR), which brings the properties into

compliance from an environmental perspective, contributed to the decrease in deforestation in this biome.

224. Relevant actions to reduce child mortality, which include increasing the percentage of children with complete vaccine schedules, improving the access and quality of prenatal actions, encouraging traditional home births, training health care practitioners who assist Indigenous populations to identify severe problems that may lead to child mortality by using the Integrated Care of Childhood Illness (AIDPI) strategy, intensifying food and nutrition surveillance strategies, actions of mortality surveillance, among others, have been promoted within the context of the Integrated Agenda and of the Indigenous Special Health Districts.

225. In an effort towards vocational training, SESAI has been promoting actions to train professionals, with emphasis on the priority DSEIs to reduce child mortality, namely:

- Training multipliers and conducting workshops for training professionals within the scope of the Integrated Care of Childhood Illness (AIDPI) strategy to identify severe problems that may lead to child mortality due to preventable causes.
- “Course in Pediatric Urgencies and Emergencies using Realistic Simulations” in partnership with the General Coordination Office for Child Health Care – CGSCAM and Hospital Albert Einstein.
- Distance Education course, in the AVASUS platform, in partnership with the “Interculturality Network” of the Labor Management and Health Education Office – SGTES.
- Workshop aiming at providing training for actions directed to the health of Indigenous women, from March 12 to March 16, 2018, in Brasília, Federal District.
- Workshop for training in mortality surveillance (child, fetal, maternal, and related to women in reproductive age) and in the use of the Information

System on Life Births (SINASC) and of the Information System on Mortality (SIM), in Manaus, State of Amazonas, from May 15 to May 17, 2018.

- Workshop on development of competences of Indigenous families regarding the right to Food and Nutritional Safety and on the reinforcement of the Integrated Agenda for the Indigenous Child Health Care together with UNICEF for the 5 priority DSEIs.

226. The vaccination of indigenous populations is one of the most important preventive actions taken by the multidisciplinary teams for health care of Indigenous populations (EMSI), providing protection against pneumococcal diseases and influenza. Additionally, aiming at reinforcing the comprehensive health care for Indigenous children, SESAI established, through Ordinance No. 1,397, of June 7, 2017, the Integrated Care of Childhood Illness Strategy (AIDPI Strategy), as well as its implementation and execution within the scope of the Indigenous Health Care Subsystem (SASISUS).

227. Law No. 11,645 of March 10, 2008, is an extremely relevant milestone in overcoming all kinds of discrimination, since it amended the guidelines and bases for national education (Law No. 9,394 of December 20, 1996) to include the mandatory teaching of Afro-Brazilian and indigenous history and culture in the official curriculum of the school network, as mentioned previously in this report.

228. There is a wide range of actions intended to provide effective enjoyment of human rights to the indigenous population, but it is important to note the progress already achieved in several sectoral areas, without taking such challenges for granted, and to assume, therefore, the need to take into account each recommendation as an opportunity to review, monitor, and reformulate the public policies directed to such population.

9. POLICIES FOR WOMEN

Recommendations related to the topic:

136.36 – Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity (Uganda);

136.46 – Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda);

136.49 – Continue taking active measures aimed at eradicating discrimination against Afro-Brazilian women based on their gender and ethnicity (Namibia);

136.119 – Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources (Czechia);

136.133 – Redouble efforts to further reduce the income gap between the AfroBrazilians, especially Afro-Brazilian women, and the general population (Pakistan);

136.176 – Continue to implement new policies and expand the coverage and scope of existing ones, to better promote gender equality, in particular for women in the countryside and low-income families (Singapore);

136.177 – Adopt a law to protect vulnerable women, particularly low-income housewives (United Arab Emirates);

136.178 – Continue the efforts to implement the “Women Living without Violence” programme launched in 2013 (Russian Federation);

136.179 – Pursue efforts to combat violence against women and promote the rights of women (Sudan);

136.180 – Continue efforts to combat violence, particularly against women (Tunisia);

136.181 – Take measures to stop violence that has cost the lives of more than five thousand women, and caused more than 500,000 rapes in the last year (Bolivarian Republic of Venezuela);

136.182 – Strengthen efforts to reduce gender inequalities including to prevent death resulting from violence against women, and to encourage increased reporting of cases of rape (Bahamas);

136.183 – Extend the “Women Living without Violence” programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent (Belgium);

136.184 – Continue its efforts to combat violence against women and girls (Egypt);

136.185 – Combat domestic violence and high maternal mortality rates suffered by women, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women (Estonia);

136.186 – Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas (Islamic Republic of Iran);

136.187 – Take measures to combat violence against women and children (Iraq);

136.188 – Continue to adopt and implement effective measures to fight violence against women (Italy);

136.193 – Follow up on the infrastructure of safe houses for abused women and make sure the legal framework is widely implemented and reaches women's reality (Austria);

136.194 – Increase its focus on policy implementation to combat family violence, and in particular violence against women and children (Australia);

136.195 – Strengthen policies and programmes to address violence against women and combat child prostitution (Indonesia);

136.196 – Ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons (Mexico);

136.197 – Further promote the participation of women in politics and government (Timor-Leste);

136.198 – Put effective measures in place in order to increase the number of women at all levels of the decision-making process (Belgium);

136.214 – Continue its efforts on further strengthening the rights of women, children and persons with disabilities (Mongolia);

136.216 – Continue its efforts to increase the level of employment of persons with disabilities in the open labour market and take specific measures for women with disabilities (State of Palestine);

136.90 – Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland);

136.93 – Take necessary measures to increase the number of gynaecologists in the Brazilian prison system (Sweden);

136.94 – Incorporate the Bangkok Rules into public policies to protect female inmates and adopt bill 5654/2016 that prohibits the use of handcuffs before, during and after childbirth on women deprived of liberty (Denmark);

136.95 – Improve prison conditions, particularly addressing overcrowding and violence, including in prisons for women (Australia);

136.96 – Improve facilities dedicated to pregnancy and maternity in prisons, in line with the Bangkok Rules (Thailand);

136.97 – Strengthen prison reform efforts to protect female prisoners from sexual abuse and violence (Bahamas);

136.127 – Develop a national strategy to tackle modern slavery, including ratification of the 2014 ILO protocol to the Forced Labour Convention, and increased efforts to protect rural workers and women at risk of trafficking (United Kingdom of Great Britain and Northern Ireland);

136.140 – Continue measures to combat poverty and social inequality by implementing rural development plans covering vulnerable groups, in particular rural women (Sri Lanka);

136.150 – Strengthen policies on the elimination of inequalities in the access to employment on the grounds of gender or racial origin (Colombia);

136.154 – Continue reinforcing the policy on effective and qualitative access to health services for vulnerable populations, especially women of African descent who still remain the group with the highest mortality (Colombia);

136.156 – Widen health care to vulnerable groups, in particular women of minority groups (Republic of Korea);

136.158 – Ensure access to reproductive health care, including high-quality prenatal care, and information on sexual and reproductive health, contraception and emergency contraception, and safe abortion to all women without discrimination (Switzerland);

136.159 – Ensure universal access to comprehensive sexual and reproductive health services, without discrimination and in accordance with the commitments made, among others, in the Montevideo Consensus (Uruguay);

136.160 – To continue the commitments made in terms of access to voluntary termination of pregnancy in order to ensure full respect for sexual and reproductive rights (France);

136.161 – Continue expanding access to voluntary termination of pregnancy in order to ensure the full recognition of sexual and reproductive rights (Iceland);

136.162 – Reduce maternal, child and infant morbidity and mortality by promoting effective assistance measures during pregnancy and at the moment of birth (Iceland);

136.190 – Strengthen the capacity of police in cases of violence against women by expanding training and developing protocols to respond to cases effectively (Canada);

136.191 – Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence (Slovakia);

136.192 – Take measures to reduce the number of cases of violence against women and bring the perpetrators to justice (Togo);

229. Many recommendations related to the equal rights between men and women refer specifically to Afro-Brazilian women, a topic related not only to gender equality policies but also to racial equality policies implemented by the Brazilian Government. In this regard, racial and generational perspective on assistance to women, especially the Afro-Brazilian youth, is contemplated in the fight against violence and in actions to ensure equal opportunities. For this reason, it is also important to refer to section 7 of this report, which addresses recommendations regarding Racial Equality.

230. Data from the *Disque 100* (hotline) Program concerning violations of the rights of children and adolescents in 2017 show that most victims are girls of ages ranging

between 4 and 11 years old. This group accounts for more than 40% of the complaints related to violations of the rights of children and adolescents, followed by the age groups of 12 to 14 years old and 0 to 3 years old. As for the suspects of perpetrating the violations, most are female family members. Moreover, the main violations reported are negligence, psychological violence, physical violence, and sexual violence.

231. Furthermore, the National Office for Policies for Women participates in the Working Group to discuss the Monitoring and Control Methodology of the National Program to Fight against Violent Criminality, implemented by the Ministry of Justice and Public Security, in order to guarantee that violence against women is duly discussed and contextualized.

232. In order to reduce income inequality in the general population, the National Office for Policies for Women – SNPM promotes a Training project for 720 women in situations of social vulnerability, aiming at reinforcing affirmative actions for such women, promoting dignity and recovery through actions of professional appreciation, qualification, and experience, promotion of equality of rights, and fight against inequalities.

233. Concerning economic empowerment, as well as a cross-sectional approach between racial and gender equality issues, SNPM, together with the National Office for Policies for Promotion of Racial Equality – SEPPIR, UN Women, and the International Labor Organization – ILO, promotes the Gender and Race Pro-Equity Program, which is now in its 6th edition. Such program seeks to disseminate new concepts related to human resource management and organizational culture to achieve racial and gender equality in the labor market. It is intended for medium and large-size public and private legal organizations that voluntarily join the program. When participating in the program, the organization prepares an Action Plan explaining how it will develop its actions for the promotion of racial and gender equity and promote more egalitarian work relationships. It seeks to contribute to the improvement of the work environment, the overcoming of remuneration inequality, and the occupation of managerial positions, where the salary discrepancy in the access to positions between men and women, Caucasian women and Caucasian men, and Afro-Brazilian women and Afro-Brazilian men, is still very large.

234. Therefore, the organizations must direct their actions to value and promote the work carried out by women in several of their sectors. When implementing the commitments regarding the objectives of the Program, the organizations may obtain public acknowledgement of the good practices they implement related to the promotion of gender equality, by obtaining the Gender and Race Pro-Equity Seal.

235. It is important to note that organizations with unsolved harassment or slave labor complaints or convictions may not receive the Seal. This Seal may be used in products, services, documents, social medias, in the organization's institutional image, and in any other use that enables the advertisement of its commitment to racial and gender equality in the labor market.

236. Regarding recommendation No. 136.176, the National Office for Policies for Women (SNPM) promotes the *Women Empowerment* project to train 1,000 women in socio-economic vulnerability situations from the Rural and Urban Territories of the State of Rondônia, aiming at improving their self-esteem and empowerment and inserting these women in the labor market.

237. The SNPM also provides institutional support and access to public funding so that the actions for gender equality and empowerment of women are performed at several levels in order to enable the effective and comprehensive implementation of these activities.

238. As mentioned previously, one of the actions for the economic empowerment of women and the promotion of gender equality in the labor market is the formalization of an agreement for decentralized implementation, through the transfer of Federal Government funds, of projects and actions to local and regional governments, entities, and organizations of civil society. It aims to recognize and value the technical abilities of these stakeholders in the implementation of activities involving this topic. Accordingly, the implementation of policies to empower women values the accumulated experience of several entities that deal with the topic while covering the entire national territory, including locations that would have no financial support for such activities, in addition to taking into account the diversity of the Brazilian population.

239. Regarding recommendation No. 136.197, we understand that the lack of women in power and decision-making positions is a challenge the Brazilian society has to overcome. Law No. 12,034/2009, which determines a mandatory minimum percentage of female candidates per political party in legislative elections, as well as allocation of time during the free electoral advertising and funds for the campaign of such candidates, is an advancement, but still has to be fully complied with.

240. Despite the low participation of women in political party leaderships, it is possible to verify some progress. For instance, the creation of instances that are coordination offices, executive offices, or departments specialized in women-related issues. About 93% of these organizations currently have such mechanism. Even though the number of women elected for the Senate is at the same level, it has increased in the House of Representatives and the Assemblies. Seven women were elected for the Senate in 2018. In the House of Representatives, 77 women representatives were elected, a 51% increase when compared to 2014. The number of local state representatives also increased by 35%.

241. Furthermore, the campaign “More Women in Power: I undertake this commitment” has been implemented since 2008, with new editions of the initiative being released in 2010, 2012, 2014, 2016, and 2018. The promotion of the campaign is the responsibility of the National Forum of Women in Political Parties and the National Council for the Rights of Women. The goal of this campaign is to support female candidates in elections, especially with respect to the agenda to be defended in the respective electoral campaigns.

242. The Federal Government does not act in isolation, but coordinated with other bodies of the Executive, Legislative, and Judiciary Branches to try to reverse the scenario of female underrepresentation, especially to ensure compliance with the laws and regulations on quotas for female candidates.

243. As for recommendation No. 136.198, although the Gender and Race Pro-Equity Program has corporate career ascension and career planning as one of its pillars, specifically in the case of obstacles that prevent women from assuming leadership positions or ascending in corporate hierarchies, it is important to recognize the need to

reflect beyond the creation of such mechanisms, which promote gender equality in senior management positions in entities and agencies.

244. Therefore, it is necessary to promote capacity building and training for women when it comes to women leadership. Encouraging women to hold management and leadership positions in private work environments and public agencies is an instrument to transform work environments. Promoting equal rights between men and women implies that females in positions of power will cause significant changes. Concerning the inequality between men and women in these environments, by fostering the participation of women in strategic positions, it will be possible to establish new forms of management in organizations that value female work.

245. Women in leadership positions is an step forward for the creation of a new corporate behavior that respects women's specificities, promotes their professional skills, and recognizes their importance and contribution for the development and success of the institutions. The creation of committees to promote women, especially within the scope of public bodies and entities, has a relevant role, considering the transversality of the public policies that seek equal rights for men and women. Through these collegiate entities, it is possible to establish a dialogue between different governmental bodies that are more in line with the specificities of discrimination against women, which allows governmental actions to converge in a more efficient manner.

246. Regarding the contributions directed to women with disabilities, reference should be made to section 24 of this report, which details the progress made and past actions performed by the Brazilian Government with respect to this subject.

247. Regarding recommendation No. 136.140, the National Office for Policies for Women – SNPM, implements the *MARIA BARROCA* Project, which aims at promoting actions to foster women's financial independence and autonomy, including for those in situation of domestic violence and social vulnerability situations, and those that wish to achieve this autonomy through formal or independent work.

248. As for the reduction of social inequality, especially regarding women in the countryside, the Department of Policies for Women Labor and Economic Autonomy of

SNPM works in a decentralized manner by voluntarily transferring budget funds to State Governments, Municipal Governments, Universities, Non-Governmental Organizations, among other entities, through cooperation agreements, partnership agreements, and similar instruments aiming at implementing projects related to gender equality, elimination of the unequal gender division of labor, appreciation of the participation of women in the labor market, and acknowledgement of women as a major work forces for the development of the country. Such instruments of decentralization are intended for supporting initiatives for the economic autonomy of women in urban and rural areas, as well as in forest areas. Such initiatives are prepared by strategic partners guided by the National Plan for Policies for Women guidelines – which include recommendations of the National Conferences for Policies for Women – at the same time they enable focus on the activities according to local and regional demands and to consider specific characteristics of the target group, such as ethnic, racial, and social specificities.

249. Accordingly, the implementation of policies for the empowerment of women in society takes into consideration the experience accumulated by several entities addressing the subject, while it encompasses the entire national territory, including locations that would not have financial support for activities of this nature, and considers the diversity of the Brazilian population.

250. In this regard, there are several agreements with local and regional governments and organizations of civil society dealing with the promotion of economic autonomy for women through technical support and rural expansion, access to credit, and support to entrepreneurship, associativism, cooperativism, and commercialization, with incentives to solidary economy. By implementing this initiative, we aim to minimize social vulnerability of rural women and their families, considering that many of them are providers in their households.

251. Also regarding the inclusion of women in rural development initiatives, the Ministry of Citizenship has identified two important challenges in the II National Plan for Food and Nutritional Safety (PLANSAN): Challenge No. 2 – Fighting the lack of food and nutritional safety and promoting rural productive inclusion in specific population groups, with emphasis on Traditional Peoples and Communities and other groups of

social vulnerability in rural areas; and Challenge No. 3 – Promoting the production of healthy and sustainable food, the organization of family agriculture, and the reinforcement of agroecology-based production systems.

252. A study carried out by the Interministerial Chamber of Food and Nutritional Safety (CAISAN), with the title “Mapping Lack of Food and Nutritional Safety based on the analysis of *CadÚnico* and the Food and Nutritional Monitoring System (SISVAN)”, concluded that, between 2013 and 2016, there was a significant drop in the height/age deficit for *quilombola* and indigenous children under the age of 5 monitored by the health teams of the *Bolsa Família* Program. The percentage of indigenous children affected dropped from 32.9% to 22.3%, and for *quilombola* children, from 23.4% to 11.7%. However, the percentage achieved is still high when compared to the national average showed in the study, which corresponds to 10.1%.

253. In this regard, Brazil has been on the path towards the development and implementation of differentiated and specific policies, based on the principles of ethnodevelopment, respect for cultures, social organization structures, and ethnic, racial, and gender specificities. It is necessary to ensure continuity and improvement of policies intended to expand the conditions of access to food for those who are still more susceptible to famine in order to overcome malnutrition in these groups as well.

254. The II PLANSAN proposes eight priority topics to make progress in facing Challenge No. 2: Lack of Food and Nutritional Safety, Rural Productive Inclusion, Access to Land and Land Management, Biodiversity, Health Care to the Indigenous, Extractivist, and Riparian Peoples, Access to Water, and Access to Public Policies.

255. Challenge No. 3, on its turn, contemplates actions aiming at promoting sustainable food production systems, organized in the seven topics: Strengthening of Family Agriculture, Land Reform, Agroecological Transition, Women, Youth, Seeds, and Climate Change. This Challenge reinforces the concept of Food and Nutritional Safety set forth in the Organic Law for Food and Nutritional Safety (SAN) (Law No. 11,346/2006), encompassing the implementation of public policies and sustainable and

participative strategies for food production, sale, and consumption, observing the multiple cultural characteristics in the country.

256. Brazil has progressed over the last few years in the development of public policies for women, for mothers, and for children, especially with the implementation of the Unified Health System (SUS), the Unified Social Assistance System (SUAS), the right to primary education and increased access to day-care facilities. However, there are still many families in situations of social risk in the country. For this reason, the importance of the implementation of public policies for young children, following the guidelines of Law No. 13,257/2016 – the Legal Framework for Early Childhood – and the reinforcement of policies for inclusion, decrease in poverty, and promotion of social equality, especially for vulnerable groups.

257. Following Recommendation No. 136.162, the Ministry of Women, Family, and Human Rights has given special attention to policies for the comprehensive care of pregnant women and motherhood, developing projects that value and protect women during this important period of their lives. One of these projects is the *Mães Unidas* Project, which aims at taking care of vulnerable pregnant women and mothers by meeting their need for peer support and guidance on how to access basic health care services, social assistance, and legal services.

258. The *Mães Unidas* Project seeks to promote the strengthening of bonds, health, and citizenship of mothers and children during the period from pregnancy to the second year of the child's life, through follow-up by volunteer mothers, trained in advance to offer peer support and provide guidance related to access to basic health care services, social assistance, and legal services, considering the family and the life context of the women in the project.

259. The *Mães Unidas* Project assists pregnant women and mothers in social vulnerability situations during pregnancy and the first two years of the child's life, and prioritizes:

I – pregnant women and mothers who are beneficiaries of the *Bolsa Família* Program;

II – pregnant women and young and adolescent mothers in situations of vulnerability (up to 29 years old);

260. The goals of the Project are:

I – to promote the health and welfare of mothers and children during pregnancy and the first two years of the child's life;

II – to strengthen the mother-child bond;

III – to strengthen community and family bonds of women in the context of pregnancy and motherhood;

IV – to provide guidance and assistance on how to access basic health care services, social assistance, and legal services;

IV – to promote social integration for women in their first pregnancy in terms of their new social identity;

V – to collaborate in parenthood in order to strengthen bonds and the family role in protecting and caring for the child;

VI – to guarantee the child's right to a safe birth and healthy growth and development;

VII – to promote the practice of citizenship by beneficiary mothers;

261. Pregnant women who attend the program on a regular basis receive, at the end of their prenatal period, the baby box, which includes toiletries for the newborn's first days, and may also be used as a crib for the baby in his/her first months.

262. The Brazilian Federal Constitution ensures equality of rights and obligations between men and women and prohibits differences in salaries, in the carrying out of duties, and in the creation of hiring criteria based on sex, age, color, or marital status. It is also worth mentioning the Consolidated Labor Laws (CLT), which, in article 373-A, establishes a set of rules for the employer to enable women to have access to the labor market. The following are the most important ones:

I. It is prohibited to advertise jobs specifying gender;

- II. It is prohibited to refuse a job, promotion, or to encourage dismissal because of gender, except when the type of activity allows it;
- III. It is prohibited to consider gender as a factor in remuneration and career advancement;
- IV. It is prohibited to demand a pregnancy or sterility certificate during the hiring process.

263. Concerning the Electoral Law, each political party or coalition shall reserve for candidates of each sex a minimum of 30% and a maximum of 70% of the number of applications. The principle of equality is protected by art. 7, XXX, of the Constitution of 1988, which is the provision responsible for ensuring several rights to urban and rural workers. However, the principle of equality also arises from other constitutional principles, such as the principle of formal equality, present in art. 5, main section, of the Federal Constitution of 1988 (CF/88), the principle of material equality, set forth in art. 3, III, of the CF/88, and the principle of citizenship.

264. It is important to highlight that the principle of citizenship is a basis of the Federative Republic of Brazil, pursuant to art. 1, II, of the Constitution. Regarding inequalities due to gender, even though it is impossible to create universal and homogeneous criteria capable of achieving real equality in practice, it is possible to include dynamic and prolonged factors that influence the social aspect that defines the collective groups of women, based on the fight against oppression.

265. Non-discrimination as a constitutional principle is an important instrument so that the effectiveness of the right to work is indeed fully assured. Once equality is understood in light of the principle of non-discrimination, we seek to associate the rights provided by the Brazilian Federal Constitution to the promotion of women's rights.

266. Based on the basic principles provided by the Brazilian Federal Constitution with respect to gender equality and fundamental guarantees of the worker in urban and rural areas, it is imperative to mention and discuss the work conditions of women and the

specifications imposed by the normative text, especially regarding night work, rest breaks, protection in the workplace, and protection of the maternity leave.

267. Regarding work conditions, the CLT imposes, as provided for in art. 372, that the same standards governing male workers shall apply to female workers, whenever it is not harmful. Thus, it is possible to notice that in the employment bond, regardless of sex, one should pay attention to the provisions of arts. 2 and 3, which are related to the employer and the employee, respectively.

268. In addition to the aforementioned Gender and Racial Pro-Equity Program, other measures seek to implement actions for the inclusion and permanence of women in the labor market, especially in non-traditional careers, aiming at reducing the pay gap. In addition to this, another objective is to increase formal works among women in the labor market, in order to ensure their labor rights.

269. In addition to promoting projects aiming at improving the skills of women in the workforce, through vocational training in several sectors, according to the vocational trends in the region, and the inclusion of women in the labor market through formal work, there is also an effort to increase the amount of public instruments, such as day-care facilities and policies favoring the increase of the time available so that women may have jobs requiring full-time dedication. Additionally, in this regard, there are also actions seeking to increase the debate on the division of domestic responsibilities and on how to overcome the gender gap on the division of labor.

270. Moreover, in compliance with recommendation No. 136.150, SNPM has been developing the Girls in Science Program, so that young girls and women can have greater participation in science, technology, and innovation areas, through coordination with federal public bodies.

271. The Girls in Exact Sciences, Engineering, and Computer Science Program aims at supporting projects directed to encourage training and education of women for exact sciences, engineering, and computer science careers in Brazil, increasing the vocational interest of female students in Primary Education (Middle School and High School) and in Higher Education for these careers and for scientific and technological research. This

initiative also aims at reducing dropout rates of female students in undergraduate courses of these areas, which are higher mainly in the first years, and at bringing public Primary Education schools closer to Higher Education and Vocational Education Institutions and other public and private institutions encompassing science, technology, and innovation.

272. The Program provides for the establishment of 500 training projects in all federative units involving higher education institutions, research institutes, and primary education schools. The projects are presented by researchers of higher education institutions and/or research institutes operating in the fields of Exact Sciences, Engineering, and Computer Science, and who have at least a Master's degree. In all projects, it is mandatory that the researcher has a partnership established with 1, 3, or 5 public primary schools, formalized by a cooperation agreement. Other schools, whether public or private, may join and participate in the project.

273. For each school, a primary education teacher is elected to be in charge of organizing the activities in that school. These teachers will be subject, by the professors of higher education institutions, to qualification and training activities in the fields of Exact Sciences, Engineering, and Computer Science; also, together with the university researcher, they will be in charge of reproducing the methodology and supporting the qualification and training of his/her colleagues. Additionally, each project will rely on the participation of female undergraduate students from the fields of Exact Sciences, Engineering, and Computer Science, who will support the activities developed in the schools and serve as a models for the girls participating in the project.

274. For each project, 3 to 15 female students in Primary Education will be elected to be the priority group of the Program and participate in the project activities. Without a scholarship, other researchers, teachers, students, and technicians may join the team and participate in the project activities as well.

275. Regarding assistance for women deprived of liberty, the Ministry of Health coordinates the National Policy of Care for Women Deprived of Liberty and Former Inmates (PNAMPE), established by Ordinance No. 210 of January 16, 2014, whose objective is to reformulate the practices in the prison system in order to ensure rights to

women, whether Brazilian or foreign, as provided for in the Criminal Enforcement Law (arts. 10; 14, paragraph 3; 19, sole paragraph; 77, paragraph 2; 82, paragraph 1; 83, paragraphs 2 and 3; and 89), focusing on humanizing the conditions for serving sentences by ensuring right to health care (item IV, art. 2). Additionally, among its targets, there is “access to health care pursuant to the National Policy for Comprehensive Health Care of Persons Deprived of Liberty in the Prison System, the National Policy for Comprehensive Health Care of Women, and the policies for child health care, according to the principles and guidelines of the Unified Health System (SUS), as well as support for the development of actions in coordination with state and municipal health departments, aiming at early diagnosis and adequate treatment, implementing reference centers for screening, initial assessment, and therapeutic referrals directed to women with mental disorders”. (Sub-item b, item II, art. 4, Ordinance 210/2014).

276. With respect to basic health care, multi-professional teams are composed of at least one dental surgeon, one nurse, one physician, one nursing technician or nursing assistant, and one oral care technician or oral care assistant, as well as the possibility of a physician with mental health experience or a psychologist or psychiatrist, so as to ensure assistance to women deprived of liberty. These teams are the first stop for the Population Deprived of Liberty with respect to the Health Care Network (RAS), aiming at full care; consequently, if the person under custody needs a gynecologist, she will be referred to RAS by the Health Care Team in the Prison System on duty at the Prison Unit.

277. The *Adequate Labor* Project is developed by the National Health Agency (ANS), the Hospital Israelita Albert Einstein (HIAE), and the Institute for Healthcare Improvement (IHI), with the support of the Ministry of Health. This initiative aims at identifying innovative and feasible delivery and birth care models that value vaginal birth and reduce the percentage of C-sections with no clinical indication in health plans. It also aims at offering women and babies proper care during the gestational period, labor and postpartum period, taking into account the structure and preparation of the multi-professional team, evidence-based medicine, and the social, cultural, and emotional conditions of the pregnant woman and her family.

278. In its Stage I, 35 hospitals adhered to the project for over 18 months, had a pilot experience in the creation of a new model of assistance to mother and children in Brazil, and prevented 10 thousand unnecessary C-sections in 18 months of implementation. With these results, the *Adequate Labor* Project expanded to other health plan companies, in addition to SUS units, and it is currently in Stage 2, in which it aims at encompassing 137 Private Hospitals, 25 Public Hospitals, and 65 Health Plan companies relying on 73 hospitals partnering with the project.

279. In 2017, the *Aprimoramento e Inovação no Cuidado e Ensino em Obstetrícia e Neonatologia* (Apice On) project was launched as an initiative of the Ministry of Health in a partnership with the Brazilian Company of Hospital Services – EBSEH, Brazilian Association of University and Teaching Hospitals – ABRAHUE, MEC, and the Fernandes Figueira Institute of the Oswaldo Cruz Foundation – IFF/FIOCRUZ. The Federal University of Minas Gerais – UFMG was the executing institution. The project promotes qualification in the areas of assistance/care during delivery and birth, postpartum and post-miscarriage planned parenthood, and assistance for women in situations of sexual violence and miscarriage in the following: teaching hospitals, university hospitals, and/or hospitals operating as a support teaching unit within the *Rede Cegonha* Program. The purpose is to increase the scope of action of hospitals within the SUS network and reformulate and/or enhance work processes and flows for the adjustment of access, coverage, and quality of care. So, it has the perspective of potentiating the partnership between the Ministry of Health, teaching hospitals, and educational institutions related to these services, aiming at strengthening the role of different cooperative stakeholders in the obstetric and neonatal areas. Therefore, it aims at contributing with the implementation and capillarization of health care practices based on scientific evidence, rights, and principles of humanization, making a set of formative health care and management practices available, which are capable of impacting the entire service network.

280. The Apice On project includes a network of hospitals with teaching activities for all Brazilian states. The goal is to encourage changes in the traditional models of education, care, and management in these institutions, which present themselves as

defining spaces for how the learning of practices and incorporation of assistance models are consolidated.

281. The *Careful Labor* Project, in implementation since March 2018, is an instrument for monitoring and assessing clinical practices in the scope of the *Rede Cegonha* Program to be initially implemented in 626 maternity hospitals assessed recently by the Ministry of Health. By using this tool, managers of the health care units and from different levels of governance of the assistance network will be able to monitor, assess, and compare quality indicators related to assistance during delivery and birth, including C-section rates. This project enables a more systematic monitoring, in lockstep with the day-to-day services, which will make it possible for the SUS management to intervene properly and timely in order to change work methods and processes, helping Brazil to improve its indicators of maternal and infant morbimortality.

282. Moreover, one of the principles guiding the public system is equity, acknowledging the needs of specific groups and seeking to reduce the impact of inequalities, paying attention to vulnerable populations. The Brazilian Government has developed strategies and policies directed at the promotion of equity, emphasizing ethnic, racial and gender equality matters in the health care policy, paying attention to women and children.

283. The implementation process of the *Rede Cegonha* strategy is fundamented on the adoption of good practices for assistance during delivery, based on scientific evidence, and has periodic, assessment cycles conducted by universities in a partnership with the three management levels of the SUS: federal, state, and local. Accordingly, in 2017, the 2nd Assessment Cycle of the *Rede Cegonha* Strategy was held in the 26 Brazilian states and in the Federal District. It monitors the work and management processes, as well as the infrastructure of each service related to the *Rede Cegonha* program, which enables monitoring, in a timely and evaluative manner, the progress and difficulties faced in the different territories, to ensure both access to agreed services and a regular, continuous flow of the users in the health care network.

284. Since the evaluation of the results by the universities (National Public Health School (ENSP); Federal University of Maranhão (UFMA)) is not yet finished, the General Coordination Office for Women Health Care is the main institution delivering outcomes to the federated states, together with municipalities and representatives of boards of health secretaries, in addition to the management of the services assessed. At this stage, the *Careful Labor* Project is being implemented as a strategy for validating the process of monitoring and assessment of the assistance during delivery and birth, which turns such task into a possible means to immediate and efficient intervention in the changes in practice and the health care model. Another important initiative took place in March 8, 2018, with the launching of the National Week of Mobilization for Women Health Care, a national-level strategy aiming to mobilize health care managers and professionals, society, female beneficiaries of the SUS and their families, companies, and institutions for the development of several actions, not only at the national level, but also at the state, municipal, and local levels, regarding the need to promote, protect, and support measures directed at improving the access to and quality of comprehensive health care for women.

285. On the topic of violence against women, Brazil has the *Mulher Viver sem Violência* Program, which increased the number of units of *Casa da Mulher Brasileira* over the last few years. In October 2017, the *Casa da Mulher Brasileira* of São Luís, State of Maranhão (MA), started operating. In March 2018, the units of *Casa da Mulher Brasileira* in Boa Vista, State of Roraima (RR) and in Fortaleza, State of Ceará (CE), started operating with partial assistance. In June 2018, a new regulation aiming at the improvement of the access to resources for the *Mulher Viver sem Violência* Program was prepared through fund transfer agreements with the purpose of expanding the program and building new units. With this update, the Program has proposed the construction of four (4) types of buildings, ranging from 3,600.00 m² to 120.00 m², to meet the various needs of Brazilian cities. However, the implementation of these new models and the construction of new units of *Casa da Mulher Brasileira* in capital cities depend on budget management.

286. In order to support the preparation of public policies throughout the country, the National Office for Policies for Women publishes the Women Socio-Economic Annual Report (RASEAM), which provides a comprehensive perspective of women's conditions with a cross-sectional and multidimensional approach, disseminating information provided by different public administration bodies to society. The RASEAM indicators come from many databases, enabling a wide view of the reality experienced by Brazilian women. In the report, there is data arising from sample surveys, such as the National Household Sample Survey (PNAD), conducted by IBGE, and administrative records, such as *Ligue 180* (hot line). It is important to highlight that there is no collection of primary data to create new indicators for the RASEAM. The report collects, compiles, and provides data scattered across several sources or even inaccessible to the society. The final report is composed of 7 main topics, namely: demographic structure, economic autonomy and equality in the labor market, education, comprehensive health care, fight against all forms of violence against women, women in power and decision-making positions, and women in sports.

287. Furthermore, it is worth mentioning the participation of the Observatory of the National Office for Policies for Women in the Working Group to discuss the Monitoring and Control Methodology of the National Program of Fight against Violent Criminality, implemented by the Ministry of Justice and Public Security to guarantee that the phenomenon of violence against women is duly discussed and contextualized.

10. PROMOTION AND PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES

Recommendations related to the topic:

136.207 – Continue to eliminate discrimination against children in street situations and rural areas as well as children with disabilities and against other minority groups and take all necessary measures to prevent abuse of their vulnerabilities (Turkey);

136.209 – Continue its efforts to provide the necessary assistance for vulnerable groups, particularly persons with disabilities (Myanmar);

136.210 – Pursue its commitment to ensure fully the respect of human rights of persons with disabilities, namely that these persons enjoy an adequate standard of living, including in rural areas (Portugal);

136.211 – Continue its efforts to consolidate the rights of persons with disabilities (Egypt);

136.212 – Combat discrimination of any kind against persons with disabilities, and take specific measures to improve the standard of living for such persons (Islamic Republic of Iran);

136.213 – Continue to reinforce the implementation of public policies regarding persons with disabilities (Libya);

136.214 – Continue its efforts on further strengthening the rights of women, children and persons with disabilities (Mongolia);

136.215 – Implement measures in support of enhanced participation of people with disabilities in the workforce (Israel);

136.216 – Continue its efforts to increase the level of employment of persons with disabilities in the open labour market and take specific measures for women with disabilities (State of Palestine);

288. The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto were accepted in the Brazilian legal system to the highest status possible, reaching a constitutional level. The Brazilian Inclusion Law (LBI) is in full force, after a concentrated effort of regulation. Some of its provisions should be highlighted, such as the right to use the Government severance indemnity fund for employees (FGTS) for acquiring assistive technologies, accessibility requirements in hotels and lodgings, and employability in small and medium-sized businesses.

289. The Brazilian Parliament established a Permanent Commission on the Defense of the Rights of Persons with Disabilities, which has focused on the primary matters of the statutory law and its enforcement in the legislative scope. In turn, the Prosecution Service has been promoting, extrajudicially and judicially, the enforcement of the rights already acquired, while hundreds of entities of the organized civil society, especially through interactions in more than 800 councils related to persons with disabilities in Brazil, deal with the guarantee and consolidation of such rights. All of these measures are related to recommendations No. 136.210, 136.211, and 136.214.

290. With respect to recommendations No. 136.213, 136.207, 136.210, 136.212, 136.215, and 136.216, it is worth mentioning that the efforts of the Federal Government

as well as states and cities, to implement public policies directed to persons with disabilities are well underway, including with respect to their inclusion in the labor market and to assistance to groups in vulnerable situations and in rural or remote areas.

291. The measures aimed at the inclusion in the labor market, with policies of quotas in place in both the public and the private sectors, proved to be particularly effective in recent years, during the most critical period of job downturn. In 2017, there was a growth in the number of formal jobs for persons with disabilities. The contingent of employed persons with disabilities amounted to 441.3 thousand employment contracts. In comparison with 2016, there has been an expansion of about 22.8 thousand jobs, equivalent to a 5.5% increase.

292. At the same time, the Brazilian Government has been adopting policies for the professional qualification and improvement of persons with disabilities. Law No. 12,711 of August 29, 2012, amended by Law No. 13,409 of December 28, 2016, included persons with disabilities in the list of beneficiaries of quotas in Federal Public Universities. Since then, more than 5,000 students with disabilities have been able to study in such institutions. The improvement in the professional profile of persons with disabilities is a part of the governmental strategy to increase their employability levels. Still on this subject, art. 94 of Law No. 13,146 of July 6, 2015, is in regulation phase for the enforcement of the granting of *Auxílio Inclusão*, a benefit to persons with disabilities so they may enter the labor market. Thus, it aims to attain higher employability rates by raising labor supply also.

293. Regarding recommendation No. 136.209 on assistance to vulnerable persons with disabilities, the Continuous Cash Benefit program (BPC), as well as BPC in schools program, are in place. BPC is the guarantee of a monthly minimum wage to persons with disabilities with no means to maintain themselves or be the provider for their family. In order to be entitled thereto, the family concerned must have an income *per capita* smaller than 1/4 of the minimum wage. After confirmation, in the mid-2000s, that 71% of the BPC beneficiaries with disabilities from 0 to 18 years old were not in school, the Follow-up on and Monitoring of Access and Permanence in School for Persons with Disabilities

Contemplated by the Continuous Cash Benefit (BPC) in school program was created. About 2.5 million beneficiaries with such characteristics are assisted by the program.

294. As observed, the Federative Republic of Brazil has acted proactively in the implementation of all recommendations received with respect to persons with disabilities. A system with information on the person with disabilities encompassing more accurate data and statistics is under preparation in Brazil. This system shall provide indicators for several areas, such as the amount of complaints of crimes against persons with disabilities, places of incidence, access to the labor market, details on the situation of vulnerability, etc. Accordingly, public policies in effect will be guided by more complete and updated data.

295. Specifically with respect to the political rights of persons with disabilities, the Accessibility Program of the Electoral Court, approved in 2012, and Law No. 13,409/2016, which, as an amendment to Law No. 12,711/2012, provides for the reservation of vacancies for persons with disabilities in vocational courses in high school or higher education levels at federal teaching institutions.

296. With respect to the retirement of persons with disabilities, the procedure provided for in paragraph 3 of art. 5 of the Constitution establishes retirement with different criteria for beneficiaries with disabilities pursuant to a complementary law. Given the new constitutional framework of the social-security rights of persons with disabilities, the National Congress issued Complementary Law No. 142 of May 8, 2013, regulating the retirement of persons with disabilities insured by the General Social Security System (RGPS). The criteria for access to the benefit are defined in art. 3 of the Law, objectively consisting of reduced contribution and age, taking into account the general rules of retirement due to contribution and age in the RGPS.

11. PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN AND ADOLESCENTS

Recommendations related to the topic:

136.41 – Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents (Chile);

136.46 – Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda);

136.47 – Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective (Chile);

136.90 – Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland);

136.132 – Further continue the combating of slave and child labour in the country (Ethiopia);

136.138 – Take further steps in enhancing the promotion and protection of the rights of the child, with a view to fully eradicating child homelessness (Croatia);

136.157 – Ensure continued effectiveness of strategies to combat HIV-AIDS, particularly among youth and other specifically affected groups (Bahamas);

136.163 – Improve health care to further reduce child mortality (Islamic Republic of Iran);

136.183 – Extend the “Women Living without Violence” programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent (Belgium);

136.184 – Continue its efforts to combat violence against women and girls (Egypt);

136.186 – Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas (Islamic Republic of Iran);

136.187 – Take measures to combat violence against women and children (Iraq);

136.194 – Increase its focus on policy implementation to combat family violence, and in particular violence against women and children (Australia);

136.195 – Strengthen policies and programmes to address violence against women and combat child prostitution (Indonesia);

136.199 – Guarantee the rights of the child and create the best alternative for improving the current system of youth accountability, in compliance with the International Convention on the Rights of the Child (Estonia);

136.200 – Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health (United Arab Emirates);

136.201 – Continue the efforts directed towards the promotion of the rights of the child (Armenia);

136.202 – Prioritize family-type care settings and foster families over institutionalized placements and include foster care as an important instrument within the special protection measures for children (Serbia);

136.203 – Further strengthen its efforts to enforce the “Boy Bernardo Act” and promote positive, non-violent and participatory forms of child-rearing and discipline (Liechtenstein);

136.204 – Adopt comprehensive policies to combat sexual harassment, especially against children and adolescents, including those in street situations or living in placement institutions (Maldives);

136.205 – Further strengthen programmes to address child labour, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education (Liechtenstein);

136.206 – Reject proposed Constitutional amendments and draft bills that seek to reduce the age of criminal responsibility (Uruguay);

136.207 – Continue to eliminate discrimination against children in street situations and rural areas as well as children with disabilities and against other minority groups and take all necessary measures to prevent abuse of their vulnerabilities (Turkey);

136.208 – Take all necessary measures to effectively eliminate the incidence of child, early and forced marriage (Sweden);

136.214 – Continue its efforts on further strengthening the rights of women, children and persons with disabilities (Mongolia);

136.219 – Continue to promote the rights of communities of African descent, in particular children’s rights (Senegal);

136.241 – Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys (Paraguay);

297. Regarding the rights of children and adolescents, it is important to note that the actions implemented by the Brazilian Government are based on the provisions of the regulatory instrument on this subject, the Statute of the Child and Adolescent (ECA), and Law No. 8,069/1990. These laws and regulations are pioneers in human rights laws and regulations and are aligned with the Convention on the Rights of the Child (UN, 1989).

298. Within the scope of the Ministry of Women, Family, and Human Rights, the National Secretariat for the Rights of Children and Adolescents (SNDCA) is responsible for implementing the national policy for the promotion, protection, and defense of the rights of children and adolescents, coordinating the governmental actions and measures related to such groups. Accordingly, it promotes the coordination between several agencies and civil society, and contributes to the implementation of awareness campaigns

and public policies for the promotion and defense of the rights of children and adolescents.

299. SNDCA's challenges are to consolidate the National Policy for the Rights of Children and Adolescents and to promote and articulate, with intersectoral, inter-institutional, and inter-federative bodies, the implementation of programs, policies, actions, and services of assistance for children and adolescents whose rights have been infringed, involving:

- a) System of Guarantee of Rights;
- b) Convergence Agenda;
- c) Councils for the Rights of Children and Adolescents;
- d) Information System for Childhood and Youth;
- e) Child Protective Services and Rights Schools;
- f) Social-Educational National System;
- g) Assistance to children and teenagers subjected to sexual violence;
- h) Fight against lethal violence;
- i) Right to family and community coexistence;
- j) Assistance to children and teenagers in a situation of vulnerability and subjected to a violation, threat or restriction to their rights;
- k) Eradication of child labor and protection of the working teenager.

300. These actions are included in the five (5) major policies for the promotion, protection, and defense of the rights of children and adolescents: Reinforcement of the System of Guarantee of Rights of Children and Adolescents (SGD); National Policy for Family and Community Coexistence (CFC); Policy for Strengthening the National System of Social-Educational Assistance (SINASE); Program for the Protection of Children and Adolescents Threatened with Death (PPCAAM); and Policy for the Prevention of and Combat against Sexual Exploitation and Abuse (EVSCA).

301. Additionally, SNDCA proposes and encourages the implementation of public awareness campaigns related to the rights of children and adolescents and coordinates the production, systematization, and diffusion of information related to children and adolescents, managing the information systems for which it is responsible.

302. The initiatives for the promotion and defense of the rights of children and adolescents in the country are very diverse. The Government's actions are frequently supplemented with important actions of entities in the area of infant welfare, in addition to the participation of companies, international agencies, civil society organizations, among others. Recognizing the importance of each of these factors for the progress of such initiatives is critical. Additionally, the area of childhood and adolescence is understood as intersectoral by nature, which means that, for the rights of this population to be effective, it is essential that all public policies involved are integrated and coordinated.

303. In this context, Resolution No. 113 of April 19, 2006 provides for the institutionalization and reinforcement of the System of Guarantee of Rights (SGD) for Children and Adolescents, by organizing and developing agencies, instruments, guidelines, and flows for a more integrated performance of the actions currently in progress. To that end, the National Council for the Rights of Children and Adolescents (CONANDA) created in Resolution No. 195 of July 27, 2017 a specific thematic working group aimed at improving and strengthening the SGD. This working group relied on a study regarding different models of policies for children in other countries, as well as on development models of national policies and unified systems, such as the Unified Health System (SUS) and the Unified Social Assistance System (SUAS).

304. On the other hand, it is fundamental to promote a wide debate on this proposal with the Councils for the Rights of Children and Adolescents, led by CONANDA and SNDCA, as well as with entities and social movements, international agencies, the Justice System, and the System of Guarantee of Rights as a whole. The proposal, under development by the working group, shall rely on a precise definition of the stakeholders and agents of this policy, in their different jurisdictions, seeking the integration of the several thematic commissions (the Intersectoral Commission for the Fight against Sexual

Violence against Children and Teenagers, the Intersectoral Commission for the Socio-Educational System, the Intersectoral Commission for Family and Community Coexistence, the Intersectoral Commission for the Fight against Child Labor) through a coordination agency bound by the Development Charter and Strategy for Full Protection of the Rights of Children and Adolescents. This agency shall work as a National Committee for analyzing, monitoring, and coordinating the development of actions of each sector based on an integrated conception.

305. Another important element of this proposal for revision of Resolution 113 by the Working Group is the permanent integration between CONANDA and State and Municipal Councils, ensuring implementation of its decisions at a local level. On the other hand, the draft proposes clear communication flows and integration between federal, state, district, and municipal levels with respect to political agents (from the Executive, Legislative and Judiciary Branches).

306. Finally, the proposal for revision also aims at developing integrated instruments related to the funding of the policy in each State, to the implementation of an integrated system of information and indicators regarding the area of childhood, to the permanent progress of law frameworks, and to the development of a permanent policy for training of childhood networks. In order to reinforce coordination between the National Secretariat, the National Council and state entities, CONANDA and the National Secretariat for the Rights of Children and Adolescents have initiated the *Caravanas: Por onde andam os direitos de crianças e adolescentes* project, through international cooperation with the Organization of Ibero-American States (OEI). This project aims at providing training and promoting interaction between state councils and other SGD members through regional meetings. It has already crossed the five regions of Brazil and, between 2017 and 2018, 8 tours took place, 6 of them were regional, one was thematic, and one was national.

307. Regarding the law frameworks, on April 4, 2017, Law No. 13,431/2017 became effective. It has provided for the system of guarantee of rights of the child and adolescent victim or witness of violence, and has also amended Law No. 8,069 of July 13, 1990. Still regarding law frameworks, it is worth to emphasize:

- Law No. 13,798 of January 3, 2019, which adds art. 8-A to Law No. 8,069 of July 13, 1990 (the Statute of the Child and Adolescent) establishing the National Week for the Prevention of Teenage Pregnancy.
- Law No. 13,803 of January 10, 2019, which amends a provision of Law No. 9,394 of December 20, 1996, in order to make mandatory that the Child Protective Services be communicated of school absences thirty percent (30%) higher than the percentage permitted by law.
- Law No. 13,811 of March 12, 2019, which provides new wording to art. 1,520 of Law No. 10,406 of January 10, 2002 (Brazilian Civil Code) in order to suppress legal exceptions allowing child marriage.
- Law No. 13,812 of March 16, 2019, which creates the National Policy for the Search of Missing Persons and the National Registry of Missing Persons and amends Law No. 8,069 of July 13, 1990 (the Statute of the Child and Adolescent).
- Law No. 13,819 of April 26, 2019, which creates the National Policy for Prevention of Self-Harm and Suicide, to be implemented by the Federal Government in cooperation with State, Federal District, and Municipal Governments, and amends Law No. 9,656 of June 3, 1998.

308. Regarding child labor, the National Secretariat for the Rights of Children and Adolescents participates in the monitoring of the Plan for Prevention and Eradication of Child Labor and Protection of the Teenage Worker, whose purpose is to coordinate any intervention and introduce new actions aiming at eliminating child labor. Child labor is understood as the development of economic activities and/or subsistence activities, whether or not with the purpose of obtaining profit, upon compensation or not, developed by children and teenagers under the age of sixteen (16) years, except as apprentices as of the age of fourteen (14) years.

309. SNDCA has the primary function of supporting intersectoral, inter-institutional, and inter-federative actions. Accordingly, it promotes the coordination between several bodies and civil society and contributes to the implementation of awareness campaigns and public policies for the eradication of child labor. In October 2017, the IV National

Meeting of the Program for the Eradication of Child Labor (PETI) gathered several stakeholders of the civil society and the Judiciary Branch, as well as representatives of the Prosecution Service and municipal, state, and federal governments. The result was the formulation of proposals for the preparation of a five-year plan of PETI's strategic actions. Additionally, the Forum decided to focus on the fight against the worst forms of child labor, emphasizing drug trafficking. Within the National Commission for the Eradication of Child Labor (CONAETI), in 2017 and 2018 the focus was on reformulating the National Plan for Prevention and Eradication of Child Labor and Protection of the Working Teenager, which was launched on November 27, 2018.

310. Within the Intersectoral Commission for the Fight against Sexual Violence against Children and Teenagers the preparation of the “Parameters for Hearing Children and Teenagers in Situations of Violence” was completed in 2016, among other actions. This document standardizes the assistance provided by the services of the protection network of the System of Guarantee of Rights of children and adolescents in situations of violence, by organizing and integrating the flow in the field as well as procedures that prevent unnecessary repetition of the facts and, consequently, revictimization. According to the new rule, the procedures for hearing children in the whole security system of the country are standardized under a protection of human rights point of view. The document was validated by the ministerial agencies acting in the protection network of the System of Guarantee of Rights, especially in the fields of Human Rights, Health, Education, Social Assistance, Justice, and Public Security, and became Law No. 13,431/2017.

311. In 2018, the Intersectoral Commission for Fight against Sexual Violence against Children and Teenagers held 12 meetings, and their main actions were the drafting of the Decree regulating Law 13,431/2017 and the preparation of a technical report on the monitoring and assessment of the National Plan for Fighting Sexual Violence against Children and Teenagers (PNEVSCA). In 2018, the then Ministry of Human Rights – currently Ministry of Women, Family, and Human Rights – gave support to the 2nd Brazilian Congress for Fight against Sexual Violence, held in Brasília, from May 14 to 16.

312. In 2017, consulting services were hired to develop an awareness and mobilization strategy focused on the training, supervision, assessment, monitoring, and support of the Plan for Fighting and Preventing Lethal Violence against Children and Teenagers (PEPVL/VIDAS PLENAS), to be implemented in the states of Rio Grande do Norte, Rio Grande do Sul and Maranhão, for the execution of a Pilot Project. This work aims at preparing technical inputs for the supervision, monitoring, and assessment of the experiences in the area of childhood and adolescence, alongside the preparation and implementation of strategies to reduce the high rates of lethal violence and to strengthen and organize the commitments on promotion of rights of children and adolescents, pursuant to the prerogatives of Federal Law No. 8,069/90 (the Statute of the Child and Adolescent - ECA).

313. In this regard, in 2017, field studies were carried out in Natal, state of Rio Grande do Norte; São Luís, state of Maranhão; and Porto Alegre, state of Rio Grande do Sul. In those places, a network of stakeholders of the System of Guarantee of Rights of Adolescents and Young Adults was identified, and discussions aiming at better understanding the phenomenon of lethal violence against teenagers and young adults were initiated. Additionally, data began to be collected on actions aiming at preventing and fighting homicides of children and adolescents, as well as on scientific works supporting the need for a municipal intervention focused on combating lethal violence against children and teenagers in these territories. There were also trainings with the network of stakeholders, in addition to awareness seminars with civil society organizations and Government representatives, in all territories served.

314. Additionally, the Program for the Protection of Children and Adolescents Threatened with Death gave protection to 473 children and teenagers and 697 family members in 2017, amounting to 1,170 people protected. Between January and September 2019, 991 people benefitted from protection, among whom 440 are children and teenagers and 551 are family members.

315. In the context of the fight against lethal violence, which is a consolidated public policy, new Programs for Protection of Children and Adolescents Threatened with Death were implemented in the states of Amazonas, Rio Grande do Norte, Acre and Alagoas.

Additionally, other programs that had been already implemented in the states of Bahia, Bahia, Ceará, Federal District, Espírito Santo, Maranhão, Minas Gerais, Pará, Paraíba, Pernambuco, Paraná, Rio de Janeiro, Rio Grande do Sul and São Paulo have been maintained. It is important to mention that for states without a local program, there is a Project with a Federal Technical Center encompassing the states where the Programs are still pending implementation.

316. In July 2018, the XVIII National Meeting of Professionals of the PPCAAM was held in the state of Espírito Santo and in November 2018, the XIX National Meeting of PPCAAM was held in São Paulo. Technicians from all teams in the country attended, in addition to representatives of civil society and state Offices.

317. In 2018, Brazil entered the Global Partnership to End Violence Against Children. Led by the UN, the initiative gathers Governments from different countries, international organizations, civil society, among other groups. Its purpose is to contribute to the eradication of all forms of violence against children and teenagers, and especially to the achievement of the Sustainable Development Goals (SDGs).

318. It is worth to highlight the inaccuracy of the term “child prostitution” in recommendation No. 136.195, because it refers to consent; when a child or teenager is involved in a sex act, the right term is “sexual exploitation” of children and teenagers, and to protect them, the System of Guarantee of Rights (SGD) must be reinforced.

319. SGD Reinforcement actions were developed in four areas:

- Reinforcement of the actions of Child Protective Services;
- Coordination of educational actions as a training method for council members;
- Reinforcement of the actions of Councils for the Rights of Children and Adolescents; and
- Production of data on the National Policy for the Rights of Children and Adolescents.

320. With respect to the Reinforcement of the Actions of Child Protective Services, the Action for Equipping Child Protective Services delivered, in 2018, 756 sets of equipment

for exclusive use of Child Protective Services, composed of the following: 1 vehicle, 5 computers, 1 printer, 1 fridge, and 1 drinking fountain, reaching 64% of the child protective services facilities served.

321. In 2019, the Qualification Course for Child Protective Services and Rights Councils was launched nationally through satellites in 9 states of the Legal Amazon.

322. As for homeless children and teenagers, it is worth mentioning Resolution No. 187/2017 of the National Council for the Rights of Children and Adolescents – CONANDA, which approves the document on Technical Guidelines for Street Social Educators Working in Services, Programs and Projects for Children and Teenagers in Street Situation. The document includes a set of guidelines and information to support the states, cities and the Federal District in planning, developing, implementing and performing services for homeless children and teenagers in the context of several public policies. These technical guidelines are targeted to street social educators, managers, coordinators and technical teams in charge of implementing, organizing and consolidating services, programs and projects for children and teenagers based on the principles of street social education. It is also an essential document for other social stakeholders participating in the promotion and social control of the policy for protection of the rights of children and adolescents.

323. In this regard, a partnership was encouraged to promote the quantitative and qualitative survey on the services of the social assistance network for assisting children and teenagers who are either homeless or in institutionalized placements, as well as a sample survey on the profile of such groups in Brazilian cities with population over 1 million inhabitants. These surveys aim at contributing to the classification of assistance flows in public policies and to the development of integration strategies among the System of Guarantee of Rights (SGD) operators in the assistance for this public. The implementation of the e-learning and classroom training for assistance for homeless children and teenagers is expected for 2019.

324. CONANDA — a permanent deliberative collegiate body provided for in art. 88 of the Statute of the Child and Adolescent (ECA), responsible for resolving upon policies

directed to its target group and managing the National Fund for Children and Adolescents — presented in 2016 an important initiative regarding equal rights between girls and boys. Resolution No. 180/2016 provides for equal rights between girls and boys in public policies for attention to, protection and defense of children and teenagers, intending to overcome situations that disfavor the full development of girls and the violence and violations they suffer due to discrimination on the ground of their sex.

325. Law No. 13,010 of June 26, 2014 (*Menino Bernardo Law*) ensures that children and adolescents have the right to be raised without physical punishments, and in 2018, it had its fourth anniversary. The law represents an important progress Brazil has made in the fight against violence, and it contributes to a change of culture regarding the education of children and teenagers. There was also a set of media campaigns about the topic. One of the initiatives of this law is to qualify the social policies network, which includes the definition of parameters for assistance in cases of violence and the awareness of professionals of the System of Guarantee of Rights about the laws and regulations, as well as their meaning in practice.

326. The efforts of the Ministry of Women, Family, and Human Rights to implement such law are focused on the preparation of a course directed to parents, members of the extended family, guardians and public officials in charge of taking care of children and teenagers.

327. According to data of *Disque 100*, children and teenagers are the major victims of violations of human rights in Brazil. Out of the 152,178 complaints received by the Service in 2018, 116,947, which represents 76.84% of the total, were related to violations of the rights of persons who were less than 18 years old. In 2017, 84,049 complaints were associated with the same type of violations, representing 58.91% of the total registered. Historically, this group represents the majority of complaints received by the service, created in 2003 with the initial purpose of receiving only complaints of violations of rights of children and adolescents. In 2011, the service was expanded to receive complaints involving other vulnerable groups as well, such as elderly persons, persons with disabilities and LGBTs. Despite the inclusion of other segments, children and teenagers still represent the majority of the complaints.

328. The Brazilian Government has been promoting the coordination and integration of initiatives aiming at the promotion and defense of rights of children and adolescents. An important action is the reactivation of the works of the National Intersectoral Commission for Monitoring the National Plan for Promotion, Protection, and Defense of the Right of Children and Adolescents to Family and Community Coexistence. This Commission is composed of several bodies of the Executive Branch, stimulating discussions related to the guarantee of rights of children and adolescents to family and community coexistence.

329. In this regard, talks regarding the revision of the National Plan for Promotion, Protection and Defense of the Right of Children and Adolescents to Family and Community Coexistence (PNCFC) were initiated. In 2017, there was progress in the discussion about the adoption of children and adolescents within both the national and the international spheres, considering the public debate on the subject and the Bills pending passing in the House of Representatives and the Federal Senate.

330. In 2017, a partnership (partnership agreement) with the institution *Aconchego – Grupo de Apoio à Convivência Familiar e Comunitária* was established in order to “Promote a training course for professionals working in centers for preparation of adoption and affective guardianship in the entire national territory, training them to work in the preparation of adopters, guardianship candidates and children and adolescents through a distance education system”. Regarding Bills pending in the National Congress and of particular interest to the National Secretariat for the Rights of Children and Adolescents, we may emphasize, for example: (updated on October 13, 2019)

- Bill No. 5,057/2016: Amends Law No. 9,394 of December 20, 1996 (Guidelines and Bases for National Education) to include the possibility of enrollment in public schools without the need to present a birth certificate. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2082295>)
- Bill No. 7,725/2017: Provides for the dissemination of Law No. 12,852 of August 5, 2013, which creates the Statute of the Youth and provides for the

rights of the youth, the principles and guidelines of youth-related public policies and the National Youth System (SINAJUVE), and creates the National Week of the Statute of the Youth. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2139096>)

- Bill No. 488/2019: Determines the mandatory nature of the application of penalties restricting rights of those convicted of crimes of pedophilia. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2191208>)
- Bill No. 4,053/2019: Creates the National Children's Week. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2211969>)
- Bill No. 2,941/2008: Provides for the diffusion of the fundamental rights and human rights by public bodies, especially regarding women, children and adolescents.
- Senate Bill No. 90/2015: Amends Laws No. 10,741 of October 1, 2003, (Statute of the Elderly), No. 8,069 of July 13, 1990 (Statute of the Child and Adolescent), and No. 11,340 of August 7, 2006 (*Maria da Penha* Law), in order to improve mechanisms for the protection of persons in vulnerable situations.
- Bill No. 1,196/2019: Amends art. 242 of Law No. 8,069 of July 13, 1990 – Statute of the Child and Adolescent, in order to include cases of penalty increase. (<https://www25.senado.leg.br/web/atividade/materias/-/materia/135478>)
- Bill No. 1,535/2019: Amends Law No. 8,069 of July 13, 1990 – Statute of the Child and Adolescent, regarding care for the adopted child or adolescent. (<https://www25.senado.leg.br/web/atividade/materias/-/materia/135778>)

- Bill No. 1,789/2019: Increases to 6% of the payable tax, until December 31 2025, the limit on deductibility of the amount of the donations to the Funds of the Rights of Children and Adolescents made directly in the Annual Adjustment Tax Return of the Income Tax of the Individuals. (<https://www25.senado.leg.br/web/atividade/materias/-/materia/135989>)
- Bill No. 1,271/2019: Adds art. 71-A to Law No. 8,069 of July 13, 1990, giving agents or stewards of protection of childhood and youth free access to public and private events. (<https://www25.senado.leg.br/web/atividade/materias/-/materia/135532>)
- Senate Bill No. 142/2016: Amends Law No. 8,213 of July 24, 1991, establishing that the payment of the maternity salary, in case of adoption or granting of judicial custody for purposes of child adoption, must be made directly by the employer. (<https://www25.senado.leg.br/web/atividade/materias/-/materia/125328>)
- Bill No. 1,447/2015: Provides for youth leadership. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=1230242>)
- Bill No. 2,385/2019: Creates the Negative Certificate of Illegal Use of Child and Adolescent Labor among other provisions (CNTCA), pursuant to item XXXIII of art. 7 of the Brazilian Federal Constitution, amends paragraph 3 of art. 4 of Law No. 12,414 of 2011, and amends item V of art. 27 of Law No. 8,666 of June 21, 1993. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2198577>)
- Bill No. 7,036/2010: Establishes that it is mandatory for national airlines and film exhibitors to broadcast movies or videos that combat pedophilia. (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=470999>)

- Bill No. 7,109/2010: Ensures to pregnant students the regime of home exercises established by Decree-Law No. 1,044 of October 21, 1969, and amends Law No. 11,788 of September 25, 2008, which provides for students' internship, in order to enable the interruption of the internship of pregnant students.
(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=472902>)
- Bill No. 9,796/2018: Creates the National Plan for Fighting against the Murder of Young Adults.
(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2169417>)
- Bill No. 3,873/2019: Creates mechanisms for the reduction of lethal violence against children, teenagers and young adults.
(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2210801>)
- Bill No. 4,053/2019: Creates the National Children's Week.
(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2211969>)

331. On November 22, 2017, Law No. 13,507 was sanctioned, providing for the voluntary relinquishment, termination of parental rights, fostering, godparenting, guardianship and adoption of children and teenagers. The law also grants the adopter labor guarantees and adds a new possibility to termination of parental rights.

332. Among the provisions of the aforementioned law, it is important to note the reduction in the terms for reassessment of children and teenagers in foster care (from 6 to 3 months) and children and teenagers' permanence in an institutionalized placement program (from 2 years to 18 months). The extension of the rights of teenage mothers who are under institutionalization and the provision of the godparenting program are also noteworthy.

333. As to recommendation No. 136.199, it is worth mentioning Law No. 12,594 of January 18, 2012, which established the National System of Socio-Educational Assistance (SINASE) and regulates the implementation of socio-educational measures directed to youthful offenders. SINASE addresses a set of principles, rules and criteria involving the implementation of socio-educational measures, including adherent state, district and municipal systems, as well as all plans, policies and programs tailored for assisting youthful offenders. In 2018, such policy sought to implement and enhance the system, acting on two big priority fronts:

- Support to projects for continued education of professionals of the National Socio-Education School (ENS); and
- Construction of specialized care units, i.e., infrastructure actions.

334. The implementation of SINASE depends on the coordination between federated entities and ministries. This System is under continuous improvement and, based on the National Coordination of the SINASE, the National Parameters for Management, Security and Architecture were created in 2013.

335. Ordinance No. 11/2017 of the Ministry of Women, Family and Human Rights has created the Permanent Commission for the National System of Assessment and Monitoring of Socio-Educational Assistance within the scope of the aforementioned Ministry, which is responsible for coordinating the assessment and monitoring of the management of socio-educational assistance. These bodies are responsible for planning policy actions on the qualification, improvement and professional development of human resources. This goal is essential for the qualification of social and educational assistance to teenagers and young adults.

336. SINASE's assessment aims at contributing to the organization of the socio-educational assistance network; ensuring strict awareness on the actions of socio-educational assistance and its results; improving the quality of socio-educational management and assistance; and making information on social and educational assistance available pursuant to Federal Law No. 12,594/2012.

337. Additionally, the *Criança Feliz* Program, created in October 2016, emerged as an important tool for promoting the full development of children between zero and six years old in poor families. Through home visits to the families contemplated by the *Bolsa Família* Program and the Continuous Cash Benefit (BPC), teams in the *Criança Feliz* Program monitor and give important advice to strengthen family and community bonds and to stimulate child development. The program's target population are pregnant women and caretakers of children up to 3 years old who have low income and receive the *Bolsa Família* Program. The program is also targeted to children up to 6 years old receiving the Continuous Cash Benefit (BPC), which grants minimum wage to persons with physical, mental, intellectual or sensorial disabilities. In light of this information, it is relevant to emphasize how important the Program is in the promotion and protection of human rights, as well as in the promotion of poverty reduction and social equality.

338. Additionally, through home visits the Program also acts as an important facilitator in the access of the participant families to policies and public services. Therefore, the Program implements actions in a decentralized manner, with coordination and integration of public policies in the field in areas such as health, education, social assistance, environment, culture, leisure services and bodies of defense of rights.

339. There is currently great consensus on the need for investment in human development as a way to contribute to economic growth and fight social inequalities. As the main strategy for promotion of human development, many countries focused their efforts in health, early education and childcare, especially during the early childhood – age group from zero to six years old.

340. Regarding recommendation No. 136.206 – to reject proposed Constitutional amendments and bills aiming at reducing criminal majority (Uruguay) –, it is important to note that there is a Constitutional Amendment project number 171/1993, amending art. 228 of the Brazilian Federal Constitution, which provides for criminal majority at the age of eighteen (18) years.

341. For recommendations 136.183, 136.184, 136.186, 136.187, 136.194, 136.195, and 136.214, which address different types of violence against women and girls, it is

important to emphasize the approval of Law no. 13,827 of May 13, 2019, which amends Law No. 11,340 of August 7, 2006 (*Maria da Penha* Law). Law no. 13,827 authorizes the imposition in specific cases of a protective injunction by a judicial or police authority, for women in situation of familiar or domestic violence and her dependents. It also determines the registration of such protective injunction in the National Justice Council the database. Law 13,836 of June 4, 2019 was also approved, adding provisions to art. 12 of Law No. 11,340 of August 7, 2006 in order to make it mandatory to inform if any women victims of familiar or domestic violence have disabilities of some kind.

342. Finally, the National Covenant for Implementation of Law No. 13,431 of April 4, 2017, which establishes the System of Guarantee of Rights for Children and Adolescents Victims or Witnesses of Violence, was signed on June 13, 2019. The Covenant was proposed by the Ministry of Justice and Public Security in partnership with the National Justice Council and had the following signatories: the Ministry of Civil Affairs; the Ministry of Women, Family and Human Rights; the Ministry of Education; the Ministry of Health; the Ministry of Citizenship; the National Council of the Prosecution Service; the Federal Public Defender's Office; the National Council of General Public Defenders; and the National Council of the Chiefs of Civil Police.

The National Covenant aims at assisting bodies of the Executive and Judiciary Branches in the implementation of the mechanisms of specialized hearing and special deposition, in addition to other protection instruments provided for in Law No. 13,431/2017, in order to prevent the re-victimization of the child or teenager as a victim or witness of violence. The specific objectives of the Covenant, in short, are: (i) the establishment of guidelines for attention to and full inter-institutional protection of children and teenagers victims or witnesses of violence; (ii) the establishment of special deposition protocols; (iii) the assurance of specialized hearings; (iv) the creation of an intersectoral matrix for trainings and of a specific methodology for professionals of the system of guarantee of rights for children and adolescents; (v) the provision of physical equipment, regulation and assistance flow for the public equipment providing this service; and (vi) the implementation of information sharing protocols among professionals involved in this process.

12. LGBT RIGHTS

Recommendations related to the topic:

136.39 – Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes (Sweden);

136.40 – Take urgent measures to adopt legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation, and investigate and sanction cases of violence against lesbian, gay, bisexual, transgender, intersex and queer persons (Argentina);

136.41 – Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents (Chile);

136.42 – Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons (Colombia);

136.43 – Continue taking measures to develop legislation and policies at federal, state and municipal level to punish and prevent hate crimes and discrimination against the lesbian, gay, bisexual, transgender and intersex population (Finland);

136.44 – Approve a specific law, in line with its international human rights obligations, that prohibits discrimination and incitement to violence based on sexual orientation and gender identity (Honduras);

136.45 – Follow measures taken at the national level to ensure that municipalities in Brazil develop specific policies to guarantee rights of lesbian, gay, bisexual, transgender and intersex people (Israel);

136.66 – Take measures to improve the situation of underreporting of cases of violence and discrimination against lesbian, gay, bisexual, transgender and intersex people, and develop policies to punish and prevent those actions (Israel);

136.67 – Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula (Canada);

136.90 – Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland);

136.196 – Ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons (Mexico).

343. Regarding recommendation No. 136.196, the Executive Office for the Promotion of LGBT Rights at the Ministry of Women, Family and Human Rights (DPLGBT/MMFDH) is developing more accurate tools for gathering information on criminal incidents, in partnership with the National Public Security Office of the Ministry of Justice and Public Security. The collection of such information shall be used to identify data on criminal incidents against the LGBT community and to guide new policies directed to this group. In addition to the work of the Executive Branch, it is important to highlight that the Brazilian Supreme Court has decided that the crimes of homophobia and transphobia are equivalent to the crime of racism. The regulation of this decision is pending before the National Justice Council.

344. DPLGBT/MDH also monitors the legislative discussions of bills addressing discrimination and violence against the LGBT community. Bills No. 6,424/2013 and 7,582/2014 are being examined by the House of Representatives, and Bills No. 310/2014, 134/2018, 191/2017, 860/2019, and 672/2019 by the Federal Senate.

345. Additionally, DPLGBT/MDH has carried out a diagnosis on the LGBT community in the prison system, in partnership with the National Prison Department of the Ministry of Justice and Public Security (DEPEN/MJSP) and the United Nations Development Programme (UNDP). The diagnosis should be presented in 2019.

346. The National Covenant on the Fight against LGBTphobic Violence was enacted on May 16, 2018, aiming at ensuring to state, Federal District, and city administrations structured policies to combat violence against the LGBT community. Eighteen states signed the Covenant on the date of its enactment: Amazonas, Amapá, Mato Grosso do Sul, Rio de Janeiro, Rondônia, Piauí, Tocantins, Acre, Alagoas, Distrito Federal, Espírito Santo, Pernambuco, Paraná, Pará, Ceará, Rio Grande do Sul, Goiás, and Sergipe. The Covenant establishes the joint commitment to create public policies based on the action plans executed by the states involved. For the drafting thereof, many technical visits took place in 26 states.

347. An LGBT module was included in the National Program of Continued Education on Human Rights of the Government School, focusing on educational actions related to human rights of LGBTs. The Executive Office of Human Rights Promotion and Education at the Ministry of Women, Family and Human Rights offered a distance course named “Promotion and Defense of LGBT Rights”, in partnership with the Executive Office for Promotion of LGBT Rights at the same Ministry and with the Government School of the Ministry of Economy. The course lasted four months and had 20,436 participants, including civil servants and general population. The course explores the experience of LGBT persons in order to promote comprehension on the main challenges to their rights. Based on their experiences, it reviews specific aspects of exclusion, discrimination or inequality experienced by LGBT persons, with emphasis on strategies for the guarantee and promotion of their rights. The course is available in the link <https://evg.gov.br/curso/128>.

13. MIGRANTS, REFUGEES AND FIGHT AGAINST HUMAN TRAFFICKING

Recommendations related to the topic:

136.9 – Sign and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);

136.10 – Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Chile) (Indonesia) (Sri Lanka);

136.11 – Step up the procedure for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Togo);

136.12 – Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);

136.13 – Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (El Salvador);

136.14 – Accelerate efforts towards ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) (Philippines);

136.17 – Ratify the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and finalize the domestic procedures to accede to the International

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);

136.128 – Effectively implement the anti-trafficking law and provide resources and training for government officials (United States of America);

136.129 – Preserve its positive record on combating trafficking and modern slavery by fully implementing activities envisaged in its second National Plan to Fight Human Trafficking (Azerbaijan);

136.130 – Continue policies to combat trafficking, and promote assistance to victims (Lebanon);

136.244 – Implement the recently approved new Migrants Law and its human rights perspective on the migration issue (Timor-Leste);

136.245 – Implement the new Migrants Law fully (Greece);

136.246 – Expand government-funded resettlement services to newly arrived refugees and ensure a right to an adequate standard of living through the establishment of a National Plan of Local Integration (Canada).

348. The Migration Law, which entered into force on November 21, 2017, is based on principles and guidelines that ensure, among others, social, labor and productive inclusion for immigrants. It also ensures the repudiation and prevention of xenophobia, racism and any forms of discrimination; the guarantee of the right to family reunion; social dialogue in the formulation, execution and assessment of migration policies; the strengthening of economic, political, social and cultural integration through the creation of spaces of citizenship and free flow of people, among other aspects considered innovative and important in the light of the international migration scenario.

349. Decree No. 9,199/2017, which entered into force on the date of its enactment, November 21, 2017, contains 319 articles that provides for aspects such as:

- a) visas;
- b) civil identification and registration of immigrants;
- c) protection of stateless persons and statelessness reduction;
- d) political asylum;
- e) refuge;
- f) residence authorization;
- g) entry and exit of national territory;

- h) regularization of an individual's migratory situation;
- i) deportation measures;
- j) nationality and naturalization;
- k) protection of emigrants; and
- l) measures for cooperation related to mobility.

350. The laws and regulations currently in force consider migration as a human phenomenon and simplifies several administrative proceedings for immigrants. The Brazilian Government has already regulated most of the provisions of the Migration Law, as shown below:

- a) Interministerial Ordinance No. 3 of February 27, 2018: Provides for the processing of requests for residence authorization, registration and issuance of the National Migration Registration Card; specifies the documentation required for the instruction of requests; and defines the registration procedure for residence authorization granted to refugees, stateless people and people who have been granted asylum;
- b) Interministerial Ordinance No. 4 of February 27, 2018: Provides for the procedure for granting residence authorization in cases not expressly provided for in Law No. 13,445 of May 24, 2017, and in Decree No. 9,199 of November 20, 2017;
- c) Interministerial Ordinance No. 5 of February 27, 2018: Provides for the procedure of acknowledgement of the condition of statelessness and the facilitated naturalization arising therefrom;
- d) Interministerial Ordinance No. 6 of March 8, 2018: Establishes procedures with respect to the adjudication of loss and cancellation of residence authorization;
- e) Interministerial Ordinance No. 7 of March 13, 2018: Provides for temporary visas and residence authorization for education purposes;
- f) Interministerial Ordinance No. 8 of March 13, 2018: Provides for temporary visas and residence authorization for health treatment purposes;

- g) Interministerial Ordinance No. 9 of March 14, 2018: Provides for the granting of residence authorization to immigrants in Brazil who are originally from neighboring countries where the MERCOSUR Residence Agreement for Citizens of States Parties and associated countries is not in force, so as to meet the the national migration policy's interests;
- h) Interministerial Ordinance No. 10 of April 6, 2018: Provides for the granting of temporary visas and residence authorization for purposes of humanitarian sheltering for Haitian citizens and the stateless resident in the Republic of Haiti;
- i) Interministerial Ordinance No. 11 of May 3, 2018: Provides for the procedures to request naturalization, equality of rights, loss, re-acquisition of Brazilian citizenship, and revocation of the decision of loss of Brazilian citizenship, among other provisions;
- j) Ministry of Justice Ordinance No. 218 of February 27, 2018: Provides for the procedure of assessment of the condition of economic weakness for exemption of fees to obtain documents for migratory regularization and payment of fines;
- k) Interministerial Ordinance No. 15 of August 27, 2018: Amends Interministerial Ordinance No. 9/2018 in order to exempt vulnerable immigrants from submitting an identity card with filiation information, in which case it shall be self-declared by the applicant;
- l) Interministerial Ordinance No. 2 of May 15, 2019: Amends Interministerial Ordinance No. 9/2018 in order to allow the request for authorization to be made by any parent, representative or legal assistant, as the case may be, separately or jointly, in case of migratory regularization of a child, teenager or any person deemed absolutely or relatively legally incapable.

351. Regarding the execution and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by consensus in the United Nations General Assembly, it is in force in the international

legal system as a rule of Public International Law and as the main international treaty regarding migration within the scope of the United Nations. The process of incorporation of international treaties into the Brazilian legal system has certain stages that rely on the participation of the Executive and Legislative Branches, pursuant to art. 84, item VIII of the Brazilian Federal Constitution, which establishes that it is incumbent exclusively upon the President of the Republic to enter into international treaties, conventions and acts, subject to National Congress referendum.

352. The aforementioned Convention neither creates new rights nor establishes additional ones. Its wording protects migrant workers, whether in regular or irregular standing, and guarantees their social, civil and political rights, just as the new Brazilian Migration Law does.

353. Additionally, several issues provided for in the Convention are similarly addressed by the Migration Law, such as the repudiation of collective expulsion or deportation; the guarantee of freedom of thought, conscience and religion; and the right to association, including in trade unions, for legal purposes.

354. Also in line with the human rights perspective introduced by the new Migration Law, it is important to highlight the amendment to Law No. 13,684 of June 21, 2018, resulting from the conversion of Provisional Measure No. 820 of February 15, 2018, which provides for emergency assistance to persons in situation of vulnerability arising from migration caused by humanitarian crises. Such law has also established the Federal Committee for Emergency Assistance, which is composed of the Ministry of Women, Family, and Human Rights, among other bodies, and is responsible for establishing the federal public administration's guidelines and priority actions in implementing such measures. By offering general guidelines for government action in cases of migration arising from humanitarian crises, especially assistance to persons in situation of vulnerability, this Law has contributed to the completion of the Brazilian policy on migration management, in line with the protective character of the Migration Law.

355. Within the scope of the Federal Committee for Emergency Assistance and the context of the increase of Venezuelan migration into Brazil, it is important to highlight

the operation of Reception, Identification, and Screening Stations dedicated to receiving, identifying and bringing into compliance Venezuelan citizens crossing the border into Brazil through the state of Roraima. These stations have been in place in the cities of Pacaraima and Boa Vista since, respectively, June and September 2018. The assistance provided by them relies on the Armed Forces' logistic coordination and also on the participation of the Federal Police Department; the Federal Revenue; the Ministry of Citizenship; the Ministry of Women, Family and Human Rights; health care and vaccination professionals; and representatives of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF).

356. Migration control at the border between the cities of Pacaraima (state of Roraima, Brazil) and Santa Elena de Uairén (Venezuela) recorded, between 2017 and April 2019, the entry of 262,307 persons from Venezuela. Within this group, 109,792 people left Brazil, and 152,515 people who have not been registered as leaving the Brazilian territory have in theory remained in the country. After arriving in Brazil, a substantial portion of this population applied for a request for acknowledgement of the condition of refugee. Until December 2018, 85,438 applications had been received, 61,681 of which in 2018 only. This is the largest flow of refugees received by Brazil, which has adopted a policy of wide-ranging assistance, with the guarantee of rights such as health care, education and livelihood. It should be highlighted that the National Committee for Refugees (CONARE) acknowledged, in June 2019, the situation of "severe and generalized infringement of human rights" in Venezuela, pursuant to item II of article 1 of Law No. 9,474 of 1997. Since then, this decision has enabled the adoption of a simplified procedure in the process of determining the condition of refugee for Venezuelan citizens, including eligibility interviews.

357. In this context, we can also emphasize the operation of 13 federal shelters for assistance to Venezuelans in Roraima state as well as the strategy of relocation of these immigrants to other states across the country in a Brazilian Air Force aircraft or by means of offering seats in commercial flights. Up to now, shelters in Roraima offer about 6,500 vacancies for immigrants. Meanwhile, the relocation strategy has enabled the

transportation of 10,200 immigrants to other 24 Brazilian states since April 2018, upon prior expression of their will, pursuant to art. 5, paragraph 4 of Law No. 13,684/2018.

358. Brazil is also providing assistance to persons affected by the conflicts in Syria. Since 2013, the country has a special visa program that facilitates these persons' access to the national territory, where they can seek refuge.

359. The direct work with refugees in community projects is also an extremely relevant measure in order to integrate refugees in the Brazilian community. As an example, many universities have been promoting access to education, revalidation of diplomas and Portuguese language lessons to refugee groups. The Sérgio Vieira de Mello Course, created in 2003, aims at disseminating university education on topics related to refuge, in addition to promoting education and training of professors and students within this scope.

360. Additionally, on July 4, 2018, Decree No. 9,440 was enacted approving the III National Plan to Combat Human Trafficking (III PNETP), which contain Federal Government measures to prevent and combat the crime of human trafficking for the next four years. The plan includes 58 goals distributed across six main topics: policy management; information management; training; accountability; care for victims; and prevention and public awareness.

361. The III PNETP is the result of a cycle of assessment of public policies that ended in September 2017 with the "I International Symposium on Human Trafficking and Migrant Smuggling". In this event, experts and representatives of different sectors of the Government and civil society analyzed the performance of the preceding plans – the I and II National Plans to Combat Human Trafficking.

362. Accordingly, in addition to the Human Trafficking Law and the III National Plan, the Government adopted other important initiatives over the last two years.

363. Through the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (GLO.ACT), implemented in Brazil especially by the United Nations Office on Drugs and Crime, in 2018 the General Coordination Office to Combat Human Trafficking at the Ministry of Justice and Public Security supported and/or

participated in many trainings with partners in the National Policy to Combat Human Trafficking:

- October 2017: *DPU Itinerante* Program in Boa Vista and Pacaraima – Free legal assistance to vulnerable Venezuelan migrants in Boa Vista and Pacaraima (state of Roraima), Manaus (state of Amazonas), and Belém (state of Pará), focused specially on identifying cases of human trafficking. More than 900 migrants received assistance.
- March 2018: 1st Technical Meeting to coordinate federal bodies that have a database, receive complaints and reports, investigate, have call centers or that provide assistance in cases of human trafficking (*Disque 100, Ligue 180*, the Ministry of Foreign Affairs – MRE, MJSP, the Federal Police, the Federal Highway Patrol and the Federal Public Defender’s Office) – Brasília, Federal District;
- May 2018: 2nd Technical Meeting for Implementation of the Protocol of the Mercosur Meeting of Ministers and High Authorities of Women (RMAAM Protocol) for women in human trafficking situations – Brasília, Federal District;
- June 2018: International Meeting of Technical Offices of the National Committees for Combating Human Trafficking – Bogota, Colombia;
- June 2018: *Casa Abrigo* Workshop and alternatives for sheltering women in human trafficking situations – Brasília, Federal District;
- June 2018: *DPU Itinerante Corumbá* Program – Free legal assistance to vulnerable Haitian migrants in Corumbá (Mato Grosso do Sul), with a special focus on the identification of cases of smuggling of migrants. Six Haitians imprisoned for entering the country illegally were released.
- July 2018: Workshop on Human Trafficking, Smuggling of Migrants and Human Mobility – Manaus, State of Amazonas;

- August 2018: III District Symposium of the Network for Assistance to Migrants, Refugees and Fight against Human Trafficking: Consolidating public policies – Brasília, Federal District;
- August 2018: Event “Eleutheria Project: Training to identify, investigate and combat human trafficking” – São Paulo, State of São Paulo;
- September 2018: V National Meeting of the State Commissions for Eradication of Slavery (COETRAEs) – Ilhéus, State of Bahia;
- October 2018: “Hackathon” with the purpose of developing a technological solution for the fight against human trafficking (Partnership between the National Secretariat of Justice, the Brazilian Association for the Defense of Women, Childhood and Youth, and IBM).
- November 2018: Seminar for Knowledge Exchange related to the inspection, assistance and identification of victims of human trafficking committed in the Guarulhos Airport (São Paulo), with the presence of Federal Police agents, airline employees and other employees of the Fight against Human Trafficking (ETP) network in São Paulo.
- November 2018: I Conference on Consular Assistance, Human Trafficking, Gender Violence and Correlated Issues. The conference aimed at training consular employees and psychologists working in the consulates and Embassies in Brazil, in order for them to proactively identify victims of trafficking and to provide them humanized assistance and mental health care;
- December 2018: *Dragão do Mar* Project: Training for the identification, investigation and intervention in cases of labor analogous to slavery and human trafficking, for approximately 40 participants.

364. The cycle of the GLO.ACT Project was completed in June 2019.

365. Additionally, the *Atenção Brasil* Project – Strengthening the capacity of the Brazilian Government to combat human trafficking – is fully operational. The project is implemented by the International Centre for Migration Policy in partnership with several

Brazilian agents (National Secretariat of Justice, Federal Police, Federal Prosecution Service and Migrations and Human Rights Institute). The project has three specific goals:

- 1) To strengthen relevant authorities and institutions capacity to apply new laws and regulations for the fight against human trafficking, with emphasis on victim-oriented policies;
- 2) To ensure better coordination and information exchange among all institutions involved in the investigation and prosecution of the crime of human trafficking;
- 3) To improve assistance and services provided to victims of trafficking.

366. In this scope, hundreds of government representatives have been trained to effectively implement the Human Trafficking Law (Law No. 13,344/2016).

14. HUMAN RIGHTS DEFENDERS

Recommendations related to the topic:

136.57 – That anti-terrorism law combats only terrorist groups and does not consider human rights defenders (Iraq);

136.111 – Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system (Tunisia);

136.112 – Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found to be responsible are brought to justice (Belgium);

136.113 – Provide full implementation of the National Policy for the Protection of Human Rights Defenders (State of Palestine);

136.114 – Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders (Netherlands);

136.115 – Restore functionality of the National Programme for the Protection of Human Rights Defenders (Norway);

136.116 – Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders (Poland);

136.117 – Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families (Slovakia);

136.118 – Implement the National Plan for the Protection of Defenders (Australia);

136.119 – Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources (Czechia);

136.120 – Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks (France);

136.121 – Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multidisciplinary teams to implement it (Ireland);

136.122 – Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders (Mongolia);

367. The Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPDDH) of the National Secretariat for Global Protection of the Ministry of Women, Family, and Human Rights (SNPG/MMFDH), pursuant to its responsibilities defined in Decree No. 6,044/2007, Decree No. 9,937/2019 and Ministerial Ordinance No. 300 of September 3, 2018, **supervises and coordinates actions and measures for protection, prevention and resolution of conflicts**. Based on consolidated procedures, the supervision includes systematic monitoring processes (remote contact and on-site services), in support of the submission of the situations presented by the defenders to the competent authorities.

368. It is important to note that PPDDH's goals and actions are based exclusively on institutional coordination, aiming at strengthening the protection of human rights and the commitment of institutional stakeholders to act within the scope of their responsibilities in order to cease or mitigate the risk. Such prerogatives are outlined in the principles of protection and assistance of the National Policy for the Protection of Human Rights Defenders – PNPDDH, approved by Decree No. 6,044, of February 12, 2007.

369. Accordingly, among the guidelines of the PPDDH, it is important to highlight the **visibility** of the fight of the monitored leaders through network operations, which implies the joint responsibility of civil society and the Government to promote and defend human rights in the country.

370. PPDDH's nature refers to **coordination** and is not just aimed at ensuring physical integrity and safety to monitored individuals, but rather and above all at analyzing and discussing each case with quality, in order to prepare institutional strategies resulting in the mobilization and implementation of measures that positively contribute to overcoming the causes of human rights defenders' risk/vulnerability.

371. Due to its **coordination** nature, PPDDH has the challenge of interacting federatively with the states where threats are reported, considering that the management of some sectors such as public security is under the responsibility of the local administration and that there is no referral to federal bodies for the implementation of such public policies.

372. The Program for the Protection of Human Rights Defenders is in full effect across the national territory, with a federal team – in charge of the cases in states that do not yet have their own partnership to implement the PPDDH locally – and nine state programs namely in: Amazonas, Bahia, Ceará, the Federal District, Maranhão, Mato Grosso, Minas Gerais, Pará, Pernambuco and Rio de Janeiro, and in which 528 human rights defenders are currently monitored.

373. PPDDH aims at **strengthening federalism** through joint actions coordinated with all government levels to protect human rights defenders, as well as actions regarding the causes of risk or threat; promotion of bilateral or multilateral international cooperation; integration with national and international non-governmental organizations; and organization of a network for protection of human rights defenders involving civil society organizations and all government levels. These activities require action and commitment by the entire federation with a view to protecting rights and making them effective.

374. The most common protective measures involve on-site visits to the defender's location of exercise for preliminary analysis of the case and of the threat; public hearings

on conflict resolution; dissemination of the activities developed by the defender and by the Program; coordination with bodies involved in the solution of the threats; monitoring of the investigations and reports; monitoring through periodic visits to the defender's location of exercise to verify the continuity of risk and threat situations; temporary removal of the defender from their location of exercise in exceptional and emergency situations; coordination with state security forces for police protection in cases of severe threat.

375. It is important to note that such measures comprise coordination with Ministries, the Justice System public bodies acting on inspection, regularization, land registration, threat investigation and punishment. Such coordination efforts aim at the implementation of effective actions of investigation, prevention and fight against violations and impunity, so that human rights defenders are able to develop their activities at their location of exercise, as well as to enable access to other public policies.

376. Therefore, in addition to the protection of personal integrity, the Program ensures the continuity of human rights defenders' activities through the coordination of measures with government agencies and civil society, aiming at providing visibility to collective causes and helping strengthen defenders' activities in their areas.

377. Brazil acknowledges the significant contribution of such defenders to the protection of human rights in the country, as well as the Government's responsibility and duties to cease and punish the persons responsible for acts against their lives. As a rule, under Brazilian laws and regulations, state courts are originally competent for the investigation and prosecution of crimes.

378. Additionally, the Brazilian Constitution enshrines the rule of non-intervention of the Federal Government in states and the Federal District. The Prosecutor General of the Republic shall be solely responsible for the filing of a motion for change of jurisdiction of local investigations and proceedings to the Federal Courts, in the exceptional event of evidence of severe violation of human rights, pursuant to the requirements and for the purposes of ensuring performance of obligations arising from international human rights treaties to which Brazil is a party.

379. Civil society participation is currently guaranteed within the scope of the National Human Rights Council (CNDH) at the Permanent Commission of Human Rights Defenders and Fight Against the Criminalization of Social Movements, established by Resolution No. 9 of December 3, 2015. This Commission receives and examines complaints of threat and violations of human rights defenders' rights, preparing recommendations; proposing measures to prevent, protect, redress and punish those responsible; and contributing to public policy improvements.

380. It is important to emphasize that in 2018 the budget for PPDDH was the largest one since its creation, reaching R\$11.7 million. We also highlight the approval of the budget supplementation of R\$3 million in order to ensure the continued enforcement of this policy, as well as the expansion of the network of human rights defenders' protection. This measure reaffirms the Brazilian Government's commitment to protecting the persons fighting for the implementation of human rights in the country.

381. In order to improve the protection policy of human rights defenders, a series of measures have been taken to reduce bureaucratic obstacles in the first stages, thus making the analysis on the inclusion of cases more expeditious; enhance the alerts system; and strengthen the network for support of protection. Also, strategic actions have been adopted to mitigate situations that create conflicts and pose threats to human rights defenders.

382. In Ordinance No. 300, enacted on September 3, 2018, the Ministry of Women, Family and Human Rights explicitly included social communicators and environmentalists in the list of human rights defenders to be protected under the PPDDH. The latter became then the Program for Protection of Human Rights Defenders, Social Communicators and Environmentalists, and was later approved upon the enactment of Decree No. 9,937/2019, which consolidated the change of name and established PPDDH's Deliberative Council. Decree No. 9,937/2019 has enabled increased participation of other relevant federal entities, as well as the possibility to invite civil society organizations to participate in groups and committees under the Deliberative Council.

383. Additional emphasis should be put on a series of actions related to the communicators segment:

- a. Workshop to discuss violence against communicators, coordinated by the Ministry of Women, Family and Human Rights (MMFDH) in partnership with the National School of Public Administration. The event was attended by governmental representatives and members of civil organizations and aimed at proposing actions to reduce violence against Social Communication professionals. It also discussed solutions within the scope of the Program for Protection of Human Rights Defenders, Social Communicators and Environmentalists (PPDDH).
- b. MMFDH's commitment to take specific measures to promote visibility and appreciation to communicators. In this regard, the **#RespeiteoComunicador** campaign was launched on December 4, 2018, with advertising cards in social media.
- c. Training session for the technicians at the PPDDH to act and assist communicators. This event took place on December 12, 2018 at the III National Meeting of the Protection Programs' Technical Teams, held by organizations *Intervozes*, *Artigo 19* and *Repórteres Sem Fronteiras*. The final report of a workshop held earlier in September was presented to the attendees, who discussed more suitable assistance measures to the public.
- d. Preparation of the *Aristeu Guida* Guidebook – International Standards for Protection of Human Rights of Journalists and Other Communicators⁴, which was launched on December 12, 2018 at the III National Meeting of the Technical Teams of the Protection Programs.

⁴ *Aristeu Guida* Guidebook: https://www.mdh.gov.br/todas-as-noticias/2018/dezembro/cartilha-governamental-sobre-a-protecao-de-jornalistas-e-outros-comunicadores-sera-lancada-nesta-quarta-feira-12/copy2_of_v5_CartilhaAristeuGuida.pdf

15. BUSINESS AND HUMAN RIGHTS

Recommendations related to the topic:

136.51 – Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities (Netherlands);

136.52 – Draft a comprehensive national plan of action on business and human rights, that would take into account the United Nations Guiding Principles in this regard (Paraguay);

136.53 – Draw up an action plan for business and human rights (Sierra Leone);

136.54 – To further continue the efforts to punish those responsible for the breaking of the retaining walls in Jacareí and Mariana; and to ensure that the victims of this event are guaranteed their right to access to justice, and their right to fair compensation, remediation and reparations for the damage caused. We recommend that Brazil share these acquired experiences through its constructive and substantive participation in the Intergovernmental Working Group established through resolution 26/9 of the Human Rights Council (Ecuador).

384. The National Program for Human Rights (PNDH-3), established by Decree No. 7,037 of December 21, 2009 and updated by Decree No. 7,177 of May 12, 2010, provides for human rights and corporate responsibilities and sets goals and programmatic actions in this regard. It is considered an important national regulatory provision. Based on this benchmark, for example, the Government is getting involved in initiatives, discussions and collective construction on the topic of Business and Human Rights.

385. In this context, it is important to highlight some actions of the Ministry of Women, Family and Human Rights, such as: Regional Consultation on Business and Human Rights of the Economic Commission for Latin America and the Caribbean (ECLAC); Regional Seminar on Human Rights and State-Owned Companies; Discussion on Contemporary Challenges: companies, urban mobility and human rights; the 6th Forum on Business and Human Rights; workshop on “Business and Human Rights: from the Guiding Principles to the National Plan”; workshop on “OECD Guidelines for Multinational Companies and UN Guiding Principles on Business and Human Rights”. As noted, the Ministry of Women, Family and Human Rights participates in a set of events

and develops actions relevant to the general scope of this topic. Meanwhile, other actions focus on specific target groups or topics and are at different levels of depth and adherence to the Guiding Principles and the Framework established by the UN Human Rights Council.

386. In September 2017, a partnership was established between the former National Office for Citizenship of the former Ministry of Human Rights (now Ministry of Women, Family and Human Rights) and the Working Group for Human Rights and Business at *Fundação Getúlio Vargas* (FGV) Law School. This partnership aimed at preparing a publication with technical and scientific data on business and human rights, seeking to promote the debate about such topic in the country. Thanks to this partnership, the “Implementing the Guiding Principles on Business and Human Rights: the duty of the Government to protect and the responsibility of the companies to respect human rights” booklet was prepared and is available at <http://www.mdh.gov.br/noticias/2017/novembro/cartilha-empresas-e-direitos-humanos-1/>.

387. This booklet encompasses the UN Guiding Principles on Business and Human Rights; the paradigms for Governments and companies in the implementation of these principles; the duty of the Government to protect human rights and the duty of businesses to respect human rights; and prominent aspect of this subject based on the UN Working Group Report; among other matters that may contribute to the debate about this matter.

388. Another initiative that deserves emphasis is the preparation of a Response Plan for the Recommendations issued by the UN Working Group on Business and Human Rights (WGBHR/UN) for the Brazilian Government. The Response Plan aims at compiling information on major recommendations by international bodies and identifying stakeholders and persons in charge. This work will lead to a diagnosis on the implementation of this topic in Brazil, which, in turn, will support the establishment of a national agenda and public policies related to it.

389. The preparation of the Response Plan took into account other documents, such as: the Report of the Working Group on Business and Human Rights of the United Nations

– Report A/HRC/32/45/Add.1, of May 12, 2016; the Report of the National Human Rights Council – Report on the collapse of the tailings dam of the Samarco mining company and its effect on Vale do Rio Doce (May 2017); the PNDH-3 – National Program for Human Rights 3; UPR – Interim Report on the Analysis of Brazil – 26th Session (from May 1 to 12, 2017); and the Report of the Special Rapporteur on the rights of the indigenous peoples on her mission to Brazil (August 8, 2016).

390. The preparation of the document started in 2018 upon inquiry made by the Ministry of Women, Family and Human Rights with more than 130 stakeholders, including state-owned institutions, governmental entities and bodies, private companies, and civil society organizations. The inquiry's aim was to gather information on each stakeholder's actions relating to the implementation of the recommendations, as well as on the possibility of taking new actions to implement them.

391. Between June 24 and July 19, 2019, a public consultation was made available on the Ministry of Women, Family, and Human Rights' website (<https://www.mdh.gov.br/todas-as-noticias/2019/junho/ministerio-disponibiliza-consulta-publica-sobre-protecao-aos-direitos-humanos-nas-empresas>) regarding a document based on 40 stakeholders' answers on human rights policies related to the UN Working Group's recommendations. The consultation aimed at enabling extensive dissemination and participation with respect to the results obtained from the first survey. Additionally, the consultation also intended to seek additional information to prepare a more comprehensive document that may serve as grounds for the assessment of the implementation of the subject of business and human rights in Brazil.

392. Specialized consultants are currently compiling information obtained in the public consultation, for later preparation of a final document that may assist the Brazilian Government in the discussion of a national policy strategy with the participation of several stakeholders, to advance the agenda of business and human rights.

393. As to the formal creation of a National Action Plan on Business and Human Rights with the characteristics suggested by the UN, the Brazilian Government maintains dialogues with civil society about the efficiency of the plan itself. This dialogue takes into

account the existing experience and its principle character. It also considers the UN international standards, which establish the need for mapping human rights protection/violation practices by businesses, in light of the policies, laws and strategies already in effect. Moreover, this dialogue aims at detecting legal loopholes and the collect data on practices that shall be addressed in a National Plan on Business and Human Rights for effective human rights protection.

394. Therefore, the implementation of a National Action Plan must be preceded by studies and surveys in a basic assessment of Brazilian reality. This initiative shall include the analysis of Brazilian policies; data collection on actions within the public and private scopes, on pre-existing rules and on challenges for the implementation thereof, that may guide the relationship between businesses and human rights. The Brazilian Government has been making progress in this context, with the publication of the Guiding Principles – as evidenced above – and with the construction of the Response Plan to the Recommendations to the Brazilian Government on Business and Human Rights.

395. As to the recommendation regarding the collapse of the Fundão Dam, which has affected the City of Mariana, among others in the states of Minas Gerais and Espírito Santo, it is important to mention the Conduct Alteration and Adjustment Agreement (TTAC) referred to in the previous reports. This agreement was signed by the Federal Government, the states of Minas Gerais and Espírito Santo, entities from federal and state indirect public management bodies and the companies indicated as defendants in a Public Civil Action regarding the case (Samarco Mineração S.A., BHP Billinton Brasil Ltda. and Vale S.A.). The TTAC, which is a proposal for a global, efficient and consensual solution for the nefarious environmental and social effects of this catastrophe, has prioritized compliance with national environmental laws and regulations and international treaties on environment and human rights. The TTAC has not posed any obstacles to affected in the defense of their interests by means of regular instruments. In other words, the consensual solution did not eliminate or dismiss the participation of the Judiciary Branch – neither could it have done this, given the constitutional clause providing for comprehensive access to the jurisdiction (article 5, item XXXV, of the Constitution of the Federative Republic of Brazil). The TTAC only includes a proposal for an alternative and

optional solution to individual lawsuits, which may still be filed, including through the public defender's Office, if the petitioner does not have sufficient resources to do so with a private lawyer.

396. In addition to the TTAC, it is imperative to mention a subsequent agreement named "TAC-Governance" (Conduct Adjustment Agreement), signed by the Prosecution Services (Federal and State ones) and the Public Defender's Offices (also Federal and State ones) in addition to the stakeholders under the aforementioned TTAC. The "TAC-Governance" agreement aims at enhancing the TTAC governance system and broadening effective participation of the people affected by this harmful event at Fundão.

397. In light of the framework set forth and enhanced in the agreements above, the rights of the affected people are being respected, within the scope of whether socio-economic projects or social and environmental projects. Additionally, especially after the TAC-Governance (TAC-GOV) was signed, the possibility of renegotiating the programs for full compensation for the losses has increased, without prejudice to the maintenance, continuity, and effectiveness of the actions, measures and projects already in progress (Chapter XIV of the TAC-GOV).

398. Furthermore, compliance with measures provided for in such agreements is subject to constant monitoring by an inter-governmental framework referred to as CIF (Inter-Federation Committee), in addition to the Prosecution Service and the Public Defender's Office.

399. It is also worth to highlight inter-governmental actions related to the Córrego do Feijão dam collapse, in the City of Brumadinho (Minas Gerais), in which the Ministry of Women, Family, and Human Rights has participated. After such disaster, the Ministry of Civil Affairs developed an initiative for the establishment of an Executive Office for Crisis Management to coordinate emergency actions aiming at assisting victims. Moreover, Decree No. 9,691 of January 25, 2019 created a Ministerial Council for Supervision of Disaster Response and a Committee for Management and Assessment of Disaster Response, with the following duties: I – to monitor the procedures carried out to resolve the affected population's demands; II – to monitor recovery and reconstruction

measures; III – to coordinate and monitor actions of public bodies and federal agencies, as well as to propose actions to be taken by public bodies and state and municipal agencies; IV – to propose studies or measures with the purpose of enhancing laws and regulations; and V – to support actions of the National System of Protection and Civil Defense, according to Law No. 12,608 of April 10, 2012.

400. The Council and the Committee were composed of several bodies such as the Ministry of Defense; the Ministry of Citizenship; the Ministry of Health; the Ministry of Mines and Energy; the Ministry of the Environment; the Ministry of Regional Development; the Ministry of Women, Family and Human Rights; the Institutional Security Office at Presidency of the Republic, the Office of the Attorney General of the Union; the Ministry of Justice and Public Security; the Ministry of Economy; and the Ministry of Infrastructure.

401. The Committee for Management and Assessment of Responses was in charge of monitoring the help and assistance actions, restoration of essential services affected, recovery of ecosystems and reconstructions.

402. In order to support and provide information structured by the Ministerial Council and the Management Committee, a Technical Group was created, integrating members with extensive knowledge of repair and remediation of environmental disasters. Through two Workshops, the Technical Group mapped the problems arising from the rupture of the dam and assessed the actions taken, those in progress and those planned by the relevant bodies aiming at mitigating the problems. The problems were classified under 7 topics, namely: health; socio-economic issues; risk planning; governance; regulatory framework; legal matters; and environment. Additionally, actions for mitigation of the damages caused to the victims were mapped.

403. The Ministerial Council for Supervision of Responses to Disasters, based on Decree No. 9,691 of 2019, amended Resolution No. 2 of January 28, 2019, creating the Subcommittee for Drafting and Updating Laws and Regulations, aimed at preparing the draft update and revision of the National Policy for Safety in Dams, established by Law No. 12,334 of September 20, 2010. The wording provided new powers to inspection

entities and more severe sanctions for companies violating human rights and environmental laws.

404. Furthermore, the National Mining Agency enacted Resolution No. 4 of February 15, 2019, which establishes preliminary regulatory measures to ensure stability to tailing dams, especially those built or raised using the method referred to as “upstream” or through an unknown method. Such resolution has prohibited the use of the method referred to as “upstream” to build tailing dams throughout the national territory and determined the closure, deactivation or decommissioning of all dams built “upstream” by August 15, 2021. The National Secretariat for the Family of the Ministry of Women, Family and Human Rights has been monitoring and providing support to families in the location.

405. With respect to the actions of the Ministry of Women, Family and Human Rights (MMFDH) to establish a national policy strategy for the topic, on November 19, 2018, the seminar on the topic “Business and Human Rights: a new perspective of promotion and protection” was held. The event was open to the public and was attended by the Business and Human Rights Committee (CEDH), established by Ordinance No. 289 of MDH, which reinforces the importance for the civil servants of the Ministry to discuss the main agendas and progress in the topic.

406. Additionally, on November 22, 2018, Decree No. 9,571, of November 21, was enacted establishing the National Guidelines on Business and Human Rights for medium- and large-sized companies, including multinational companies operating in the country. The document, which was based on the UN Guiding Principles for business and human rights, establishes the obligations of the Government with respect to the protection of human rights in business activities; the responsibility of companies related to human rights; access to mechanisms of remediation and redress; and the implementation, monitoring and assessment of the Guidelines. In summary, that decree establishes measures for the promotion and implementation of the principles of UN business and human rights for the Government and national and multinational corporations operating in the country, in addition to inspection, accountability and remediation criteria in order to prevent and repair any impacts on human rights.

407. With respect to the participation of Brazil in the Inter-Governmental Working Group created in Resolution No. 26/9 of the Human Rights Council, it is worth to highlight that Brazil took on a commitment to actively contribute to the shaping of opinions about the binding Treaty on Business and Human Rights, reaffirming that the implementation of the Guiding Principles through national initiatives and the preparation of a binding instrument are complementary actions and support each other mutually.

408. In this regard, the Brazilian Government has worked to facilitate substantive negotiations in search for convergence and consensus, given the acknowledgment of its duty and national and international commitment to human rights.

409. The Ministry of Women, Family and Human Rights has helped gather data and elements for the project of an international binding instrument on business and human rights, together with the Ministry of Foreign Affairs. Thus, it is important to highlight the presence of representatives of Brazil in the 4th session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (OEIGWG) in Geneva from October 15 to 19, 2018. Another initiative that deserves emphasis is the preparation of the Open Letter by Companies for Human Rights. This instrument establishes the commitment made by the Brazilian Government and companies in favor of human rights protection. The Letter was signed by the Ministry of Women, Family and Human Rights, the Labor Prosecution Service and some limited liability companies, such as *Banco do Brasil*; *Banco do Nordeste*; the Brazilian National Bank for Economic and Social Development (BNDES); *Caixa Econômica Federal*; *Correios*; *Eletrobrás*; and *Petrobras*.

410. The Open Letter lists actions to be taken by companies for the promotion and defense of rights, such as the adoption of a human rights policy/program; the implementation of educational activities on human rights; the promotion of actions of appreciation of workers, in respect to vulnerabilities. Moreover, it provides for the adoption of policies for communication, inspection and sanction directed to collaborators, for the preservation of rights and the prevention of reprehensible practices; for the dissemination of public reporting channels; and for the performance of due diligence on human rights, seeking to measure the actual and potential impact of their activities, giving

account of such impacts by publishing reports, among other actions. The Letter was signed on November 21 at the Human Rights Award ceremony.

411. The Ministry of Women, Family and Human Rights, in partnership with the National School of Public Administration, has developed the National Program of Continuing Education in Human Rights (PNEC-DH), with the main goal of offering distance-learning courses (of short and medium duration) on the Government Virtual School (EVG) platform. These courses serve continued education of public servers, educators, social movements and organizations, as well as other professionals acting or interested in the field of Human Rights. In this context, a course on “Business and Human Rights: the role of the State, Companies, and Society in Promoting and Respecting Human Rights” is being prepared in order to train and raise awareness among public officials, legislators and the general public on the UN Guiding Principles, Responsible Business Conduct, Due Diligence, Social Responsibility, as well as other concepts based on the current discussion on this topic within the UN and the OECD. As to the recommendations for the Government, the course on Business and Human Rights is in line with international commitments on this topic in terms of the need to “educate public officials and legislators on the obligations and responsibilities of the State and all companies, including the state-owned, to prevent and repair adverse impacts on human rights related to corporate activities.” Additionally, it is worth to mention the development of a research on “Business and Human Rights – Building Synergy”, with the purpose of collecting data and systematizing good practices performed by companies on the topic of human rights, as well as enhancing the environment of respect and appreciation of rights within companies and in society in general.

412. The results to be achieved also have a multiplying potential to create a base with positive experiences that may influence other companies interested in the topic. Finally, the project shall also contribute to guiding the the Brazilian Government’s next steps, as it shall have extended awareness on good practices implemented by companies and it help identify gaps in practices yet to be further disseminated.

413. The study is currently under development stage and shall be published by the end of 2019.

10. HUMAN RIGHTS EDUCATION

Recommendations related to the topic:

136.67 – Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula (Canada);

136.69 – Take all necessary measures to reduce murder rates among AfroBrazilian men, particularly through robust educational programmes adapted to their needs, following recommendations 119.138, 119.154, 119.157, 119.158, 119.159 and 119.160 from the second cycle (Haiti);

136.90 – Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland);

136.105 – Expand custody hearing programmes to cover all pre-trial detainees by passing draft bill 554/2011. Provide specific training according to the Istanbul Protocol to judges and public prosecutors working in custody hearings (Germany);

136.189 – Strengthen its capacity-building programmes for judges and legal personnel on women's rights and violence against women (Thailand);

414. The National Action Plan for Human Rights Education (PNEDH), published in 2006, is based on conceptions, principles, objectives, guidelines and courses of action regarding five main areas: primary education, higher education, non-formal education, education of officials in the justice and public security systems, and security and media. In this regard, Human Rights Education is understood as a systematic and multidimensional process of forming citizens through knowledge construction and dissemination, affirmation of social values, attitudes, and practices, development of methodological and participative processes, and individual and social practices aiming at promoting and defending human rights. The basic principles of Human Rights Education can be traced to the 1948 Universal Declaration of Human Rights: the right to life, human dignity, equal rights, fraternity, the common good, a culture of peace, as well as social and environmental sustainability.

415. Regarding the recommendations on Human Rights Education, the Department for the Promotion of LGBT Rights of the Ministry of Women, Family, and Human Rights (DPLGBT/MDH) engaged in dialogue with the National Secretariat for Public Security of the Ministry of Justice and Public Security (SENASP/MJSP), with a view to updating the course about LGBTphobia and Public Security, taught both as distance education and face-to-face course. It aims at training and raising awareness among security force agents about this issue in the entire national territory. Additionally, the DPLGBT/MDH has been working to enforce the Joint Resolution No. 1 of April 15, 2014, published jointly by the National Council for Combating Discrimination and the National Council on Criminal and Penitentiary Policy, which establishes parameters regarding LGBT persons deprived of liberty in Brazil.

416. The Istanbul Protocol has already been ratified by Brazil and approved by Recommendation No. 49/2014 of the National Justice Council (CNJ). This way, Brazil is complying with one of the recommendations regarding the provision of specific training for judges and public prosecutors working in custody hearings, according to its guidelines.

417. With respect to the specific topic about education of officials in the justice and public security systems, the PNEDH established 21 courses of action based on the understanding that a human rights-focused public policy making regarding the justice system, public security and prison administration requires an integrating, intersectoral and cross-sectional approach with all other public policies aimed at improving quality of life and promoting equality. The National Human Rights Program (PNDH-3) also establishes, in the strategic objectives I and II of the guideline 21 of its fifth axis, training and capacity building in human rights for civil servants in all spheres of government, and, specifically, for officials of the public security system.

418. The Ministry of Women, Family, and Human Rights has implemented human rights training policies, along with the National Program for Continuing Education in Human Rights (PNEC-DH), in partnership with the National School of Public Administration (ENAP), through the an online school of government. Human rights related courses are made available, with an emphasis on non-formal education and long-

distance learning. The courses available since 2018 for which more than 70,000 individuals had registered until March 2019 are the following:

1. Education in human rights (30h);
2. Human rights: a universal declaration (20h);
3. Promotion of the rights of people living on the streets (30h);
4. Promotion and protection of the rights of the LGBT population (30h);
5. Assistance to older persons and rights assurance (30h);
6. Training of human rights councilors (30h).

419. A partnership was also established with IPEA aiming at creating online capacity-building courses directed to councils, on different levels, especially those related to human rights issues in general, including those related to the protection of children and teenagers, older persons, persons with disabilities, and the LGBT population.

420. The specific objectives of the PNEDH are fostering knowledge about human rights as a way of promoting social change, developing autonomy and emancipating individuals by raising critical awareness related to this issue. It also enables an increase in the scope of national education in human rights, through long-distance courses, by establishing methodological parameters to be followed, providing the Brazilian public policy for education in human rights with an identity and optimizing the use of public funds for education in human rights.

421. The National Program for Continuing Education in Human Rights provides courses about human rights, with an emphasis on non-formal education and distance learning for a diverse audience, since non-formal education has many dimensions, reaching groups such as communities, social movements, social organizations, governmental and non-governmental entities, among others.

422. The General-Coordination for Human Rights Education (CGEDH) of the Ministry of Women, Family, and Human Rights helped draw up MERCOSUR's online course of human rights education, established in the scope of the Permanent Commission on Education and Culture (CPEC) of the Meeting of High-Level Authorities on

Human Rights of MERCOSUR (RAADH). The course, with 100 class-hours over the course of 17 weeks, provides tutoring, as well as communication and training environments for educators, professors, pedagogical advisors, researchers and public managers involved in the formulation, implementation, and monitoring of public policies on human rights. After approval of the course's guidelines and program, its first edition began on August 26, 2019. Among the vacancies made available to Brazil, some were distributed to the National Prison Department and to the National Secretariat for Public Security, from the Ministry of Justice and Public Security, and to the Ministries of Citizenship and Education, with an aim to train and capacitate public servants and officials to combat violence and promote a culture of peace.

423. In 2018, the first issue of the Scientific Journal of Human Rights was published. It is expected to continue to be published. The selected articles include topics such as:

1. The right of LGBT people to education: a transformation *in* and *beginning in* the school;
2. An inclusion policy for the person with disability as a matter of human rights;
3. Prevention of violence against women: a review of international practices and urgent actions to be taken in Brazil;
4. The rights of peoples from *terreiros*⁵ at a crossroads: the use of the *atabaque*⁶ and the environment.

424. The understanding of corruption as a main driver of human rights violations has provided grounds for the organization of the I National Seminar on Corruption and Human Rights. In this event, data and indices on corruption, oversight and transparency of government and businesses in Brazil were analyzed. Moreover, national and international rules about this topic were approached, the impacts of loss of moral and social values and of the collapse of some principles established in the 1948 Universal Declaration of Human Rights, such as fraternity, solidarity and common good, were discussed, and paths for corruption prevention and tackling were envisioned, through

⁵ “Terreiro” is a word used in Brazil to describe places of worship for Afro-Brazilian religions.

⁶ “Atabaque” is a tall, wooden, Afro-Brazilian [hand drum](#).

education in human rights, by rewarding civil initiatives and the promotion of networks of cooperation and social cohesion.

425. The grounds provided for at the I National Seminar on Corruption and Human Rights regarding education in human rights have resulted in the organization of forums and congresses related to the right to education and to the rearrangement of school environment and pedagogical relationships.

11. PUBLIC SECURITY

Recommendations related to the topic:

136.29 – Fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court (Estonia);

136.32 – Introduce mandatory human rights training for police agencies, and implement an evidence-based policing programme, to reduce deaths from police action by 10 per cent over the universal periodic review cycle (United Kingdom of Great Britain and Northern Ireland);

136.33 – Implement human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality (Italy);

136.34 – Continue improving human rights education and training for enforcement agencies, public officials, and prison guards (Malaysia);

136.42 – Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons (Colombia);

136.56 – Ensure that its Anti-Terrorist Legislation 2016 corresponds to international human rights standards (Egypt);

136.57 – That anti-terrorism law combats only terrorist groups and does not consider human rights defenders (Iraq);

136.58 – Adopt a code of conduct based on international human rights standards in order to define specific conditions for the use of force by law enforcement officials during protests and riots (Slovakia);

136.59 – Strengthen measures to prevent abuses by some law enforcement officials, including through providing appropriate human rights training (Rwanda);

136.61 – Conduct thorough, impartial, and timely investigations into all allegations of unlawful killings, abuse, torture, and corruption involving security forces and prison personnel (United States of America);

136.62 – Ensure investigations and recommend action against abuses by law enforcers, as a way of curbing violations (Botswana);

136.63 – Strengthen prevention and effectiveness of investigation of cases of police violence through improved supervision and human rights training of law enforcement personnel, namely the military police, and ensure accountability for any acts of police violence (Czechia);

136.64 – Ensure that acts of violence committed by members of security forces are prosecuted in order to combat impunity (France);

136.68 – Undertake strategies to reduce gun violence, particularly among poor black youth (Bahamas);

136.69 - Take all necessary measures to reduce murder rates among Afro-Brazilian men, particularly through robust educational programmes adapted to their needs, following recommendations 119.138, 119.154, 119.157, 119.158, 119.159 and 119.160 from the second cycle (Haiti);

136.70 – Refrain from resorting to violence and extrajudicial executions by the security forces, in particular the so-called “war on drugs” (Bolivarian Republic of Venezuela);

136.71 – End extrajudicial killings and associated impunity, including by passing draft bill No. 4471/2012, by abolishing the classification “resistance to arrest followed by death” and by ensuring that all deaths following police interventions are impartially investigated (Germany);

136.75 – Continue taking measures aimed at improving the conditions in prisons and other detention facilities (Namibia);

136.76 – Improve detention conditions, including basic sanitation and access to water, food and medical care (Republic of Korea);

136.77 – Address overcrowding, sanitation, violence, and medical and psychological care in prisons (South Africa);

136.78 – Take measures to reduce overincarceration, notably by encouraging the use of alternative sentencing and by making sure that pre-trial hearings are widely used (Spain);

136.79 – Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture (Turkey);

136.80 – Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil (Bolivarian Republic of Venezuela);

136.81 – Working jointly with the Federal States to improve detention conditions in Brazilian prisons (Algeria);

136.82 – Continue improving prison conditions and reducing overcrowding (Angola);

136.83 – Ensure respect for and protection of human rights for all detainees including by guaranteeing detention conditions in compliance with domestic as well as international law and standards and by protecting against cruel and inhuman treatment (Austria);

136.84 – Improve as quickly as possible the different aspects of prisoners' conditions (Cabo Verde);

136.89 – Continue to make efforts to protect human rights of persons in detention facilities (Holy See);

136.90 – Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland);

136.91 – Enhance efforts to reform the prison system and to ensure the protection of the human rights of all detainees (Italy);

136.92 – Take measures to improve conditions related to treatment of inmates within prisons, through increasing the capacity as already initiated by the Government and through measures for maintaining order within prisons (Japan);

136.93 – Take necessary measures to increase the number of gynaecologists in the Brazilian prison system (Sweden);

136.94 – Incorporate the Bangkok Rules into public policies to protect female inmates and adopt bill 5654/2016 that prohibits the use of handcuffs before, during and after childbirth on women deprived of liberty (Denmark);

136.95 – Improve prison conditions, particularly addressing overcrowding and violence, including in prisons for women (Australia);

136.96 – Improve facilities dedicated to pregnancy and maternity in prisons, in line with the Bangkok Rules (Thailand);

136.97 – Strengthen prison reform efforts to protect female prisoners from sexual abuse and violence (Bahamas);

136.98 – Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces (Indonesia);

136.107 – Improve judicial processes to minimize the length of pre-trial detention and speed up trials, and consider alternatives to detention to address prison overcrowding (United States of America);

136.112 – Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found to be responsible are brought to justice (Belgium);

136.190 – Strengthen the capacity of police in cases of violence against women by expanding training and developing protocols to respond to cases effectively (Canada);

426. With regards to recommendation No. 136.29, the National Council on Criminal and Penitentiary Policy, which reports to the Minister of Justice and Public Security, has been providing valuable information, analyses and resolutions, as well as intellectually and materially stimulating activities to prevent criminality. This Council is responsible for establishing a new criminal policy, including a penitentiary policy, for the entire

national territory based on periodic assessments of the criminal, criminological and correctional system, and for implementing national development plans regarding the targets and priorities of the policy to be adopted.

427. The National Prison Department, linked to the Ministry of Justice and Public Security (DEPEN/MJSP), on its turn, has prioritized actions aimed at fostering the training of its officials, mainly with regards to policies on abuse of authority, torture and violent conduct in the prison system, as well as human rights and citizenship.

428. Regarding recommendation No. 136.112, the Program for the Protection of Human Rights Defenders of the National Secretariat for Global Protection of the Ministry of Women, Family, and Human Rights (PPDDH/SNPG/MDH) has been following and coordinating protective actions, as well as actions to prevent and solve conflicts related to the situation of human rights defenders at risk and under threat throughout the country, through systematic monitoring of these situations and follow-up measures.

429. When it comes to the investigation of crimes committed against human rights defenders, Brazil acknowledges its responsibility and duty to work to prevent these crimes and to punish those who make an attempt on the lives of these individuals. Nevertheless, as a rule, the Brazilian legislation assigns to the State Courts the original jurisdiction to investigate and prosecute crimes. In this regard, it must be emphasized that the Brazilian Federal Constitution determines, as a rule, the non-intervention of the Federal Government in the federated states and in the Federal District. Exceptionally, in cases of serious human rights violations, the Prosecutor General of the Republic may request, if the requirements are met, in the course of any of the stages of an inquiry or judicial action, that the jurisdiction on the matter be taken to Federal Justice, with a view to ensuring compliance with obligations deriving from international human rights treaties to which Brazil is a party. This means that whenever such situations arise, the case may be referred from State Courts to Federal Courts, as long as this entails a more adequate determination of liability and a better handling of the case.

430. The National Secretariat of Public Security (SENASP), which is part of the Ministry of Justice and Public Security, has carried out, in the last 30 months, the projects

to prevent violence named “*Mulheres da Paz & PROTEJO*” in 6 Brazilian cities. Established through the National Program for Public Security with Citizenship (Law No. 11.530/2007), the projects aim at implementing social preventive measures against criminality in areas of greater social vulnerability by training women (*Mulheres da Paz*) from communities affected by violence, so that they may be able to work to strengthen local prevention networks, as well as to identify, assist, and follow up on young persons between 15 and 24 years old (*PROTEJO*) also residing in these communities who may be in situations of risk, social vulnerability, or exposure to violence, so that they have access to opportunities to follow new social and educational paths, changing their life stories.

431. In the period encompassed by this mid-term report, SENASP has achieved prominence in national support to specific projects aimed at protecting women in situations of domestic and family violence. The so-called “Maria da Penha Patrols” are preventive police rounds in the places of residence of women under urgent protective measures applied by legal authorities after a report of aggression. In this regard, SENASP supports the equipping of security institutions and trainings of professionals, including through dissemination of specific operational protocols.

432. Additionally, SENASP is leading initiatives in the current year to coordinate public security measures related to this topic. On August 16 of the current year, it organized, in its headquarters, a seminar with leaders of the entire country, which will be followed by a series of actions of similar nature.

433. SENASP is also responsible for the national management of the Campaign for the Voluntary Delivery of Firearms and Ammunition, a policy instituted in the Brazilian legal system by Law No. 10.826/2003, which made possible the withdrawal of 31,518 arms throughout the territory.

434. With respect to recommendations No. 136.32, 136.33, 136.34, 136.59 and 136.63, related to human rights education for police officers and public authorities, the Brazilian government informs that the National Action Plan for Human Rights Education (PNEuDH), published in 2006, is based on conceptions, principles, objectives, guidelines and courses of action regarding five main areas: i) Primary Education; ii) Higher

Education; iii) Non-Formal Education; iv) Education of Officials in the Justice and Public Security Systems and v) Education and Media. Section 16 of this report addresses the specific issue of Human Rights Education.

435. With respect to the specific topic about education of officials of the justice and public security systems”, the PNEDH established 21 courses of action based on the understanding that a human rights-focused public policy making regarding the justice system, public security and prison administration requires an integrating, intersectoral and cross-sectional approach with all other public policies aimed at improving quality of life and promoting equality.

436. The National Human Rights Program (PNDH-3) also establishes, in the strategic objectives I and II of the guideline 21 of its fifth axis, training and capacity-building in human rights for civil servants in all spheres of government, and, specifically, for officials of the public security system. The Ministry of Justice and Public Security is responsible for several programmatic actions relating to this topic, eventually along with the Ministry of Women, Family, and Human Rights, in matters pertaining to the issue of human rights.

437. The very portfolio of courses offered by SENASP/MJSP indicates the establishment of an agenda of education of officials of the justice and public security systems with the following topics:

- i) Assistance to women in situations of violence;
- ii) Police performance regarding vulnerable groups;
- iii) The application of the Statute of the Child and Adolescent and its concept;
- iv) Fighting sexual exploitation of children and teenagers;
- v) Human rights philosophy applied to police performance I and II;
- vi) Brazilian Sign Language (LIBRAS) for public security;
- vii) Preventing the mortality of children and teenagers;
- viii) Prevention of and fight against torture;

- ix) Program for the Protection of Children and Teenagers Threatened with Death; and
- x) Public security free from homophobia.

438. The National Prison Department, linked to the Ministry of Justice and Public Security (DEPEN/MJSP), on its turn, has been promoting educational actions for officials of the prison system (in the security and health areas), in order to train them for receiving, caring for and re-socializing those under their supervision. In 2017 and 2018, specific distance-learning courses (EAD) were offered to all prison officials throughout the country on the following topics: public security free from homophobia, assistance to women and assistance to vulnerable groups.

439. In addition, the Executive Office of the National Public Security Force has been promoting the professional training of its personnel, approaching the issues of human rights education, differentiated use of force, prevention of racial discrimination, and assistance to women. During the “Instructions on Leveling of Knowledge (INC)” the following topics are addressed, among others: Acknowledging human rights in a demystified way; Recognizing human beings as right holders; Identifying collective and individual rights; Understanding the application of human rights to police performance; Recognizing police officers as agents who promote human rights and citizenship; Learning the principles of the Differentiated Use of Force (UDF); Understanding the use of force as a way to preserve human rights; Learning the Differentiated Use of Force Models; Applying UDF levels according to the nature of each event; Human rights; Combating domestic violence; Instruments and techniques with lower offensive potential (ITMPO); Fighting femicide; and Ethnic, social and cultural diversity. More than 20,000 officials were trained over the last 14 years.

440. In this context, the National Secretariat for Public Security of the Ministry of Justice and Public Security signed an agreement for decentralized implementation with the Federal University of Ceará to implement the National System for Public Security Information (SINESP) Big Data and Artificial Intelligence project, which developed and implemented a Big Data infrastructure for processing large amounts of data related to

public security in Brazil, enabling the collection, integration, management and analysis of such data through artificial intelligence applications, in order to allow the mapping and measuring of police violence, among other events, producing methodologically reliable statistics and supporting the management of public security strategies and policies.

441. The course “Care and Assistance to Users of Alcohol and Other Drugs in the Prison System” (LASSUS) is underway, offering 5,000 vacancies to security and health care professionals acting in the prison system. Additionally, capacity-building actions regarding the recognition of blackness and the eradication of prejudice in the prison system, as well as interventions in case of mental disorders, the process of receiving the prisoners, and body search of LGBT persons are taking place, with support from the National School of Criminal Services. The above considerations are encompassed in the development of the national policy regarding pluralism in the criminal justice system and the health care policy for the prison system.

442. Furthermore, the National School of Criminal Services (ESPEN) offers human rights courses for civil servants of the Brazilian Prison System. From 2017 to 2018, the following number of persons were trained: 1,353 persons in the topic of assistance to women in situations of violence; 115 persons in the topic of human rights philosophy; 1,703 persons in the topic of prevention of and fight against torture; 1,044 persons in the topic of public security free from homophobia; 217 persons in the topic of differentiated use of force; and 3,327 persons in the topic of human rights and vulnerable groups.

443. DEPEN/MJSP’s 2018 Annual Training Plan, established by Ordinance No. 667 of the Office of the National Prison Department (GABDEPEN), of December 15, 2017, reflects the concern of this institution with actions aimed at promoting citizenship and preventing prejudice. For instance, the Ordinance establishes, with regards to Prison Management, the topic “abuse of authority, torture and violent conducts in the prison system”. When it comes to social policies, there are also topics about “alternatives to imprisonment, human rights and citizenship, social assistance policies in the prison system, specific policies directed at women, pluralism and specific groups in the prison system”.

444. Moreover, DEPEN/MJSP promotes the hearing of its civil servants, in order to map and assess levels of satisfaction as well as demands of Federal Agents of Criminal Enforcement and Federal Specialists Assisting Criminal Enforcement working at DEPEN/MJSP, so as to support actions aimed at the improvement of prison management.

445. With respect to the competences of the Ministry of Defense, it implemented, in 2012, within the Armed Forces, a program of military professional ethics with an emphasis on human rights. It was initially directed only at servicemen involved in operations to guarantee law and order and peace missions. In 2013, this program was implemented in the schools for training and post-training of the Armed Forces. In 2015, the topic of the program was updated and the teaching modules, as well as the bibliography to be studied, were adjusted.

446. Within the scope of the Brazilian Army, the update of the human rights course resulted in the enactment of Ordinance No. 182/EME of August 11, 2015, which approved the “Program of Military Professional Ethics” of the Brazilian Army, to be a part of the training courses for officers and enlisted personnel and in other military training programs. Additionally, such Program, established according to the provisions of the National Defense Strategy, assumed a permanent and mandatory nature. It is provided to officials of all the hierarchical levels, with an aim to systematize and standardize the teaching of the procedures and protocols inherent to military ethics, in light of the moral and ethical values related to human rights.

447. In summary, the topics addressed in modules I, II, and III of the “Program of Military Professional Ethics” with an emphasis on human rights are the following: guidelines of the United Nations and of the Organization of American States; jurisprudence of the Inter-American Court of Human Rights, and human rights agreements and treaties; laws on human rights internalized by the national legislation, their regulation and scope; and general notions of International Law of Armed Conflict.

448. In 2015, the Ministry of Defense verified that 287,186 servicemen had already been trained by either the program or the course about military professional ethics, and 183 instructors had been qualified to teach classes on this subject.

449. The Brazilian Peace Operations Joint Training Center (CCOPAB), which is responsible for preparing and guiding Brazilian servicemen assigned to act in peace and humanitarian missions under the auspices of the United Nations (UN), has, in its schedule program, the following subjects: Humanitarian International Law and Gender for the courses in Anti-Mine Activities, Preparation Training for Commanders and Officers (EPCO-FTM/UNIFIL); Civil-Military Co-operation (CIMIC); United Nations Peacekeeping Capability Readiness System (UNPCRS); Preparation Training for Commanders and General-Staff (EPCOEM); and Preparation Training for Commanders of Subunits and Platoons (EPCOSUBPEL). In these courses, there is one class-hour about Humanitarian International Law and one class-hour about Gender. In the Preparation Training for Peace Missions (EPMP) and the Preparation Training for Journalists and Press Officers in Conflict Areas (EPJAICA), there are, in addition to one class-hour about Gender, two class-hours about Humanitarian International Law. In the latter, there is also one class-hour of International Law of Armed Conflict (DICA).

450. Within the scope of the Brazilian Air Force, the Aeronautics Specialized Training Center, headquartered in the city of Rio de Janeiro, also teaches courses on the abovementioned topic, such as the course on International Law of Armed Conflict and Human Rights (CBDICADH).

451. The Brazilian Army, through the General Inspection Office of the Military Police and the Military Fire Brigades (IGPM), is responsible for monitoring and controlling the organization, the employees, the regulations, and the activities of members of the Military Police and the Military Fire Brigades in United Nations peace missions. It is also responsible for overseeing military equipment and analyzing requests for acquisition of controlled products, for employment in the defense of country, pursuant to the provisions of the Federal Constitution of 1988.

452. Regarding recommendation No. 136.68, it is important to highlight that a generational perspective is being considered in the fight against violence and in other actions taken by the National Secretariat for Policies to Promote Racial Equality (SNPPIR/MMFDH) of the Ministry of Women, Family, and Human Rights to ensure equal opportunities, especially when it comes to Afro-Brazilian youth.

453. The National Secretariat for the Rights of Children and Adolescents of the Ministry of Women, Family, and Human Rights (SNDCA/MMFDH), on its turn, has been preparing and disclosing parameters for hearing children and adolescents in situations of violence, through the enforcement of Law No. 13.431/2017, which establishes a system of rights assurance for children and adolescents who are victims of or who witness violence. This Law, apart from regulating and organizing the system of rights assurance for children and adolescents who are victims of or who witness violence, creates mechanisms to prevent and punish violence and establishes assistance and protection measures for children and adolescents in situations of violence.

454. With respect to partnerships with the justice system regarding custody hearings, the General Coordination Office for the Fight against Torture and Institutional Violence of the Ministry of Women, Family, and Human Rights (CGCTVI/MMFDH) has overseen the drafting and approval of Resolution No. 213/2015 of the National Justice Council (CNJ) regarding custody hearings. From that, CNJ organized a seminar on this topic with the support of CGCTVI/MMFDH, the Association for the Prevention of Torture, the Brazilian Association of Magistrates and the International Bar Association in June 2016.

455. The partnership with CNJ two other seminars were held. The Association for the Prevention of Torture (APT) and the Superior School of Magistrates of the State of Alagoas organized a workshop with the participation of CGCTVI/MMFDH in May 2017. The APT and CGCTVI/MMFDH also organized a seminar in partnership with the Public Prosecutor's Office of the State of Rio de Janeiro in October 2017, about custody hearings for prosecutors, following the proposal of the previous courses.

456. Regarding recommendation No. 136.76, improvements in health care are directly linked to the publication of Interministerial Ordinance No. 1 of January 2, 2014, which created the National Policy for Comprehensive Health Care of Persons Deprived of Liberty in the Prison System (PNAISP) within the scope of the Unified Health System (SUS). Additionally, efforts were made with the National Council on Criminal and Penitentiary Policies to publish Resolution No. 3 of June 7, 2018, which has recommendations aiming at stopping the transmission of HIV, viral hepatitis, tuberculosis and other diseases between persons deprived of liberty. In order to safeguard the care for

food intake, Resolution No. 3 of October 5, 2017 was also published, determining the provision of food and nutrition services to persons deprived of liberty and workers of the prison system.

457. The National Prison Department, linked to the Ministry of Public Security (DEPEN/MJSP), and the Ministry of Health have been seeking to increase the quality of health care in the prison system. In this sense, the PNAISP seeks to increase the quality of health care in the prison system by connecting the internal Basic Health Unit with the entire health care network, thus enabling the referral to gynecological assistance or any other specialized care that may be required to provide persons deprived of liberty with health assistance.

458. Moreover, PNAISP Ordinance No. 482 of April 1, 2014, enables the hiring of a nutritionist for Prison Health Care Teams in facilities with more than one hundred and one inmates. The local management is responsible for choosing among other professionals suggested therein.

459. The Federal Government's competence follows the provisions of Law No. 8.080 of September 19, 1990, regarding the national management of the Unified Health System, in accordance with the principle of political and administrative decentralization, with an emphasis on municipal and regional services, and with the hierarchy of the health care service network (item IX, art. 7). It is up to the municipal management the planning, the organization, the control and the assessment of health care actions and services (art. 18, item I).

460. With regards to the right to adequate food, it is important to highlight that the Department of Primary Health Care, through its General Coordination of Food and Nutrition (CGAN) contributed to the drafting of the National Council on Criminal and Penitentiary Policy (CNPCP) Resolution No. 3 of October 5, 2017, which deals with the provision of food and nutrition services to persons deprived of liberty and the prison system personnel.

461. In 2017, the working group about health in the prison system was resumed, with the following members:

- The National Prison Department of the Ministry of Justice and Public Security;
- The Ministry of Health, through the Department for the Surveillance, Prevention, and Control of STIs, AIDS, and viral hepatitis (DIAHV);
- The Coordination Office for Health Care in Prison of the Department of Primary Health Care (COPRIS/DAB);
- The National Tuberculosis Control Program of Communicable Diseases Surveillance Department of the Health Surveillance Secretariat (PNCT/DEVIS/SVS); and
- International Agencies (UNODC and OPAS).

462. In 2017, a national seminar on HIV/AIDS and co-infection by tuberculosis, STIs and viral hepatitis in the prison system was held, which gave rise to a number of recommendations to the working group about health in the prison system.

463. Furthermore, among the actions taken within the scope of this working group is the project “*Ação, Justiça e Cidadania*”, an initiative by DEPEN/MJSP, in partnership with DIAHV and local health authorities. This project has already been implemented in the State of Rio Grande do Norte (the Alcaçuz Penitentiary), between March 16, 2017 and March 24, 2017; in the State of Minas Gerais (the José Abranches Gonçalves Female Prison), on October 3rd, 2017; in the State of Roraima (the Agricultural Jail of Monte Cristo, the Community Corrections Center, the Public Jail for Male Inmates, the Public Jail for Female Inmates and the São Luiz do Anauá Public Jail), from October 9, 2017 to October 20, 2017; and in the State of Mato Grosso do Sul (Campo Grande Detention Institute and “Irmã Irma Zorzi” Detention Center for Women), from October 9, 2017 to October 20, 2017.

464. Moreover, a situational diagnosis about the offer of STIs/HIV/AIDS and viral hepatitis prevention, diagnosis and treatment to persons deprived of liberty is in progress.

465. As for recommendation No. 136.77, the PNAISP provides health assistance to those who either supposedly or demonstrably have mental disorders, as well as to those who become mentally ill as a result of imprisonment.

466. For those who are serving time in prison, on probation, or those discharged from prison but who still need social therapeutic measures, as well as those under ongoing police investigations or criminal proceedings who are undergoing mental evaluation, there is a service for the assessment and monitoring of measures applicable to persons with mental disorders in conflict with the law, in the scope of the PNAISP. In this regard, there is a multi-professional team responsible for providing mental health assistance, on a scheduled basis, outside the detention facility, pursuant to Law No. 10.216 of April 6, 2001, to in the these persons as patients, and not as inmates subject to imprisonment, following a logic of in deinstitutionalization (Ministry of Health Ordinance No. 94 of January 14, 2014).

467. To provide treatment to persons deprived of liberty who acquired a mental disorder as a result of imprisonment, it may be required the inclusion of mental health assistance within the scope of the prison system`s health care team, according to art. 3 of the Ministry of Health Ordinance No. 482 of April 1, 2014.

468. In both cases, a doctor with experience in mental health, a psychologist, or a psychiatrist is expected to be part of the multi-professional team.

469. Moreover, the National Policy for Comprehensive Health Care for Adolescents Deprived of Liberty (PNAISARI)⁷ aims at organizing health care provision pursuant to the principles of the SUS, enforcing the Federal Constitution, the Statute of the Child and Adolescent, and the National System of Socioeducational Service (SINASE), in order to guarantee the enjoyment by adolescents of their fundamental rights. This policy provides for the transfer of resources to develop health care actions directed at this population. It also establishes criteria and the steps to be taken for adhering to it and for implementing comprehensive health care for adolescents deprived of liberty in detention units, temporary detention centers, and semi-open facilities.

⁷ Implemented in 2004, regulated by Consolidation Ordinance No. 2 of October 3, 2017, Article 4, item X, Annex XVII and by Consolidation Ordinance No. 6 of October 3, 2017, Article 11, item VI, paragraph 2, and Articles 129 to 134, which consolidate the GM/MS Ordinances No. 1.082/2014 and nº 1.083/2014 of May 23, 2014).

470. The rules guiding the PNAISARI address the transfer of resources⁸ to states and cities with reference teams for the local socioeducational system through the reorganization of basic health care services, in order to include adolescents deprived of liberty in the overall health care network. Brazil currently has about 26,000 adolescents deprived of liberty in 452 youth detention centers distributed in 186 cities. The qualification of cities within the PNAISARI is one of the goals of the 2015-2019 Multi-Year Plan. The target set forth is to increase the number of reference teams to provide health care to adolescents deprived of liberty from 60 to 110.

471. The table below showcases the evolution of the qualification of cities within PNAISARI for the period. At present, there are, within the scope of the Ministry of Health, 50 qualified cities in 14 states, with a total of 95 reference teams acting under the guidelines of the PNAISARI.

Evolution of the qualification of cities within the PNAISARI, 2015-2018, in Brazil

Status	2015	2016	2017	2018
States	11	11	11	14
Cities	31	33	36	50
Health care teams	60	62	67 ⁹	95
Adolescents assisted per year	3828	4079	4787	6853
Amount of resources per year¹⁰	1,984,992.00	5,681,184.00	5,403,114.00	3,964,636.50 ¹¹

472. Regarding recommendation No. 136.78, it is important to mention that the Istanbul Protocol has already been ratified by Brazil and approved by Recommendation No. 49/2014 of CNJ, therefore complying with one of the recommendations regarding

⁸ PNAISARI's transfers are part of the Block for Payment of Public Health Care Service Actions, in the work program No. 10.301.2015.20AD PO – 000C – Variable PAB – Health Care Service for Adolescents Deprived of Liberty.

⁹ In 2017, one youth detention center was decommissioned.

¹⁰ One should consider that the payment of the incentive is linked to receipt of the Action Plan for each year. Thus, there are cities that did not receive the incentive in certain months, influencing the total amount paid in each year.

¹¹ Amount paid until July 2018.

the provision of specific training for judges and public prosecutors working in custody hearings, according to its guidelines.

473. Additionally, the Policy to Promote Alternative Sentences is one of the main strategies of DEPEN/MJSP, through its Department of Penitentiary Policies / General Coordination for Alternative Sentences, which aim at rationalizing the prison system, by identifying and reducing the inflow of persons into prison units in order to promote other effective means for holding accountable persons who have committed crimes of lower offensive potential. With this purpose, DEPEN/MJSP funds, together with the federal units, the implementation of Integrated Centers for Alternative Sentences, composed of multidisciplinary teams (psychology, social assistance and law) capable of establishing methods of assistance, monitoring, network coordination and social inclusion, allowing the implementation of alternative sentences determined by the Judiciary Branch.

474. In this respect, the alternative sentences most frequently determined by the Judiciary Branch are penalties involving restrictions of rights, suspension of the legal process in specific conditions, conditional suspension of the legal proceeding and of the penalty, precautionary measures other than arrest and urgent protective measures. Considering its greater capacity to contribute to the reduction of the number of temporary prisoners, DEPEN/MJSP has fostered services provided by the Integrated Centers for Alternative Sentences with regards to custody hearings, focusing on precautionary measures other than arrest.

475. In this context, DEPEN/MJSP currently has 17 effective federal partnerships with states, amounting to an investment of R\$36,212,825.63. While the monthly cost of a person in the Prison System is approximately R\$2,500.00, with alternative sentences the cost of multidisciplinary assistance and monitoring of compliance with the penalties imposed is approximately R\$166.00 per month.

476. On the other hand, the Policy for Electronic Monitoring of Persons is led by DEPEN/MJSP as a supplement to the imposition of alternative sentences, intended for crimes of medium and higher offensive potential also as an alternative to the abusive use of imprisonment. Accordingly, DEPEN/MJSP invests in the use of electronic monitoring

for persons subject to interim measures other than arrest and provisional protective measures. DEPEND/MJSP currently has nineteen effective federal partnerships with states, amounting to an investment of R\$34,277,446.84. Such investments are used to fund the contracting, through the states, of services of installation, maintenance and implementation of electronic ankle braces, as well as the creation of psychosocial teams with a view to enhance the assistance to and the surveillance of the monitored public.

477. In 2018, as a strategy to enhance the contribution of electronic monitoring as a tool for responsible reduction of imprisonment, in addition to funding the use of ankle braces for persons in interim measures and provisional protective measures, DEPEND/MJSP sought to expand partnerships to include persons in the semi-open regime of house arrest, thus contributing to the creation of vacancies during the execution of criminal sentences.

478. As noted, by implementing the Policies for Alternative Sentences and Electronic Monitoring, DEPEND/MJSP may effectively assist the Criminal Justice System in creating actual conditions for sentencing according to the severity of each crime, limiting imprisonment for those whose crimes were actually violent and whose criminal histories represent a risk to society. Electronic monitoring, on its turn, must be used as a second resource for more severe crimes to which imprisonment is not the only possible correctional measure; in which case the first option is the policy for alternative sentences. Therefore, DEPEND/MJSP implements public policies so that criminal sentencing is in strict compliance with legal provisions, whether through imprisonment in cases it is strictly necessary or through electronic monitoring and sentencing alternatives, when required so by criminal laws and regulations.

479. As for recommendations No. 136.75, 136.81, 136.84, and 136.89, the National Prison Department, linked to the Ministry of Public Security – DEPEND/MJSP, has been focusing its efforts to effectively enhance criminal enforcement according to three major axes: (i) alternatives to imprisonment; (ii) modernization of the prison system; and (iii) promotion of citizenship. Regarding the promotion of citizenship and humanization in criminal enforcement, a major challenge is to elaborate a model in line with intersectoral

social public policies that also seeks to prepare persons deprived of liberty for social interaction.

480. Based on article 10 of the Criminal Enforcement Law (LEP),¹² the Government undertakes the responsibility of guaranteeing the provision of services and assistance to prisoners and inmates by a set of technical, political and managerial interventions made during and after completion of sentences or safety measures¹³. The purpose of this perspective is to bring the Government, the community and the inmates closer in order to reduce their vulnerability before the criminal justice system. Meanwhile, DEPEN/MJSP's role is to provide technical and financial assistance so that the legal provisions are complied with.

481. Accordingly, a possibility for improving imprisonment conditions and reducing overcrowding is to implement actions directed to the promotion of citizenship in order to enable persons deprived of liberty to be active agents in reconstructing their lives. One of the strategies used to promote citizenship is the inclusion of persons deprived of liberty, former inmates and their family members in existing public policies to enable their recognition and inclusion in social reintegration projects, actions and sectoral activities, among which policies for health, education, vocational training, culture, sports, employment and religious and social assistance stand out.

482. Additionally, DEPEN/MJSP has been developing a module for collection of data on the physical structure of prison assistance and equipment, in matters such as health care, work, education and social assistance. DEPEN/MJSP has also performed actions of vehicle and body search equipment donation with direct impact on several guidelines, especially the ones related to guaranteeing respect and protection of human rights for all inmates. As to vehicles, the major guideline is to offer humanized transport in ergonomic projects for inmates, with seatbelts and acclimatized cells.

¹² Law No. 7,210 of July 11, 1984. Article 10. "Assistance to prisoners and inmates is a Government duty, and the purpose of such is to prevent crime and guide their reintegration into society."

¹³ According to arts. 26 and 96 of the Brazilian Criminal Code, safety measures apply to those who, due to mental illness or incomplete mental development, were, at the time of an action or omission, fully incapable of understanding the illicit character of that fact or of behaving according to this understanding. Safety measures consist of hospital stays or out-patient treatment.

483. Body search equipment, such as body scanners and metal detectors, aim at the extinction of vexatious search, thus promoting dignity and safety. Therefore, the price registration procedures and the donations made directly by DEPEN/MJSP enable product standardization and offer equipment that are able to guarantee such guidelines.

484. Additionally, a team specialized in criminal structures is under hiring process in order to prepare six standard architectural projects, among other purposes. These projects should be in compliance with National Council for Criminal and Correctional Policies' resolutions and with good prison architecture standards. They will be conceived in a Building Information Model (BIM) environment and according to the concept of functional modulation, thus enabling flexibility with respect to the number of vacancies and the architectural program, including for the conception of projects for women's prison units. The expected projects are listed below – the first two being a priority for DEPEN/MJSP:

- Public prison with eight hundred vacancies;
- Medium security prison with eight hundred vacancies;
- Maximum security prison with three hundred vacancies for the federal prison system;
- Agricultural or industrial colony, or colony of similar nature, with one thousand vacancies;
- Hostel house with one hundred twenty vacancies;
- Criminal observation center with three hundred vacancies.

485. There are currently 100 active lending agreements for prison construction, renovation and/or expansion, about 51 of which are suspended. DEPEN/MJSP is working to diagnose the reasons for the interruptions and, together with the Federal Government's agent Caixa Econômica Federal, to resume the works. Through mandatory financial transfers, DEPEN/MJSP has received Application Plans from governmental entities for 152 works (constructions, expansions and renovations), with expected increase of about 28,000 places. In addition, DEPEN/MJSP, together with the Brazilian National Bank for Economic and Social Development (BNDES), is carrying out studies to structure a plan

of Public-Private Partnerships, aiming at speeding up the creation of placements and mitigating overcrowding.

486. Regarding recommendation No. 136.90, the National Prison Department has made efforts to advance the implementation of the National Policy of Care for Women Deprived of Liberty and Former Inmates (PNAMPE), established by MJ/SPM-PR Interministerial Ordinance No. 210/2014. In this context, the National Prison Department has encouraged governments to create specific positions in the local prison management system to address the topic of incarcerated women (and children-related issues), as well as to create intersectoral and interagency state committees to address the same issue. The National Prison Department has also established that state governments should prepare and submit to DEPEN/MJSP the prison management plan for the next two years regarding the issue of incarcerated women. State assistance plans for women deprived of liberty and former inmates will be in force by August 2020 and shall be prepared jointly with the local agencies responsible for assistance (health care, work, education, etc.) and with the Judiciary Branch, the Public Defender's Office, the Prosecution Service and civil society. The preparation of state plans aims at promoting agreements with other bodies and encouraging state agencies for prison management to identify the obstacles related to women's custody and to work jointly, so that no emergency and circumstantial solutions will be needed.

487. Moreover, DEPEN/MJSP has encouraged the enactment of presidential decrees for pardon and commutation of time served for pregnant women and mothers (there were related enactments in 2017 and 2018), also taking into account some specific groups, such as indigenous populations. There are also efforts (agreements with the Judiciary Branch and the social assistance network) so incarcerated women (whether pregnant or mothers of children up to 12 years old) can move on to house arrest, taking into account mothers' and children's need to maintain bonds and basic care for children, pursuant to the provisions in the legal framework for early childhood.

488. For pregnant women and mothers (and children still with them in prison), in addition to the state plan, DEPEN/MJSP has encouraged the implementation of reference

centers for mothers and children (CRMI), in addition to breastfeeding rooms and playrooms in prisons all over the country.

489. Regarding the most vulnerable population groups, such as LGBT persons, DEPEN/MJSP is preparing a national policy on diversity in the criminal justice system, taking into account specific necessities of eight groups, namely: women; elderly; indigenous persons and ethnic and racial minorities; persons with disabilities; LGBT; persons with mental illnesses; and persons with terminal illnesses.

490. In partnership with the United Nations Development Programme (UNDP), a survey on demands and good practices in Brazil and around the world regarding the abovementioned groups was conducted to support the preparation of a national policy. This survey is still pending disclosure to the civil society, after which its final version will be presented.

491. Regarding recommendation No. 136.95, the National Prison Department has conducted talks with the Brazilian Judiciary Branch for compliance with the legal framework for early childhood (Law No. 13,257/2016). According to Brazilian law, judges may replace pre-trial detention with house arrest for pregnant women or mothers of children up to twelve years old, or even apply alternative sentences to women incarcerated for minor crimes or traffic-related offenses (more recurrent among Brazilian women). Additionally, there are efforts towards the opening of about 4,000 new vacancies for women with the use of R\$118 million in federal funds.

492. With respect to recommendations No. 136.93, 136.94, 136.96, 136.97 and 136.107, DEPEN/MSP acts in the topic of women, following the guidelines of the National Policy of Care for Women Deprived of Liberty and Former Inmates (PNAMPE), established by Interministerial Ordinance No. 210/2014. This ordinance takes into account the Bangkok Rules, the Brazilian Criminal Enforcement Law and other national and international laws and regulations. With respect to Senate Bill No. 5,654/2016, Law No. 13,434/2017 has already been enacted prohibiting the use of handcuffs in pregnant women during childbirth and during the immediate puerperium period. DEPEN/MJSP

promotes, with the governments, full compliance with such law, encouraging training for security agents and health care professionals.

493. Moreover, the National Policy of Care for Women Deprived of Liberty and Former Inmates (PNAMPE) has as one of its guidelines the humanization of the conditions of serving sentences, thus guaranteeing the right to health, in light of its goal to reformulate prison system practices to guarantee national and foreign women's rights set forth in the Criminal Enforcement Law.¹⁴

494. With respect to basic health care, assistance to women deprived of liberty is ensured by multi-professional teams composed of at least one dental surgeon; one nurse; one physician; one nursing technician or nursing assistant; and one oral care technician or oral care assistant. Physicians with mental health experience, psychologists or psychiatrists can also provide assistance. Additionally, these teams serve as the population deprived of liberty's gateway to the Health Care Network (RAS), aiming at full care. Consequently, if a person under custody needs a gynecologist, she will be referred to RAS by the Health Care Team in the Prison System on duty at the Prison Unit. Finally, the National Secretariat for the Family at the Ministry of Women, Family and Human Rights has initiated a work through a cooperation agreement with the Public Defender's Office (DPU) to take care of inmates' families and their relationship, in order to strengthen bonds, promote online visits, etc.

12. PREVENTION AND FIGHT AGAINST TORTURE

Recommendations related to the topic:

136.61 – Conduct thorough, impartial, and timely investigations into all allegations of unlawful killings, abuse, torture, and corruption involving security forces and prison personnel (United States of America);

136.72 – Continue its efforts to combat torture and ill-treatment (Algeria);

136.73 – Intensify efforts aimed at combating and preventing torture and other forms of ill-treatment (Georgia);

¹⁴ See Law No. 7,210 of July 11, 1984, art. 10; 14, paragraph 3; 19, sole paragraph; 77, paragraph 2; 82, paragraph 1; 83, paragraphs 2 and 3, and 89.

136.74 – Establish a formal adhesion programme which includes the allocation of funds by the federal government to support the national policy on torture prevention (Ghana);

136.79 – Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture (Turkey);

136.80 – Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil (Bolivarian Republic of Venezuela);

136.81 – Working jointly with the Federal States to improve detention conditions in Brazilian prisons (Algeria);

136.82 – Continue improving prison conditions and reducing overcrowding (Angola);

136.83 – Ensure respect for and protection of human rights for all detainees including by guaranteeing detention conditions in compliance with domestic as well as international law and standards and by protecting against cruel and inhuman treatment (Austria);

136.84 – Improve as quickly as possible the different aspects of prisoners' conditions (Cabo Verde);

136.85 – Proceed with the enactment of legislation effectively implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at both state and federal level and adopt measures to adhere to the UN Nelson Mandela Rules (Czechia);

136.86 – Consolidate the Federal National System, including by supporting States to set up Local Preventive Mechanisms (Ghana);

136.87 – Create local preventive mechanisms at each state level for effective implementation of the National Mechanism for the Prevention and Combat of Torture (Turkey);

136.88 – Ensure that Local Preventive Mechanisms are created by encouraging states to do so as envisaged by the national law on torture and expand the application of custody hearings to the entire country as set by Resolution 213 of the National Council of Justice (Denmark).

495. The eradication of torture requires involvement of representative sectors of society that, if organized, shall catalyze necessary changes in social thought and structure. In this regard, the Federal Government undertakes to implement actions to formulate a national policy for prevention and fight against torture following the ratification of the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), as well as Decree No. 40/1991, which enacts it domestically.

496. For clarification purposes, Law No. 12,847/2013 has created the National System for Prevention and Fight against Torture, which aims at facilitating the inter-federation dialogue and gathering information on measures for prevention and fight against torture

across the country. However, it does not provide for the possibility of transfer of federal funds to the states or the Federal District. Such actions become more effective and strategic when consolidated within a public policy and integrated with other government levels, particularly agencies in charge of public security, custody of persons deprived of liberty and protection and defense of human rights.

497. In this context, Ordinance No. 354 of the Ministry of Women, Family and Human Rights, published on November 22, 2018, provides for the approval of the Standard Form Contract and the Declaration of Adherence to the National System for Prevention and Fight against Torture. Both contract and declaration can be used by state and district Committees and Mechanisms for Prevention and Fight against Torture, among other entities addressing this topic. It is important to highlight that the Federal Government's jurisdiction covers promotion, guidance and support to the creation of committees and mechanisms for prevention and fight against torture within states and the Federal District, so the effective creation of such committees and mechanisms is exclusively under the jurisdiction of each Federative Unit.

498. Accordingly, the Committees for Prevention and Fight against Torture monitor, assess and propose measures, programs and actions of different social agencies and segments involved in the eradication of torture. Hence, the nature of their actions is based on formulating, developing and monitoring public policies for prevention and fight against torture. The Mechanisms for Prevention and Fight against Torture are responsible for inspecting prisons and analyzing any protocols and procedures of such locations that may lead to torture. The creation of mechanisms is an international commitment undertaken by Brazil by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, enacted domestically by Decree No. 6,085/2007. This international instrument acknowledges that persons deprived of liberty are more prone to being victims of torture. Regarding the recommendations mentioning the UN's Mandela Rules on inmate treatment in prisons, the National Justice Council encourages judges to enforce these general rules to improve detention units.

499. The Integrated Action Plan for Prevention and Fight against Torture (PAIPCT) was prepared in 2006 and revised in 2010, with a new update draft proposed in 2018. The first Plan was prepared basing on contributions of specialists from different areas and submitted to state Governments, with the purpose of moving on to an agenda aligned and agreed upon with the Federal Government, civil society organizations and federative entities. Some proposals, such as the creation of committees, mechanisms of prevention and fight against torture, as well as the permanent training of public officials are still essential for the development of an effective policy to combat torture. The preparation of the draft of II PAIPCT is one of the major breakthroughs for the policy on prevention and fight against torture. The process of discussion of the draft and the implementation of the final version has started in 2019, and its first major challenge is the agreement on goals between the Ministry of Women, Family, and Human Rights and other governmental institutions (federal and state Executive Branches) and the Justice System, which are responsible for its enforcement.

500. Members of the National Mechanism for Prevention and Fight against Torture enjoy autonomy of positions and opinions arising from the discharge of their duty, as well as access to prison facilities and equipment, information related to detentions and relevant records, with the possibility of interviewing and using audiovisual resources, with due respect to the privacy of the persons involved. This Mechanism can also file requests for official expert examinations. It is important to emphasize that information obtained by the Mechanism are public, with due protection of personal information, exceptionally in case of express consent by such person.

501. The Presidency of the Republic issued Decree No. 9,831 on June 10, 2019, which amended the Regimental Structure and the Table of Positions in Commission and Positions of Trust of the Ministry of Women, Family, and Human Rights, as well as Decree No. 8,154 of December 16, 2013. With the amendment, the National Mechanism for Prevention and Fight against Torture follows the structure of collegiate, therefore participation is voluntary.

502. Brazil currently has 22 operational state committees and 10 operational state mechanisms:

- Committees: Acre, Amapá, Amazonas, Rondônia, Pará, Goiás, Mato Grosso do Sul, Piauí, Maranhão, Ceará, Rio Grande do Norte, Paraíba, Pernambuco, Alagoas, Sergipe, Bahia, Espírito Santo, Minas Gerais, Rio de Janeiro, Paraná, Santa Catarina (created within the scope of civil society) and Rio Grande do Sul (created within the scope of civil society).
- Non-operational: Pará, Acre, Mato Grosso do Sul, Sergipe, Minas Gerais and Paraná.
- Mechanisms: Rio de Janeiro, Espírito Santo, Mato Grosso do Sul, Pernambuco, Alagoas, Paraíba, Maranhão, Sergipe, Amapá, and Rondônia. The following are operational: Rio de Janeiro, Pernambuco, Rondônia and Paraíba. The Government of the state of Maranhão has carried out a selection process and experts are pending appointment.

503. The reports deriving from the visits are essential for the mechanism to recommend to relevant authorities measures for adjustment of spaces of deprivation of liberty to the national and international parameters. Thus, a Mechanism shall not only report violations found during visits, but also point out risk situations that may lead to the practice of torture, as well as probable solutions. The actions become proactive, not only reactive.

504. The National Committee for Prevention and Fight against Torture (CNPCT) met in nine events in 2017, and in six other in 2018. We also emphasize the meeting for monitoring of the prison system crisis, especially for follow-up of the massacres in Manaus, state of Amazonas; Boa Vista, state of Roraima; and Natal, state of Rio Grande do Norte. Additionally, representatives of the CNPCT participated in missions carried out by the then secretary Flávia Piovesan in Manaus, state of Amazonas, and in Natal, state of Rio Grande do Norte. The “Recommendation Monitoring Report: Prison Massacres in the States of Amazonas, Rio Grande do Norte and Roraima” was presented in the end of 2018 and is available at: https://www.mdh.gov.br/informacao-ao-cidadao/participacao-social/mecanismo-nacional-de-prevencao-e-combate-a-tortura-mnpct/web_final_RelatriodeMonitoramentodeRecomendaes.pdf.

505. The National Mechanism for Prevention and Fight against Torture (MNPCT) carried out missions in the states of Roraima, Rio Grande do Norte, Mato Grosso and Tocantins in 2017. It is also important to highlight the participation of MNPCT experts in a training activity on the Istanbul Protocol and workshops on this subject in Natal, state of Rio Grande do Norte, and in Manaus, state of Amazonas, in June and July 2017. MNPCT also published its second annual report on June 26, 2017, for the International Day in Support of Victims of Torture. Other specific information may be obtained at MNPCT's home page on the internet and directly from experts.

506. Additionally, the General Coordination Office for the Fight against Torture and Institutional Violence at the Ministry of Women, Family, and Human Rights acts in partnership with state governments and civil society, as well as with agencies of the justice system and the public security system. In summary, the activities of this General Coordination Office are:

- Support to MNPCT's activities;
- Political partnerships with Federal Government agencies;
- Implementation of the Federal Pact on the Prevention and Fight against Torture, with special focus on the creation of and support to Committees and Mechanisms for Prevention and Fight against Torture in federative units;
- Training for members of Committees and Mechanisms of Prevention and Fight against Torture, justice system representatives and public security system representatives, as well as for civil society members;
- Implementation of the Istanbul Protocol – Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

507. Specifically with respect to the Federal Pact on the Prevention and Fight against Torture, it was signed on September 12, 2017, during the Human Rights State Secretaries Meeting. The Pact was published on the Federal Official Gazette through MDH Ordinance No. 346 of September 19, 2017. During that meeting, seventeen state

representatives¹⁵ signed a document announcing their intention to enter the Pact, which establishes the following responsibilities to the former National Secretariat for Citizenship – nowadays, the National Secretariat of Global Protection at the Ministry of Women, Family and Human Rights: (i) to encourage entities to enter the Pact; (ii) to coordinate, along with the National Committee for Prevention and Fight against Torture, the creation of a new Integrated Action Plan for Prevention of Torture and the publication of a document with Guidelines to Create state and district Committees and Mechanisms for Prevention and Fight against Torture; and (iii) to help the states in creating state Committees and Mechanisms and Integrated Action Plans for Prevention and Fight against Torture. By signing the Pact, states and the Federal District undertake to: (i) create Committees and Mechanisms; (ii) create a state/district Plan; (iii) cooperate with civil society with respect to the topic; (iv) encourage the Committees and Mechanisms to join the National System for Prevention and Fight against Torture (Ordinance No. 324/2015 of the then Secretariat of Human Rights at the Presidency of the Republic).

508. Another relevant event was the III National Meeting of Committees and Mechanisms for Prevention and Fight against Torture, held in Brasília from July 3 to 5, 2018, under the joint coordination of CGCTVI, MNPCT and CNPCT, within the Ministry of Women, Family and Human Rights. 144 people from the five regions of the country attended the event, representing 22 states: Acre, Alagoas, Amazonas, Bahia, Ceará, Espírito Santo, Goiás, Maranhão, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Pará, Paraíba, Pernambuco, Piauí, Rio de Janeiro, Rio Grande do Norte, Rio Grande do Sul, Rondônia, Santa Catarina, São Paulo and Tocantins.

509. The III National Meeting of Committees and Mechanisms for Prevention and Fight against Torture had the purpose of celebrating the International Day in Support of Victims of Torture (June 26) and discussing the topic under several approaches in round tables and discussion groups. Additionally, there were opportunities for exchange

¹⁵ Representatives of the following states signed the document: Acre, Bahia, Ceará, Espírito Santo, Goiás, Maranhão, Minas Gerais, Mato Grosso, Pará, Paraíba, Piauí, Rio de Janeiro, Rondônia, Rio Grande do Sul, Santa Catarina, Sergipe, and São Paulo.

between Committees and Mechanisms in order to reinforce network operation through the National System for Prevention and Fight against Torture.

510. Furthermore, a distant learning course on the topic of torture is expected to be launched in an online platform of the National School of Public Administration (ENAP). This is a joint initiative between CGCTVI and the Executive Office of Human Rights Promotion and Education (DPEDH) at the Ministry of Women, Family and Human Rights. The course aims at providing systematized information on the history of torture in Brazil; its concepts; its victims, especially focused on racial and sexual aspects; main stakeholders; and minimum actions to combat it. The course is relevant as a basis for the education of new members of Committees for Prevention and Fight against Torture in the Federative Units, as well as of people interested in the topic.

13. JUSTICE SYSTEM

Recommendations related to the topic:

136.78 – Take measures to reduce overincarceration, notably by encouraging the use of alternative sentencing and by making sure that pre-trial hearings are widely used (Spain);

136.88 – Ensure that Local Preventive Mechanisms are created by encouraging states to do so as envisaged by the national law on torture and expand the application of custody hearings to the entire country as set by Resolution 213 of the National Council of Justice (Denmark);

136.106 – Ensure that legislation relating to the prison situation and criminal justice is in accordance with international human rights standards (Mexico);

136.100 – Carry out efforts for the implementation of recommendations on the improvement of the judiciary and the judicial system that the Russian Federation made at the last universal periodic review (Russian Federation);

136.114 – Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders (Netherlands);

136.101 – Consider expanding application of the Custody Hearings Programme and make it feasible before all State Courts (Serbia);

136.102 – Establish a mechanism to allow for speedy and correct judicial decisions under strict observance of constitutional and international law regarding the territorial rights of indigenous peoples (Austria);

136.103 – Continue its efforts on further improving the judicial system with practical measures (Azerbaijan);

136.104 – Accelerate the establishment and the effective implementation of a solid public defence system in all states, in agreement with recommendations 119.31, 119.10, 119.12 and 119.14 from the second cycle (Haiti);

136.105 – Expand custody hearing programmes to cover all pre-trial detainees by passing draft bill 554/2011. Provide specific training according to the Istanbul Protocol to judges and public prosecutors working in custody hearings (Germany);

136.107 – Improve judicial processes to minimize the length of pre-trial detention and speed up trials, and consider alternatives to detention to address prison overcrowding (United States of America);

136.108 – Plan and take concrete measures in the mid-term period with the objective of reducing pre-trial time for remand prisoners and reduce the overall number of prisoners awaiting trial rather than serving sentences (Slovenia);

136.119 – Take further efforts in combating violence against women such as enhancing the trust in the judicial system, measures to prevent violence, and promoting services and networks for women in rural areas (Spain);

136.193 – Follow up on the infrastructure of safe houses for abused women and make sure the legal framework is widely implemented and reaches women's reality (Austria);

136.189 – Strengthen its capacity-building programmes for judges and legal personnel on women's rights and violence against women (Thailand);

136.192 – Take measures to reduce the number of cases of violence against women and bring the perpetrators to justice (Togo);

136.191 – Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence (Slovakia);

511. As for the recommendations related to the justice system, it is important to note institutional progress, as explained below.

512. Law No. 12,847/2013 has created the National System for Prevention and Fight against Torture and granted the Federal Government jurisdiction over promoting, guiding and supporting the creation of committees and mechanisms to prevent and combat torture within states and the Federal District, making each federative unit responsible for effectively creating such committees and mechanisms. Therefore, the Federal Government provides a standard form contract for adherence to the National System for Prevention and Fight against Torture, which aims at facilitating the inter-federation dialogue and collecting information on the actions for prevention and fight against torture developed in the country. However, it does not provide for the possibility of transfer of federal funds to the states or the Federal District.

513. The eradication of torture requires involvement of representative sectors of society that, if organized, shall catalyze necessary changes in social thought and structure. In this context, the Federal Government undertakes to implement actions to formulate a national policy for prevention and fight against torture following the ratification of the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), as well as Decree No. 40/1991, which enacts it domestically. More detailed actions with respect to this topic are included in the specific section in this report, as well as in the II Report of the Brazilian Government to CAT.

514. Upon implementation of the National System for Prevention and Fight against Torture, the Brazilian Government has made progress towards the eradication of this severe violation of dignity and towards a society that respects human rights, considering that it shall boost the creation and expansion of state committees and mechanisms, thus reinforcing both local policies and the National Policy for Fight against Torture. In this regard, an integrated system for prevention and fight against torture requires both the existence of Committees, which carry out external social control and encourage policies, and of Prevention Mechanisms, which, by carrying out periodic and regular visits, will make recommendations to applicable bodies and agents based on the verification of the condition – in rights and practice – of persons deprived of liberty. These actions become more effective and strategic when unified into a public policy and agreed upon with government levels, especially the agencies responsible for public security, custody of persons deprived of liberty and protection and defense of human rights.

515. Regarding recommendations mentioning the UN's Mandela Rules on treatment in prisons, there is no treaty to be ratified, but there are general rules from UN resolutions that should be effected. The National Justice Council encourages judges to enforce these general rules to improve prisons.

516. The Public Defender's Office's actions related to criminal justice that are noteworthy regarding the recommendations received by the Brazilian Government are: i) receive and process requests for legal assistance by the National Office of the Ombudsman of Criminal Services (ONSP), with referral to State Public Defender's Offices; ii) *Defensoria sem Fronteiras* action, an initiative arising from the Technical

Cooperation Agreement signed on January 31, 2017 by the Federal Public Defender's Office, the National Council of General Public Defenders (CONDEFÉ) and the National Association of Federal Public Defenders, and whose subject matter is to make joint efforts towards promoting the voluntary actions of state and federal Public Defenders in assisting persons definitively or temporarily incarcerated in specific Federative Units, adopting the applicable legal measures for the guarantee of their rights.

517. Additionally, there is a challenge of implementing a nationwide unified information system, with data from the Judiciary Branch and prison management agencies, especially the National Prison Department (DEPEN) and the National Justice Council, to implement the system's interoperability.

518. Considering Public Defender's Offices within states, the average number of state public defenders per state was 227 in 2014, a significant increase when compared to the 2008 figures, when the state average was 190. However, there is a major variation in such average between states, due to the current diverse amount of state public defenders per federative unit.

Ratio of state Public Defenders and target population per state. Brazil, 2008 and 2014

Federative Units	2008	2014	Target Population	Ratio (Population/Public Defenders)
	Active Public Defenders	Active Public Defenders		
Acre	60	53	270,867	5,111
Alagoas	30	72	1,255,235	17,434
Amazonas	57	109	1,232,907	11,311
Amapá	-	-	234,812	-
Bahia	201	267	6,279,654	23,519
Ceará	252	284	3,850,129	13,557
Distrito Federal	160	191	904,741	4,737
Espírito Santo	127	186	1,637,105	8,802
Goiás	-	18	2,861,175	158,954
Maranhão	46	142	2,622,931	18,471

Minas Gerais	474	581	9,559,377	16,453
Mato Grosso do Sul	148	173	1,129,880	6,531
Mato Grosso	117	182	1,341.821	7,373
Pará	212	269	2,924,239	10,871
Paraíba	327	245	1,718,460	7,014
Pernambuco	-	246	3,849,256	15,647
Piauí	62	105	1,387,325	13,213
Paraná	-	76	4,995,861	65,735
Rio de Janeiro	720	771	6,929,053	8,987
Rio Grande do Norte	-	38	1,425,164	37,504
Rondônia	25	64	680,909	10,639
Roraima	38	39	158,303	4,509
Rio Grande do Sul	345	379	5,424,244	14,312

14. ABOLITION OF SLAVERY

Recommendations related to the topic:

136.124 – Continue its efforts to combat contemporary forms of slavery, including trafficking and exploitation of persons, and provide support and protection to victims, paying particular attention to more vulnerable groups (Nicaragua);

136.126 – Pursue efforts aimed at the prohibition of all forms of slavery by strengthening the resources of the National Commission for the Elimination of Slavery (Senegal);

136.127 – Develop a national strategy to tackle modern slavery, including ratification of the 2014 ILO protocol to the Forced Labour Convention, and increased efforts to protect rural workers and women at risk of trafficking (United Kingdom of Great Britain and Northern Ireland);

136.129 – Preserve its positive record on combating trafficking and modern slavery by fully implementing activities envisaged in its second National Plan to Fight Human Trafficking (Azerbaijan);

136.131 – To continue fighting against slavery, in particular in the textile industry (Peru);

136.132 – Further continue the combating of slave and child labour in the country (Ethiopia);

136.125 – Adopt regulations to operationalize constitutional amendments related to slave labour (Uganda);

519. Aiming at adopting the recommendations applicable to the topic of abolition of slavery, the Ministry of Women, Family and Human Rights published, in December 2016, the Federal Pact on Eradication of Slavery to reinforce and institutionalize the policy for abolition of slavery in the entire country. The Pact's main objective are the promotion and coordination between federated entities for the eradication of slavery. The Ministry of Women, Family, and Human Rights has encouraged states to join the Federal Pact on Eradication of Slavery. Meanwhile, states have undertaken to cooperate with inter-institutional actions for inspection of slavery and support the defense of the current concept of slavery, as defined in art. 149 of the Brazilian Penal Code.

520. Twenty-three states have entered into the Pact: Acre, Alagoas, Amazonas, Bahia, Ceará, the Federal District, Espírito Santo, Goiás, Maranhão, Mato Grosso, Pará, Paraíba, Pernambuco, Piauí, Paraná, Rio de Janeiro, Rio Grande do Norte, Rondônia, Rio Grande do Sul, São Paulo, Sergipe, Roraima and Tocantins. As for the results achieved in the last semester, implementation of 2 new State Commissions for Eradication of Slavery in Paraná and Rondônia should be highlighted, amounting to 16 currently in place.

521. The creation of the new State Plan in the State of Ceará in 2017 and the preparation of the new State Plan for Eradication of Slavery in the State of Pará are also noteworthy.

522. On its turn, the Federal Government is working on the creation, through CONATRAE, of a new National Plan for Eradication of Slavery and of an Observatory of Slave Labor, with a website for disclosing indicators and researches on slavery.

523. Especially regarding recommendation No. 136.125, efforts were made in the coordination for passing the alternate bill to Senate Bill No. 432 of 2013, which aims at regulating Constitutional Amendment No. 81. In this regard, meetings were held in the National Congress to provide congressmen and senators with clarification on the importance of this topic.

524. Additionally, in view of the recommendations above, several meetings and communications with governmental bodies were held aiming at the maintenance of the Employer's Record for those penalized for situations similar to slavery and for the regular

publication of the so-called “Dirty List” by the Ministry of Economy. Moreover, the Office of the Attorney General of the Union had a leading performance on behalf of the Federal Government in the lawsuit that challenged the constitutionality of norms related to the “Dirty List” before the Brazilian Supreme Court, after statements contrary to Ordinance No. 1,129/2017 of the then Ministry of Labor and Employment were prepared.

525. In addition to the wide repercussion within the press and social and worker’s movements, a new Ordinance was published, which not only maintained the current concept of slave labor, but also reestablished rules and competences related to the Employer’s Record and the publication of the “Dirty List”.

526. Through Normative Ruling No. 139/2018 of the Labor Inspection Office, the then Ministry of Labor and Employment – nowadays the Ministry of Economy – has established procedures for carrying out labor inspections to eradicate labor in conditions similar to slavery, which provides as follows:

Section I – Miscellaneous

Article 2. Work carried out in conditions similar to slavery, in any way, is a violation against fundamental human rights and the worker’s dignity, and it is the Labor Inspector’s duty to combat such practice.

Article 3. The procedures established in this Normative Ruling shall be verified by the Labor Inspector in any inspection operation intended for the eradication of labor in conditions similar to slavery or in inspection operations in which a condition similar to slavery is identified, irrespectively of the labor activity, whether the worker is Brazilian or foreign, including when exploitation of domestic work or sex work is involved.

Article 4. The confirmation at the administrative level of labor in conditions similar to slavery by a Labor Inspector and the acts arising therefrom are under the legal jurisdictions of the Labor Inspection, and therefore do not depend on prior judicial acknowledgment.

Article 5. The provisions in this Normative Ruling apply in cases in which the Labor Inspector identifies human trafficking for purposes of exploitation of labor in a condition similar to slavery, as long as any of the cases set forth in items I and V of article 6 of this Normative Ruling are present.

Sole Paragraph. Recruiting, transporting, transferring, housing or sheltering persons is considered human trafficking for purposes of exploitation of labor in a condition similar to slavery when it resorts to threats, to the use of force or other forms of coercion, fraud, deceit, abuse of authority, a situation of vulnerability, or delivery or acceptance of payments or benefits in order to obtain consent of a person who has authority over another for purposes of exploitation, which shall include, at least, the exploitation of labor or forced services, slavery, or practices similar to slavery or servitude.

Section II – Work equivalent to slavery

Article 6. Work equivalent to slavery is present when a worker is submitted, isolated or jointly, to:

- I – Forced labor;
- II – Exhausting working hours;
- III – Degrading working condition;
- IV – Restriction, by any means, of locomotion due to a debt contracted with the employer or agent, at the moment of hiring or in the course of the employment contract;
- V – Retention in the workplace due to:
 - a) Obstruction of any means of transportation;
 - b) Keeping of blatant surveillance;
 - c) Seizure of documents or personal belongings.

Article 7. For the purposes set forth in this Normative Ruling:

I – Forced labor is the work demanded under threats of physical or psychological sanctions and which the worker has not offered to do or in which he/she does not wish to stay spontaneously.

II – Exhausting working hours are defined by any form of work, of physical or psychological nature, which, due to its extent or its intensity, entails infringement of a fundamental right of the worker, especially those related to safety, health, rest, and family and social coexistence.

III – Degrading working condition means any form of denial of human dignity by infringement of a fundamental right of the worker, especially those set forth in the rules for occupational and safety protection and for occupational health and hygiene.

IV – Restriction, by any means, of the locomotion of the worker due to debt means the limitation of the fundamental right to come and go or to terminate the employment contract due to a debt incurred by the employer or agent or due to the inducement to indebtedness to third parties.

V – Obstruction of any means of transportation means any form of limitation on the use of an existing means of transportation, whether private or public, that may be used by the worker in order to leave the workplace or accommodation.

VI – Blatant surveillance in the workplace means any form of control or inspection, direct or indirect, by the employer or agent, of the worker that prevents him/her from leaving the workplace or accommodation.

VII – Seizure of documents or personal belongings means any form of illegal possession by the employer or agent of documents or personal belongings of the worker.

Article 8. Given that the technical diagnosis of the events set forth in items I through IV of art. 7 involves the verification of and qualitative analysis on multi-factor violations for the identification of labor in conditions similar to slavery in such categories, the presence of the indicators listed in the Sole Annex to this Normative Ruling shall be verified.

Paragraph 1. Upon verification of any working child or teenager, the impacts of any violations on the physical and psychosocial development and

constitution of the child or teenager must be taken into account, given the particular status of this group as persons under personal development.

Paragraph 2. Even in the absence of the indicators listed in the Sole Annex, whenever there are elements that may be characterized as work equivalent to slavery, the Labor Inspector shall declare such verification, expressly evidencing the reasons to such conclusion.

Section III – Inspection operations for eradication of labor in conditions similar to slavery

Subsection I: Inspection operation planning

Article 9. The inspection operations for eradication of labor in conditions similar to slavery shall be planned and coordinated by the Labor Inspection Office, which shall conduct them directly through the Special Mobile Inspection Group teams and the Regional Superintendent's Offices of the Ministry of Labor and Employment – SRTb by organizing the inspection groups and teams into projects or activities.

Sole paragraph: For the purpose of planning and management of the conduction of inspection operations referred to in this Normative Ruling, the Federal System for Labor Inspection (SFITWeb) must include the demands related to labor in conditions similar to slavery, and such information must be included in the proper field of this system.

Article 10. The Head of Inspection of the SRT shall inform the Inspection Department for Eradication of Slavery – DETRAE whenever an inspection operation is conducted for verification of labor in conditions similar to slavery, or whenever this situation is verified in the course of any inspection, regardless of the original reason for the inspection.

Article 11. Studies and researches on economic activities carried out by the Labor Inspection Office and Regional Superintendent's Offices of the Ministry of Labor and Employment shall serve as a basis for the planning and conduction of inspection operations, as well as reports of labor in conditions similar to slavery.

Paragraph 1. Periodic meetings will be held to analyze and monitor the actions planned and developed during the period.

Paragraph 2. Priority treatment shall be provided to the inspection operations referred to in this normative ruling, as provided for in Annex I of Decree No. 8,894/2016, article 18, item I.

Article 12. The Regional Labor Superintendent's Office, through the Head of Inspection, shall seek coordination and partnerships with agencies and entities included in the State Commissions for Eradication of Slavery and the State Committees to Combat Human Trafficking, within the scope of each federative unit.

Sole paragraph. The partnership provided for in the main section of this article shall aim at the preparation of diagnoses to support the election of priorities that will be a part of the planning referred to in Article 11 of this instruction and specifically the feasibility of other prevention, redress and repression measures outside the administrative context of the responsibilities of the Labor Inspection.

Article 13. The establishment of priorities to be a part of the planning referred to in Article 11 of this Normative Ruling shall include the identification of

economic activity sectors to be inspected and the schedule of human resources and materials required for the inspections, in addition to actions to be developed together with the agencies and entities referred to in the previous article.

Article 14. The Head of Inspection of the Regional Units may determine the creation of an Inspection Project or Activity of Eradication of Work Equivalent to Slavery, upon designation of a permanent team of labor inspectors, and the members may act on an exclusive basis or not.

Article 15. Inspection operations shall rely on the participation of representatives of the Federal Police, Federal Highway Patrol, Environment Military Police, Military Police, Civil Police, or another police authority that ensures security of all members of the inspection operation or inter-institutional joint operation.

Paragraph 1. The Head of Inspection shall officiate, aiming at the participation of members of one of the agencies mentioned in the main section, as well as submit to the Labor Prosecution Service (MPT), the Federal Prosecution Service (MPF), and the Federal Public Defender's Office (DPU), a prior communication about the investigation operation so those institutions can assess the convenience of the partnership.

Paragraph 2. If the operation coordinator understands that the prior notice may harm the execution or the secrecy of the inspection operation, this measure may be dismissed, as long as the Head of Inspection agrees to do so.

Paragraph 3. Prior notice may be delivered to other institutions at the operation coordinator's discretion.

Subsection II: Procedures

Article 16. The verification of work equivalent to slavery in any inspection operation shall entail adoption of the procedures provided for in article 2-C, paragraphs 1 and 2, of Law No. 7,998 of January 11, 1990, and the Labor Inspector must rescue the workers subject to such conditions and issue the respective requests for Unemployment Benefits to Rescued Workers.

Article 17. In compliance with art. 2-C of Law No. 7,998, upon verification of labor in conditions similar to slavery, the Labor Inspector shall notify, in writing, the employer or agent so he/she takes, at his/her own expenses, the following measures:

I – Immediately terminate the activities performed by the workers and the circumstances or conducts characterizing the submission of these workers to conditions similar to slavery;

II – Rectify and terminate the employment contracts, with calculation of the due rights in case of forced resignation;

III – Pay labor credits through the competent Terms of the Ratified Employment Agreement Termination;

IV – Pay the Government Severance Indemnity Fund for Employees (FGTS) and the corresponding Social Contribution;

V – Return the workers recruited from outside the area of provision of the services to their place of origin;

VI – Comply with the secondary obligations of the employment contract until all measures are implemented for rectification and restoration of the rights of the workers.

Article 18. The Labor Inspector shall manually issue a Work and Social Security Card (CTPS) to rescued workers who do not have such document whenever the referral to the regional assistance offices of the Ministry of Labor and Employment may impair the effectiveness of the assistance to the victims.

Article 19. If the employer refuses to take the measures provided for in item I of article 17 of this Normative Ruling, and once the Labor Inspector runs out of administrative efforts under his/her jurisdiction to remove the workers from the situation in conditions similar to slavery, he/she shall promptly communicate the facts to the head of inspection so that the Federal Police or any other police authority available are informed, stressing the persistence of such flagrant crime.

Article 20. If the employer refuses to follow the administrative orders set forth in items I to VI of article 17, the fact shall be informed to the Labor Prosecution Service, to the Federal Public Defender's Office, and to the Office of the Attorney General of the Union so that the applicable legal actions for enforcement of the workers' rights are taken.

Article 21. In case of failure of payment of the FGTS contribution and of the Social Contribution, the Indemnity Fund and Social Contribution Debit Notice (NDFC) shall be issued.

Article 22. If a serious situation and imminent risk to the worker's safety and health are verified, an embargo or interdiction shall be imposed and the legal measures shall be taken.

Article 23. Aiming at providing assistance to the worker submitted to a condition similar to slavery, his/her psychosocial monitoring, and the access to public policies, the Labor Inspector shall, in the course of the inspection operation:

I – Guide the workers so that they register in the Social Assistance Sole Registration, referring them to the local body in charge of the registration, whenever possible;

II – Communicate the closest Specialized Reference Center for Social Assistance – CREAS in writing about the verification of workers submitted to a condition similar to slavery or, in case of inexistence thereof, communicate the Reference Center for Social Assistance – CRAS, requesting assistance to the victims;

III – Communicate the other bodies or entities of the civil society that may exist in the region directed to assisting victims of work similar to slavery.

Paragraph 1. The procedures set forth in items II and III shall not be adopted when they pose risks to the worker.

Paragraph 2. If it is verified that the procedures set forth in items II and III pose risks of breach of secrecy about the inspection, the Labor Inspector may adopt them at the end of the inspection operation.

Article 24. Foreign workers in irregular migratory situation that have been victims of human trafficking and/or of work similar to slavery shall be granted their permanent residence in the national territory, as set forth in art. 30 of Law

No. 13,445 of May 24, 2017, and in Normative Resolution No. 122 of August 3, 2016, of the National Immigration Council – CNIg.

Sole Paragraph. The referral shall be made through a memorandum of the Head of Inspection to the Inspection Department for Eradication of Slavery of the Labor Inspection Office – DETRAE, duly accompanied by a request for immediate authorization of permanent residence made by the Labor Inspector in charge of the rescue. DETRAE, on its turn, shall request approval by the Ministry of Justice and Citizenship of the request for authorization.

Subsection III: Inspection documents

Article 25. Whenever the Labor Inspector identifies the occurrence of one or more events set forth in items I through V of art. 6, he/she shall file a final notice of infraction on the verification of labor in conditions similar to slavery, describing in details the facts that supported such characterization.

Paragraph 1. The notice of infraction referred to in the main section of this article shall be addressed in article 444 of the Consolidated Labor Laws, and the right to adversary proceedings and legal defense in all administrative instances is ensured.

Paragraph 2. The workers found in labor conditions similar to slavery must be identified and listed in the notice of infraction.

Article 26. Whenever work equivalent to slavery is verified, given the severity and nature of such cases, the drawing-up of notices of infraction supersedes any other inspection criteria.

Article 27. The notices of infraction and Debit Notices for Payment of the Government Severance Indemnity Fund for Employees and the Social Contribution resulting from inspection operations in which labor in conditions similar to slavery is verified shall be assembled and identified through the use of different covers and shall have their processing prioritized.

Section IV: Other measures

Article 28. The Labor Inspector, duly accredited before the Department of Public Employment Policies – SPPE, shall be responsible for filling the request for Unemployment Benefits to Rescued Workers, and shall deliver one counterpart to the interested party and the other to the Head of Inspection, so that the request is submitted to DETRAE.

Sole paragraph. A copy of the issued Request for Unemployment Benefits to Rescued Workers shall be included in the annex to the inspection report.

Article 29. For any inspection operation in which labor similar to slavery is verified, or which was motivated by a report of or an investigation into such crime, even if the workers' submission to such conditions is not confirmed, a detailed inspection report shall be prepared within five (5) business days of the end of the inspection operation, including a precise description of the conditions found, and such report shall be final regarding the verified, or unverified, labor similar to slavery.

Sole paragraph. The report shall record which measures were taken to rescue the victims and guarantee their labor rights, as well as any other referrals adopted pursuant to art. 23 of this Normative Ruling.

Article 30. For inspection operations conducted by Regional Superintendent's Offices of the Ministry of Labor and Employment, the detailed inspection report shall be submitted to the immediate head of inspection, who shall verify

the adequacy of all data and information described therein for later referral to DETRAE, within five business days of the date of receipt thereof.

Paragraph 1. A copy of the inspection report shall be kept in the regional facility which conducted the inspection operation.

Paragraph 2. For inspection operations conducted by the Special Mobile Inspection Group (GEFM) teams, the report shall be submitted to the Head of DETRAE.

Article 31. DETRAE shall submit the detailed reports within ninety (90) days of receipt of the copy of thereof:

I – to the Labor Prosecution Service (MPT);

II – to the Federal Prosecution Service (MPF);

III – to the Federal Public Defender's Office (DPU);

IV – to the Federal Police Department;

V – to the Office of the Attorney General of the Union;

VI – to the Brazilian Federal Revenue Office;

Section V – Final provisions

Article 32. This normative ruling becomes effective on the date of its enactment.

Article 33. Normative Ruling No. 91 of the Labor Inspection Office of the Ministry of Labor and Employment of October 5, 2011, is hereby revoked.

527. As noted, the content of the normative ruling represents progress in the legal framework on the topic.

528. According to official data released by IBGE in November 2017, Brazil had about one million and eight hundred thousand (1.8 million) children and adolescents in situations of child labor. This number could be larger, as the research disregarded children and adolescents working for self-benefit.

529. The number of inspection operations to combat the worst forms of child labor in Brazil can be found below. It is important to note that, until June 2018, 3,874 inspection operations of this kind were conducted by Labor Inspection authorities.

Fiscalizações realizadas para o combate às piores formas de trabalho infantil

Ano	Número de Fiscalizações	Variação (%)
2014	3.187	
2015	2.090	-34,4%
2016	3.641	74,2%
2017	6.407	76,0%
2018*	3.874	20,9%

Fonte: Sfit Web

* Valor até junho de 2018 com variação projetada até dezembro.

Legend:

Fiscalizações realizadas para o combate às piores formas de trabalho infantil = Inspections conducted to combat the worst forms of child labor

Ano = Year

Número de Fiscalizações = Number of Inspection Operations

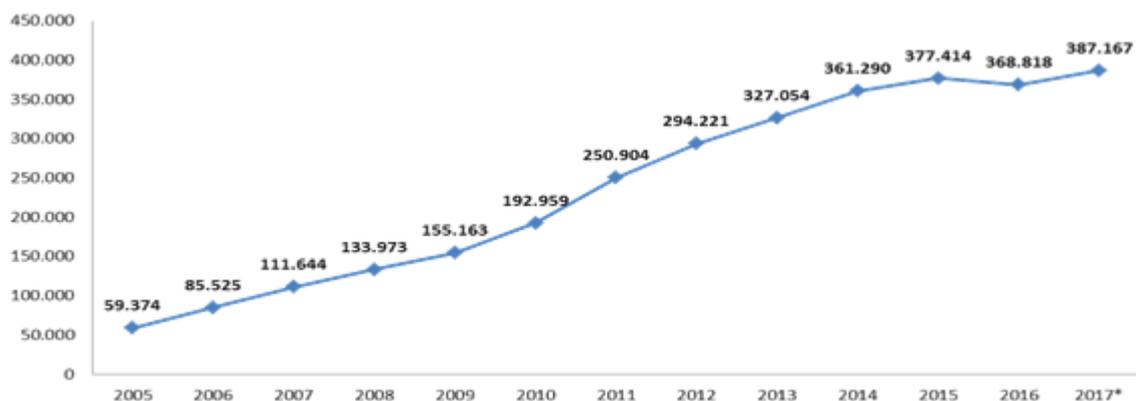
Variação (%) = Variation (%)

Fonte: Stif Web = Source: Stif Web

*Valor até junho de 2018 com variação projetada até dezembro. = *Figures until June 2018 with variation projected for December.

530. In Brazil, until May 2018, 22,784 inspection operations were conducted in order to include apprentices in the job market. The importance of actions of labor inspection to promote apprenticeship is unquestionable since, from the 387,167 apprentices in the labor market in 2017, 112,967 resulted from direct efforts by labor inspectors, a number that represents 29.17% of the apprentices hired throughout the country.

531. In order to illustrate the reach of apprenticeship in Brazil, we present below the history of insertion of apprentices in the job market for the last 12 years.



Fonte: RAIS/MTb.

* O Estoque de 2017 foi calculado com base no saldo do Caged/MTb.

Legend:

Fonte: RAIS/MTb = Source: Annual Corporate Information Report of the then Ministry of Labor (RAIS/MTB), nowadays Ministry of Economy.

O Estoque de 2017 foi calculado com base no saldo do Caged/MTb. = The 2017 Amount was calculated by reference to the balance of the General Registry of Employed and Unemployed Persons of the then Ministry of Labor (CAGED/MTB), nowadays Ministry of Economy.

15. RIGHT TO HEALTH

Recommendations related to the topic:

136.153 – To continue reinforcing efforts for providing quality and accessible health facilities and services to improve the disparity in life expectancy among the populations (Sri Lanka);

136.154 – To continue reinforcing the policy on effective and qualitative access to health services for populations, especially afro-descendant women, which is still the group with the highest mortality rate (Colombia);

136.155 – To pursue investments in human and financial resources for health and hospital services with aiming at reinforcing the health system (Morocco);

136.156 – To extend health care services to vulnerable groups, especially women in minority groups (Republic of Korea);

136.157 – To ensure continuous effectiveness of strategies to combat HIV/AIDS particularly among youth and other groups specifically affected (Bahamas);

136.158 – To ensure access to reproductive health care, including high quality prenatal care, and information on sexual and reproductive health, contraception and emergency contraception, and safe abortion to all women, without discrimination (Switzerland);

136.159 – To ensure universal access to comprehensive sexual and reproductive health services, without discrimination, in accordance with the commitments made in the Montevideo Consensus (Uruguay);

136.160 – To continue the commitments made in terms of access to voluntary termination of pregnancy in order to ensure full respect for sexual and reproductive rights (France);

136.161 – To continue expanding access to voluntary termination of pregnancy in order to ensure full awareness of sexual and reproductive rights (Iceland);

136.162 – To reduce maternal, child, and infant morbidity and mortality by promoting effective assistance measures during pregnancy and at the moment of birth (Iceland);

136.163 – To improve health care to further reduce child mortality (Islamic Republic of Iran);

136.200 – To adopt policies and programs to reinforce the rights of children and adolescent in the field of education, training, and health care (United Arab Emirates);

136.93 – To take the necessary measures to increase the number of gynecologists in the Brazilian prison system (Sweden);

136.94 – To incorporate the Bangkok rules into the public policies to protect female inmates and to adopt bill No. 5654/2016, which prohibits the use of handcuffs before, during, and after childbirth on women deprived of liberty (Denmark);

136.96 – To improve facilities dedicated to pregnancy and maternity in prisons, in line with the “Bangkok Rules” (Thailand);

136.158 – To ensure access to reproductive health care, including high quality prenatal care, and information on sexual and reproductive health, contraception and emergency contraception, and safe abortion to all women, without discrimination (Switzerland);

136.185 – To combat domestic violence suffered by women and the maternal mortality rates according to the UN’s Convention on the Elimination of all Forms of Discrimination Against Women (Estonia);

136.93 – To take the necessary measures to increase the number of gynecologists in the Brazilian prison system (Sweden);

136.94 – To incorporate the Bangkok rules into the public policies to protect female inmates and to adopt bill No. 5654/2016, which prohibits the use of handcuffs before, during, and after childbirth on women deprived of liberty (Denmark);

136.96 – To improve facilities dedicated to pregnancy and maternity in prisons, in line with the “Bangkok Rules” (Thailand);

532. As provided for in Article 196 of the Brazilian Federal Constitution of 1988, “health is a right of all persons and a duty of the Government, ensured through social and economic policies aiming at reduction in the risk of disease and other injuries and at an universal and egalitarian access to actions and services for promotion, protection, and recovery”. The right to health in Brazil is mostly expressed by the implementation of the Unified Health System (SUS). Thus, Law 8,080/1990, regulating the health care actions and services in the country, in its Art. 2, sets forth:

“Article 2. Health is a fundamental right of the human being, and the Government must provide the essential conditions for its full exercise:

Paragraph 1. The duty of the Government of ensuring health care consists in the formulation and adoption of economic and social policies aiming at reducing risks of diseases and other injuries, and in the imposition of conditions ensuring universal and egalitarian access to the actions and services for the promotion, protection, and recovery thereof.

Paragraph 2. The duty of the Government does not exclude that of the persons, their family, the companies, and society.

Article 3. The health care levels express the social and economic organization of the Country, and food, housing, sanitation, environment, work, income, education, physical activity, transportation, leisure, and access to essential goods and services, among others, are determinant and conditioning factors in health.

Sole paragraph. Actions that directed to ensuring that persons and society have conditions of physical, psychological, and social wellness as a result of the provisions of the preceding article, are also related to health. ”

533. Several actions have been taken in this field, aiming at ensuring that the right to health is fully enjoyed by the Brazilian population, taking its diverse composition into account.

534. The Brazilian Government enacted, through GM/MS Ordinance No. 992 of May 13, 2009, the National Policy for Comprehensive Health Care to the Afro-Brazilian Population (PNSIPN). The National Office for Racial Equality Promotion Policies of MDH acts together with the Ministry of Health to monitor the National Policy for Comprehensive Health Care to the Afro-Brazilian Population, approved by the National Health Council in 2006. Such Policy is based on the acknowledgement of racism and ethnic and racial inequalities as social determinant factors in health, aiming at the promotion of equity in health, and its objective is to promote comprehensive health care to the Afro-Brazilian population, giving priority to the decrease in ethnic and racial inequalities, fight against racism, and discrimination in the institutions and services of the SUS.

535. Based on the enactment of such Policy, the Ministry of Health acknowledges and assumes the institution’s need for mechanisms for the promotion of comprehensive health care for the Afro-Brazilian population and the fight against institutional racism in the SUS, aiming at overcoming structural and daily obstacles that negatively affect the health indicators of such population – early deaths, high mortality rates for mothers and children, higher prevalence of chronic and infectious diseases, and high rates of violence. It is important to emphasize Ordinance No. 344 of February 1, 2017, which standardizes and obligates the collection and meeting of the requirement race/color information on patients

in all SUS information systems, pursuant to the classification of IBGE, which defines five self-declared categories: Caucasian, Afro-Brazilian, Asian-Brazilian, *Pardo*, and Indigenous.

536. This Policy also reaffirms the responsibilities of each scope of the SUS – Federal Government, states, and cities – in the implementation of actions and in the integration with other sectors of the government and the civil society to ensure access by the Afro-Brazilian population to health actions and services in a timely and humanized manner, contributing to the improvement of the health conditions of this population and the reduction in the disparities of race/color, generation, and class.

537. There is currently cooperation between the Brazilian Government and the United Nations Population Fund (UNFPA) for mapping and creating a national database of researchers in Health Care to the Afro-Brazilian Population, in addition to mapping managers of health care to the Afro-Brazilian population in all states, among other items relevant to make a diagnosis of the health situation of the Afro-Brazilian population in Brazil.

538. Racism is one of the strongest manifestations of inequality and affects a large portion of the Brazilian population. Institutional racism places people of certain racial or ethnic groups in disadvantage in accessing the benefits arising from the actions of institutions and organizations. In terms of health, inequalities reflect on epidemiological data evidencing the decrease in the quality of life and life expectancy of the Afro-Brazilian population, both due to the high mortality rates for mothers and newborns and because of the violence suffered more intensely by this population group, especially by young Afro-Brazilian men.

539. In this context, the National Policy for Comprehensive Health Care to the Afro-Brazilian Population (PNSIPN – Annex XIX of Consolidation Ordinance No. 2/GM/MS of September 28, 2017) aims at ensuring equity in the enforcement of the human right to health for the Afro-Brazilian Population in terms of promotion, prevention, care, treatment, and recovery from infectious or non-infectious diseases and health problems,

including those that affect this group the most, e.g., sickle cell anemia, myomatosis, type II diabetes, among others.

540. The construction of the PNSIPN expresses the commitment of the Government to reduce inequalities and reaffirms the responsibilities at every management level of the SUS in the implementation of its actions and in the coordination with other sectors of the government and of civil society, especially with social movements representing the Afro-Brazilian community. It is worth mentioning the social participation in the management of the Policy through the Technical Committee for Health Care to the Afro-Brazilian Population (CTSPN), which supports the Ministry of Health in monitoring and assessing the implementation of the PNSIPN.

541. Among the main guidelines of the policy, the government emphasizes: the inclusion of the topic “racism and health” in the programs of continuing education for workers and social control of health care; the increased participation of the Afro-Brazilian social movements in social control bodies; and the development of processes for awareness, communication, and education that deconstruct stigmas and prejudices, reduce vulnerabilities, and strengthen solidarity and mutual respect among the several segments of the Brazilian population. In order to support the PNSIPN, the III Operational Plan was approved through Resolution No. 16 of March 30, 2017, being effective for the three-year period of 2017-2019.

542. Such plan intends to establish strategies for implementing the PNSIPN, aiming at ensuring access by the Afro-Brazilian population to health care actions and services in a timely and humanized manner, contributing to improve the health care conditions of this population.

543. Among the actions of the III Operational Plan, the government calls attention to the launch of the Health Campaign for the Afro-Brazilian Population in November 2017. The campaign had the following slogan “SUS has its arms wide open for the Health of the Afro-Brazilian Population”. The idea was to promote ethical, humanized, and quality service for all SUS users, reinforcing the understanding on the vulnerable situation of Afro-Brazilians in the country. The 3rd edition of the booklet “Policy for Comprehensive

Health Care to the Afro-Brazilian Population” and the “Guidelines Manual for implementation of the PNSIPN” were presented at the time, with copies to be distributed throughout Brazil.

544. It is also important to note that the Project “Assessment of the National Policy for Health Care to the Afro-Brazilian Population: Monitoring and Assessment Indicators”, which consists in experts meeting to submit the PNSIPN indicators to the Coordination Office for the National Policy for Health Care to the Afro-Brazilian Population of the Department of Support for the Participative Management and Social Control in the Office for Strategic and Participative Management – DAGEP/SGEP of the Ministry of Health and to the Office of Policies for Promoting Racial Equality for inclusion in the Office for Management Support of the Ministry of Health.

545. Additionally, it is worth mentioning that the Ministry of Health also coordinates the National Health Care Policy for Indigenous Peoples (PNASPI), regulated by Decree No. 3,156/1999 and approved by Ordinance No. 254/2002, which aims at ensuring that the indigenous populations have access to basic and differentiated health care, based on their ethnic, cultural, and epidemiological specificities. The specificities of the PNASPI are detailed in the section addressing the recommendations related to the topic of indigenous populations in this report.

546. Regarding the investment of human and financial resources in the Unified Health System, the Brazilian Federal Constitution sets forth a minimum investment of resources in health care public services and actions by the Federal Government. States and cities also rely on specific rules related to a minimum investment of resources for such purpose.

547. The current rule for the Federal Government was defined in the Constitutional Amendment No. 95/2016, effective until 2036, and it establishes, for 2017, the percentage of 15% of the current net revenue of the respective financial year. For the subsequent years, the amounts for the minimum investments equals the amounts of the immediately preceding years, adjusted with the variation of the Extended National Consumer Price Index (IPCA).

548. It is worth to emphasize that this rule is related to minimum investments, and the Administration may, every year, allocate resources in a level greater than the minimum. That what occurred for 2018, when the minimum investment established for the Federal Government was R\$112.4 billion, and the allocation for health care public services and actions was R\$118.1 billion.

549. In the last 5 years, from 2013 to 2017, a period with economic difficulties and fiscal restrictions, the investments of the Federal Government in health care public services and actions went from R\$83.1 billion to R\$115.3 billion, a 38.8% growth.

550. With respect to the strategies developed by the Brazilian Government to combat HIV/AIDS, the Department for Surveillance, Prevention, and Control of STIs, AIDS, and viral hepatitis – DIAHV, of SVS, Ministry of Health (MS), created, in 2017, the strategic agenda for expansion of access and comprehensive care to key populations with HIV.

551. The motivation for creating such agenda was the disproportionality of the HIV viral load found in the key populations in comparison with that which was found in the overall population. Such disproportionality demands a differentiated and integrated response. It relies on all stakeholders in charge of combatting HIV, other STIs, and viral hepatitis, aiming at ensuring universal and egalitarian access to HIV care, namely: state and local health care offices, the basic health care network, the emergency network, the National Program for Control of Tuberculosis, the Strategic and Participative Management Office of the SUS, the Ministry of Women, Family, and Human Rights, Inter-Managing Councils – the National Council of Health Secretaries – CONASS and the National Council of Municipal Health Offices – CONASEMS, the National Health Council, the Ministry of Justice and Public Security – the National Office for Policies about Drugs – SENAD, the Ministry of Education, the Ministry of Citizenship, the National Office for Youth, the Federal Universities of the State of Rio Grande do Norte, of the State of Rio de Janeiro, and of Brasília, international agencies and organisations (the Joint United Nations Program on HIV and AIDS – UNAIDS, UNESCO, UNDP, UNODC, UNFPA, UNICEF, PAHO, and the Center for Disease Control and Prevention of the USA – CDC/USA), and national networks representing the civil society of key

populations (LGBT populations, persons who use alcohol and other drugs, and persons living with HIV/AIDS).

552. This strategic agenda, which will be implemented over the next four years, is based on seven axes: comprehensive assistance and continuous HIV care; fight against stigma and discrimination; communication in health; education in health; social participation; strategic information; management, and governance.

553. Within the context of expanding the combined prevention technologies, an important publication was the Clinical Protocol and Therapeutic Guidelines for the Pre-Exposure Prophylaxis (PrEP) for HIV Infection. The target group of this prophylaxis comprises sex workers, gay men and other men who have sex with men (MSM), transsexuals, and serodifferent couples. PrEP is currently available in 65 health care units, distributed in the 26 states and the Federal District. The PrEP supply will be gradually increased throughout the Brazilian territory.

554. In consideration of the HIV epidemic profile in Brazil, which evidences greater vulnerability of young adults, the Brazilian Government, through the actions implemented by the Ministry of Health, has been developing strategies for the promotion of HIV prevention directed to this group, especially young gay men, MSM, and transvestites.

555. In 2017, the Ministry of Health launched the “Workshop on HIV Combined Prevention for Young Adults in Key Priority Groups.” Six workshops were held, attended by 380 young adults throughout the national territory, who were trained in peer education and combined prevention in their communities.

556. In 2018, the Ministry of Health, in a partnership with the National Youth Office, held a Workshop on Combined Prevention focused on youth assistance units. The purpose of this workshop was to train coordinators of these units in combined prevention strategies, given that most of the public served in these units are young adults in situations of social vulnerability.

557. Also in 2017, the ‘Hackathon’ competition was held, which is a programming marathon named after a combination of the words “hack” and “marathon”. This project,

in the context of “hack health”, was a 24-hour side event to the 11th HIV/Aids Congress and the 4th Viral Hepatitis Congress, held from September 26 to 29 in Curitiba, State of Paraná (PR). The project outcome was the development of innovative health devices and tools focused on combined prevention, serving as a strategy to work on technology, communication, and health. In 2018, the Ministry of Health held a Hackathon focused on combined prevention, engaging young adults in situations of greater vulnerability to HIV, aiming at solutions using information and communication technologies for innovations in health. The event resulted in the development of five solutions (Applications, ChatBots, Quizzes designed with gamification, among others).

558. Simultaneously, in order to reduce disparities and improve the access to health care services for another key population, in this case, transsexuals, two “web documentaries” with the title “POPTRANS” were created. Such “web documentaries” addressed key concepts, experiences of transsexuals, and their needs regarding health care services. Both chapters are available at: <https://www.youtube.com/watch?v=-rRdCadJwVE>.

559. Another important action was holding workshops on combined prevention with transsexual men, which resulted in a booklet about health and matters related to STIs, HIV/AIDS, and Viral Hepatitis. Such booklet was prepared by the Ministry of Health together with organized social movements, in order to inform the overall society about their health specificities.

560. Brazil has been using efforts to overcome the lack of information on transsexuals. The Ministry of Health sets forth the inclusion of the variables chosen name and birth genitalia in the public information systems related to HIV. With this information, it is possible to separate data related to clinical monitoring of HIV for transsexuals.

561. With respect to female sex workers, MS has invested and contributed consistently to the social integration of this key population, ensuring that their leaders participate in the political environments of promotion of sexual health, especially prevention of HIV. In 2017, the “6th National Meeting of Prostitutes: 30 years of memories, stories, and fights” was funded, with the presence of 100 female sex workers and representatives of

organizations of the civil society from all regions of Brazil. The main product of this meeting was the preparation of a strategic agenda to promote the prominence of female cisgender sex workers in the Brazilian response to HIV, other STIs, and viral hepatitis, and in the eradication of the violence they suffer on a daily basis. Additionally, in March 2018, a workshop on PrEP was held with leaders of this movement.

562. As to persons who use alcohol and other drugs, MS has been holding, since 2017, workshops on combined prevention of STIs, HIV/AIDS, and viral hepatitis among persons who use alcohol and other drugs. Such workshops are directed to workers and managers of the SUS who have a daily contact with this population. In 2017, a workshop was held in Porto Alegre; in 2018, in Manaus, and three other workshops are expected to be held in Recife, in the metropolitan area of Porto Alegre, and in cities of the State of Santa Catarina.

563. A joint action between the area of prevention and social coordination and the department of communication of DIAHV was initiated regarding communication and harm reduction. In 2018, two workshops were conducted: one aiming at educating representatives of organizations of the civil society, with implementation actions funded by MS, and another one directed to journalists, aiming at combating the stigma and discrimination as barriers to the access of this population to these services.

564. Additionally, to combat stigma and discrimination against persons living with HIV (PVHIV), DIAHV has used great efforts to dismiss Bill No. 198 of 2015, which intended to classify the deliberate transmission of the AIDS virus a heinous crime. Through the Joint Parliamentary Front for the Fight against HIV/AIDS, DIAHV has acted with the National Congress to request the dismissal of Bill No. 198. At the time, DIAHV reiterated that the Brazilian Penal Code already has criminal provisions for intentional transmission of STIs – which would make Bill No. 198 not only unnecessary, but also potentially harmful to the progress Brazil has made in the fight against HIV. Dismissal of Bill No. 198 occurred in 2017.

565. Due to the bigger vulnerability regarding HIV, MS is also prioritizing actions of harm reduction directed to women who use alcohol and other drugs and live in street

situation. Actions are being taken aiming at providing education for health care and public security professionals, in order to reduce the access barriers for these women regarding care related to health problems.

566. The Brazilian Government, by means of the actions of the Ministry of Health, through Decree No. 8,901 of November 10, 2016, has rephrased its organizational structure and determined therein that the Basic Health Care Department is responsible for “coordinating the process of formulation, implementation, and assessment of the National Policy for Comprehensive Health Care of Persons Deprived of Liberty in the Prison System” (item VI, art. 18), which was corroborated by Ordinance No. 1,419 of June 8, 2017, assigning this task to the Coordination Office of Health Care in the Prison System (art. 11).

567. In 2017, the prison system health care working group was resumed, composed of:

- the National Prison Department of the Ministry of Justice and Public Security;
- the Ministry of Health: the Department for Surveillance, Prevention, and Control of STIs, AIDS, and viral hepatitis – DIAHV (prevention; assistance; laboratory; and hepatitis);
- the Coordination Office for Prison Health Care of the Basic Health Care Department – COPRIS/DAB; PNCT/DEVIS/SVS;
- International Agencies (UNODC and OPAS).

568. Also in 2017, the National Seminar on HIV/AIDS, tuberculosis co-infections, STIs, and viral hepatitis in the Prison System was held, which gave rise to a set of recommendations to the prison system health care working group.

569. Additionally, the following are included in the actions taken within the scope of the Working Group: joint action with the *Ação, Justiça e Cidadania* Project (an initiative by DEPEN/MJ in a partnership with DIAHV and local sanitation authorities), already implemented in the State of Rio Grande do Norte (Alcaçuz Penitentiary) from March 16, 2017 to March 24, 2017; in the State of Minas Gerais (José Abranches Gonçalves Female Prison) on October 3, 2017; in the State of Roraima (Monte Cristo Agricultural Prison,

Correctional Center for Inmates Near the End of Sentence, Male Public Jail, Female Public Jail, and São Luiz do Anauá Public Jail) from October 9, 2017 to October 20, 2017; and in the State of Mato Grosso do Sul (Campo Grande Detention Institute and “Irmã Irma Zorzi” Female Detention Facility) from October 9, 2017 to October 20, 2017.

570. The situational diagnosis of the provision of prevention, diagnosis, and treatment of STIs/HIV/AIDS and viral hepatitis to the population deprived of liberty is in progress.

571. Brazil has carried out studies with the Respondent Driven Sampling (RDS) methodology, at the national level, about behaviors, attitudes, practices, and prevalence related to HIV, syphilis, and hepatitis B and C among (1) transsexuals and transvestites; (2) female sex workers; and (3) gays and other men who have sex with men. The studies were carried out in 12 cities, namely: Belém, State of Pará, Belo Horizonte, State of Minas Gerais, Brasília, Federal District, Campo Grande, State of Mato Grosso do Sul, Curitiba, State of Paraná, Fortaleza, State of Ceará, Manaus, State of Amazonas, Porto Alegre, State of Rio Grande do Sul, Recife, State of Pernambuco, Rio de Janeiro, State of Rio de Janeiro, Salvador, State of Bahia, and São Paulo, State of São Paulo.

572. Regarding violence, the preliminary results of these studies indicate that:

- In the study carried out among transsexuals and transvestites, 27.5% reported to have suffered some kind of discrimination in health care services in the last 12 months.
- In the study carried out among gays and other men who have sex with men, 65% reported having suffered some kind of discrimination for being gay; 24% reported having suffered some kind of sexual violence; 21% reported having been forced to have intercourse.
- In the study carried out among female sex workers, 34.8% reported having suffered some kind of discrimination due to their activity. In the 12 months before the survey, 41.4% were insulted, humiliated, or defamed; 21.1% were physically attacked; 27.9% reported having been physically forced to have sexual relations against their will (in 18.2% of the cases, by their partners, 30.6% by clients, 11.4% by a relative, and

16.9% by acquaintances). In 72.9% of the forced relations, the attacker did not use a condom.

573. The results obtained in these studies will support specific policies that will benefit the key populations and enable the strengthening of the fight against inequalities.

574. One of the principles guiding the public health care system is equity, the acknowledgement of the needs of specific groups, and the search for decreased impact of the differences, paying attention to vulnerable populations. The Brazilian Government has developed strategies and policies directed to the promotion of equity, emphasizing ethnic and racial issues and issues of sexual discrimination in the health care policy, paying attention to women and children.

575. In order to identify health care to groups of women in a vulnerable situations, the fact of living in areas with no assistance, low education, and low income, in short, populations with obstacles to the access to society and social inclusion, Brazil created the *Mais Médicos* Program, expanding the coverage of assistance in remote areas. The *Mais Médicos* Program is present today in most Brazilian cities and in 100% of the 34 Indigenous Special Health Districts (DSEIs), which has facilitated the access to medical assistance for thousands of women in a situation of vulnerability, such as indigenous, *quilombolas*, riparian population, fishers, agriculturalists, and extractivists, among others. In 2019, the programme *Médicos pelo Brasil* was established to replace *Mais Médicos*.

576. The Brazilian Government also created the *Rede Cegonha* strategy as an initiative for organizing women health care in regional health networks. It is mainly committed to change the interventionist delivery and birth care models widely adopted in Brazil, especially the unnecessary performance of C-sections. The implementation process of this strategy is based on the adoption of good practices for assistance during delivery, based on scientific evidence, and has periodic assessment cycles conducted by universities in a partnership with the three management levels of the SUS: federal, state, and local. Thus, in 2017, the 2nd Assessment Cycle of the *Rede Cegonha* Strategy was held in the 26 Brazilian states and in the Federal District. It is a monitoring of the work and management processes and of the infrastructure of each service related to the *Rede*

Cegonha program, which enables monitoring, in a timely manner and for the purpose of assessment, of the progress and difficulties faced in the different territories, to ensure both access to agreed services and a regular, continuous flow of the users in the health care network.

577. As the production of results by the universities (National Public Health School (ENSP); Federal University of Maranhão (UFMA)) are still pending, the General Coordination Office for Women Health Care is the main body charged with delivering outcomes to the federated states (several sectors of health offices), together with municipalities and representatives of boards of health secretaries, in addition to the members of the management of the services assessed. At this stage, the *Parto Cuidadoso* Project is being implemented as a strategy for validating the process of monitoring and assessment of the assistance during delivery and birth, which turns such task into a possible means to immediate and efficient intervention in the changes in practice and the health care model.

578. As for the implementation of policies and programs to enforce the rights of children and adolescents, the Brazilian Government, through the Ministry of Health, has been promoting actions for professional training with emphasis on priority actions to reduce infant mortality, investing in training multipliers. It is also conducting workshops to train professionals within the scope of the Integrated Care of Childhood Illness (AIDPI) strategy, which aims at identifying severe problems that may lead to infant mortality due to preventable causes, as well as the “Course in Pediatric Urgencies and Emergencies using Realistic Simulations”, offered in a partnership with the General Coordination Office for Child Health Care – CGSCAM and Hospital Albert Einstein.

579. It is important to highlight the strong convergence among the topics of the National Policy for Comprehensive Health Care to Children (PNAISC) and the strategic axes of the *Saúde na Escola* Program (PSE), an intersectoral policy formulated in 2007 to integrate health and education for the development of social responsibility and qualification of Brazilian public policies.

580. It is important to note that the formation of Local Strategic Groups strengthened the state management of comprehensive health care, as these groups discuss and act on the implementation of actions for promotion of breastfeeding, information on congenital syndromes, and strategies for improving neonatal care, such as the QualiNEO Strategy.

581. The strengthening of the *Criança Feliz* Program, a commitment to social justice undertaken by the federal government for the poorest and most vulnerable portions of our population, has also been one of the priorities in this coordination, developing actions for the promotion of Child Development, especially in early childhood, through the intersectoral integration of health, education, and social assistance.

582. Regarding the policies and programs directed to Teenagers and Young Adults, the period from 2015 to 2018 was important for fostering agreements on strategic agendas for health care of teenagers and young adults, pursuant to the Strategic Objectives of the Ministry of Health and priority agendas of the Federal Government.

583. The National Coordination Office for Health Care of Teenagers and Young Adults has three major lines of work planned for the period: the *Proteger e Cuidar de Adolescentes* Agenda, the *DiverSUS – Educomunicação, Juventudes e Saúde* Project, and the National Health Care Policy for Teenagers Deprived of Liberty.

584. Below we present the main results for each line of work:

- Implementation of the strategy “*Proteger e Cuidar de Adolescentes* Agenda”, which includes the provision of materials, vocational distance-education courses, an application to rate the quality of the health care services provided to teenagers in Basic Health Care facilities, tools for developing and monitoring action plans, and experiment labs.

Chart 1. Summary of the actions developed for the *Proteger e Cuidar de Adolescentes* Agenda in the period from 2015 to 2018.

<i>Proteger e Cuidar de Adolescentes</i> Agenda	
Strategy	Actions Performed

<p>Quality Guide for Health Care Services directed to Teenagers in Basic Health Care facilities</p>	<p>Initially implemented in 35 basic health care facilities (UBS) of 5 Brazilian capital cities between 2015 and 2016. In this phase, it was possible to verify the innovative nature of the tool, which was well accepted and broadly used by managers for implementation of strategies based on the reality assessed.</p> <p>In 2017/2019, the implementation was extended to 126 UBS, across 13 States, in 21 Cities chosen based on the criterion of priority inclusion according to the “Strategic Action Plan to Strengthen Health Care and Social Welfare for Persons Affected by the Zika Virus Disease and other Central Nervous System Disorders, their Consequences and Related Diseases” and the agenda of strategic actions for reduction of congenital syphilis, as well as in cities with high rates of life births and teenage motherhood.</p>
<p>“Adolescente Qualifica” Application</p>	<p>Aiming at increasing the offer of the Guide for Health Care Services for Adolescents in Basic Health Care to all Brazilian States, since 2017 a tool is being developed in the form of a mobile application aiming at gathering field information, possibly visible through a web interface, for insertion of data collected both online and offline.</p>
<p>Materials Published</p>	<p>“Protection and Health Care to Teenagers in Basic Health Care facilities” http://bvsmms.saude.gov.br/bvs/publicacoes/proteger_cuidar_adolescentes_atencao_basica.pdf</p> <p>“Caring for Teenagers: basic instructions for Sexual Health and Reproductive Health” http://bvsmms.saude.gov.br/bvs/publicacoes/cuidando_adolescentes_saude_sexual_reprodutiva.pdf</p> <p>Sticker poster to be placed in the desks of Basic Health Care professionals: “Adolescence: New discoveries and lessons” – with main recommendations for the assistance of teenagers. http://bvsmms.saude.gov.br/bvs/cartazes/adolescencia_novas_descobertas_aprendizados.pdf</p> <p>Informative poster: “Teenager, you are welcome in our assistance environment” to be placed in the entrances or wait rooms of basic health care facilities.</p> <p>“Famílias e Adolescentes” – booklets to be used by parents and family members of teenagers. http://bvsmms.saude.gov.br/bvs/publicacoes/familia_adolescentes.pdf</p>
<p>Adolescent Health Handbook</p>	<p>From 2009 to 2015, the number of handbooks printed and distributed to states and capital cities amounted to 29.5 million (including the 5 million handbooks printed and distributed by the Ministry of Education). Moreover, such printing and distribution is part of the 2016-2019 Multi-Year Plan (PPA), which set the target of printing and distributing 8.5 million copies, and up to July 2018, 2.5 million handbooks had been printed for 14 states and 7 capital cities.</p>
<p>Adola! App</p>	<p>Since the end of 2017, the SUS IT Department (DATASUS) has been developing an application directed to teenagers, with the purpose of serving as a mediator between this group and the Unified Health System (SUS), i.e., an online dynamic tool capable of bringing teenagers closer to comprehensive health care strategies. The development of this multi-platform mobile application shall provide teenagers with guidance on self-care for health, taking into account the specificities of females and males. The application will provide information not only on health but also on rights and life projects, in order to empower teenagers and give them autonomy. Thus, they may understand that they are responsible for their lives and, then, participate in the construction of a better world – free from prejudice and discrimination, more peaceful, with solidarity, and less violent. The app shall also provide better understanding around the right to health care and contribute to young adults’ and teenagers’ recognition of the rights and health assistance they are legally granted with. The first version of the app is expected to be released in December 2018.</p>
<p>Self-guided distance learning courses</p>	<p>(1) Protection and care for teenagers (45 hours)</p> <p>(2) Care line for teenage victims of violence and their families (20 hours)</p> <p>(3) Implementation of the National Policy for Comprehensive Health Care of Teenagers in Violation of the Law (20 hours)</p>

	(4) Youth and juvenile participation (20 hours)
Webinars and Live streams	<p>4 webinars with Telessaúde and 2 live streams in a partnership with the Press Office of the State of Mato Grosso do Sul (Ascom/MS) about:</p> <ol style="list-style-type: none"> 1. Assistance to teenagers unaccompanied by their parents with the participation of a professor of the University of São Paulo (USP), a representative of Brazilian Pediatrics Society in São Paulo (SBP/SP), and a physician of the Health of the Family Strategy in Brazlândia, Federal District (ESF/Brazlândia/DF) (April 2017). 2. Assistance to teenagers regarding oral health with the participation of the General Coordination of the Oral Health/Basic Health Care Department of the Ministry of Health (CGSB/DABMS) and a professional dentist of the Basic Health Care facility of the Federal District (AB/DF). 380 professionals of all Brazilian states participated in the webinars, and they received a participation certificate, issued by Telessaúde (June 2017). 3. The livestream “Rights of Adolescents: Sexual Health and Reproductive Health” (1.6 thousand views, 45 shares, and 51 comments) – a partnership with the Network of Teenagers and Young Adults who Promote Health (<i>RAP da Saúde</i>, State of Rio de Janeiro), of <i>Se liga Aí</i> Project (State of Acre), and students of the Elementary and Middle School Center 01 of Gama, Federal District (August 2017). 4. Live stream “Responsible paternity, co-responsibility in the care, prevention of STIs, and sexual rights and reproductive rights” (6.8 thousand views, 56 shares, and 29 comments) – a partnership with the Network of Protagonists in Action of Itapagipe (Reprotai, State of Bahia) (December 2017). 5. Teen pregnancy with the participation of a basic health care professional of the Federal District and a teenager member of the Council of Rights of Children and Adolescents of the Federal District (March 2018). 6. The day for fight against sexual violence against children and teenagers with the participation of a professional of the Study and Program Center for Assistance and Supervision of Violence in the Federal District (NEPAV/DF) and a professional of CREAS/DF (May/2018).

585. Public notices were issued to choose successful experiences directed to the population between 10 and 24 years old in the field of health. The second edition selected 11 experiences of the 51 submitted. The third edition, on its turn, had 20 experiences. The objective is to value the successful experiences and promote their repetition in the SUS.

Chart 1.2 – Progress of the Laboratory of Innovation in the Comprehensive Health Care of Teenagers and Young Adults, 2015 to 2018.

Edition	Applicants	Participants in the Workshop	Participants Visited	Publication
2 nd Edition (2015/2016)	61	26	18	Navegador SUS (OPAS): pending publication
3 rd Edition (2017/2018)	73	20	21	Navegador SUS (OPAS): pending publication

586. Regarding the guarantee of health care rights of Brazilian women, the Brazilian Government considers that these recommendations should be adopted according to laws and regulations in force in the country with respect to abortion. Accordingly, the Ministry of Health has been working to strengthen health care actions as to ensure that adult, young, and teenager women and men have the right to decide, freely and responsibly, whether or not they want to have children, how many children they want to have, and in which moment of their lives; the right to fully experience their sexuality with no fear, shame, guilt, and false beliefs, regardless of marital status, age, or physical condition; and the right to access health care services ensuring privacy, secrecy, and quality assistance, with no discrimination.

587. In this context, the Brazilian Ministry of Health currently distributes 9 contraceptive methods at the level of Basic Health Care services in all cities, in addition to the provision of rapid pregnancy tests.

588. The rapid pregnancy test enables the early detection of pregnancy and, according to the result, the provision of guidance and specific care for each situation, with the purpose of initiating early prenatal care or referring to a parenthood planning service. At the same time, the provision of post-miscarriage and postpartum contraception in maternity hospitals provides women with the opportunity of initiating a contraceptive method before discharge, which is proving to be effective in preventing unplanned or undesired pregnancy.

589. On the other hand, to combat Sexually Transmitted Infections (STIs), HIV/AIDS, and Viral Hepatitis (VH) affecting women, it is fundamental to establish, reinforce, and integrate policies and strategies for prevention, promotion, and comprehensive care, aiming at ensuring equity and reducing sociocultural obstacles to the access to comprehensive health care. STIs, HIV/AIDS, and VH affect women in different ways, so it is essential to implement specific actions for those who are in greater vulnerability. An important measure for the early detection of STIs, and eventual start of treatment, is the provision of rapid HIV and syphilis tests in basic health care facilities, in Testing and Counseling Centers (CTAs), and during pre-natal care to all pregnant women and their sexual partners.

590. Informative and advising materials are also frequently produced for healthcare practitioners and managers to improve the quality of health care in the Basic Health Care units of the SUS.

- Technical Manual for HIV infection Diagnosis;
- Technical Manual for Viral Hepatitis Diagnosis;
- Technical Manual for Syphilis Diagnosis.

591. As a result of these actions, the Brazilian Government has been observing a drop in the rate of detection of HIV infection among women (especially in women aged 25-29). In 2005, there were 32 cases per 100 thousand inhabitants and, in 2015, there were 16 cases per 100 thousand inhabitants;¹⁶ there was also a decrease in the HIV mother-to-child transmission rate, which dropped by 36% in the last 6 years. Some cities managed to reach eradication rates. These positive results are due to the fact that the Ministry of Health and the state and municipal governments have increased testing in pregnant women during prenatal care, starting the treatment after the positive diagnosis.

592. The Government has issued a public notice for the national survey on specific data regarding the prevalence of HIV, hepatitis B and C, and syphilis in 12 Brazilian cities and of the “*Viva Melhor Sabendo*” strategy, of the Department of Surveillance, Prevention, and Control of STIs, HIV/AIDS, and Viral Hepatitis of the Ministry of Health, which has also been gathering important data on the context of HIV among transvestites and transsexuals, by increasing HIV testing with technologies for quick testing through oral fluids for key populations.

593. Aiming at ensuring universal access to health care services, the Ministry of Health has a regulatory framework that provides better technical quality for the organization of the assistance network, vocational training aiming at humanized care and non-discrimination, among which we may emphasize, on one side, the Basic Health Care Handbooks and the Basic Health Care Protocol: *Saúde da Mulher*, which provide guidance on health care, prenatal care, prevention against STIs, and other topics related

¹⁶ Brazil, Ministry of Health. Health Surveillance Office. HIV/AIDS Epidemiological Bulletin. Brasília: Ministry of Health, 2016

to basic health care, and, on the other side, a series of technical standards and/or guides that establish clinical actions and conducts to provide a better quality of service to women and strategic actions to reduce mortality rates among mothers and newborns.

594. There are also investments to improve the environment in maternity hospitals and to train professionals for this area.

595. Among the policies, programs, and actions aiming at providing training to increase access to health care, humanized assistance free of discrimination, and universal access, the Government calls attention to:

- a) Strengthening of the Basic Health Care facilities as a gateway to the SUS and the increase in the number of teams in the *Saúde da Família* Strategy;
- b) Better quality of the demand for contraceptive methods through an ascendant program from cities and states up to the centralized purchase and distribution by the Ministry of Health, as well as the increased offer of such contraceptive methods;
- c) Better quality of health care through provision of training to professionals (classroom and distance education courses); preparation of guidelines for health care, provision of contraceptive methods, and quick testing for syphilis, HIV, and pregnancy;
- d) Inclusion of humanized care in the entire assistance for women in situation of miscarriage, providing contraceptive alternatives for women with spontaneous miscarriage, providing guidance for a new pregnancy and ensuring assistance suitable for their needs;
- e) Strengthening of Obstetric Care through strategic actions such as the *Rede Cegonha* Program;
- f) Provision of real-time access to the Maternal Mortality Monitoring Panel.

596. As a mid-term result of the implementation of the recommendations, especially regarding reduction in maternal and child morbidity and mortality, Brazil presents the *Parto Adequado* Project, developed by the National Health Agency (ANS), the Hospital

Israelita Albert Einstein (HIAE), and the Institute for Healthcare Improvement (IHI), with the support of the Ministry of Health.

597. This initiative aims at identifying innovative and feasible delivery and birth care models that value vaginal delivery and reduce the percentage of C-sections with no clinical indication in health plans. It also aims at offering to women and babies proper care at the right time over the gestational period, during the entire labor and postpartum period, taking into account the structure and preparation of the multi-professional team, evidence-based medicine, and the social, cultural, and emotional conditions of the pregnant woman and her family.

598. In its Stage I, 35 hospitals adhered to the project over 18 months, had a pilot experience in the creation of a new model of assistance to mother and children in Brazil, and prevented 10 thousand unnecessary C-sections in 18 months of implementation. With these results, the *Parto Adequado* Project expanded among other health plan companies and SUS units, and it is currently in Stage 2, in which it aims at encompassing 137 Private Hospitals, 25 Public Hospitals, and 65 Health Plan companies relying on 73 hospitals partnering with the project.

599. In 2017, the *Aprimoramento e Inovação no Cuidado e Ensino em Obstetrícia e Neonatologia* (Apice On) project was launched as an initiative of the Ministry of Health in a partnership with EBSEH, ABRAHUE, MEC, and IFF/FIOCRUZ, and UFMG was the executing institution. The project proposes training in the areas of assistance/care during delivery and birth, postpartum and post-miscarriage parenthood planning, and assistance for women in situations of sexual violence and miscarriage in hospitals with the following characteristics: teaching hospitals, university hospitals, and/or hospitals operating as a support teaching unit within the *Rede Cegonha* Program. The purpose is to increase the scope of action of hospitals within the SUS network and reformulate and/or enhance work processes and flows for the adjustment of access, coverage, and quality of care. So, it has the potential to expand the partnership between the Ministry of Health, teaching hospitals, and educational institutions related to these services, aiming at strengthening the role of different cooperative stakeholders in the obstetric and neonatal areas. Therefore, it aims at contributing to the implementation and capillarization of

health care practices based on scientific evidence, rights, and principles of humanization, making a set of formative health care and management practices available, which are capable of impacting the entire service network.

600. The Apice On project includes a network of hospitals with teaching activities for all Brazilian states. The goal is to encourage changes to the traditional models of education, care, and management with these institutions, which present themselves as defining spaces for how the learning of practices and the incorporation of care models are consolidated.

601. The *Parto Cuidadoso* Project, in implementation since March 2018, is an instrument for monitoring and assessing clinical practices in the scope of the *Rede Cegonha* Program, to be initially implemented in 626 maternity hospitals assessed recently by the Ministry of Health. By using this tool, managers of the health care units and from different levels of governance of the assistance network will be able to monitor, assess, and compare quality indicators related to care during delivery and birth, including C-section rates. This project enables a more systematic monitoring, in lockstep with the day-to-day services, which will make it possible for the management of the SUS to intervene properly and timely in order to change work methods and processes, enabling Brazil to improve its indicators of maternal and infant morbimortality.

602. Furthermore, according to statistical information of the Brazilian Institute of Geography and Statistics – IBGE, Brazil has witnessed a drop in the infant mortality rate in the last decade as a result of, among other factors, the increase in the female education, and an increase in the percentage of houses with proper sanitation (sanitary sewer, drinking water, and garbage collection). In addition, increased proportions of population have gained access to health care services, which improved the quality of the prenatal care and assistance during the first years of life.

603. It is important to note that the income transfer social program *Bolsa Família* has an important role in the reduction in infant and maternal mortality, as it reduces infant malnutrition, by increasing the income of very poor families. It further increases access to health care, by imposing conditions for the payment of the benefit. It is worth to

highlight that the recommendations on this topic – infant and maternal mortality – are a responsibility of the Ministry of Health.

604. With respect to reduction in maternal mortality, this is currently one of the biggest challenges in Brazilian public health care. The country has managed to make some important progress, showing a 58% reduction from 1990 to 2015, but it still has not reached the goal of a 75% reduction in the maternal mortality ratio from 1990 to 2015. According to estimates of the Ministry of Health – MS, the adjusted maternal mortality ratio (MMR) in Brazil was 143 per 100 thousand live births, in 1990, and dropped to 60 per 100 thousand live births in 2015. However, the goal was to reach 35 deaths per 100 thousand live births in 2015.

605. The distribution according to the cause of maternal death indicates that, in 2015, 66.5% of such deaths were due to direct causes, 31.0% due to indirect causes, and 2.5% due to unspecified causes. In 1990, the mortality due to direct causes was 9.4 times higher than the mortality due to indirect causes. This ratio dropped to 3.5 times, in 2000, and to 2.1 times, in 2015.

606. In this regard, expanding and disseminating knowledge on the use of contraceptive methods is considered an essential strategy for the promotion of maternal health in the country. The use of these methods has evolved in a positive way over the last few years.

607. Many of the challenges presented in the recommendations of the Mechanism of Universal Periodic Review remain, especially those related to women deprived of liberty. Those populations are already in a vulnerable position due to their sexual condition, prison, and precarious access to justice, which reflects the social tragedy related to full enjoyment of human rights in the access to health care. While significant progress was achieved in the matter, there is a need to intensify efforts to overcome the extreme conditions of deprivation of access to health care still suffered by these women.

16. RIGHT TO ADEQUATE HOUSING

Recommendations related to the topic:

136.136 – To reinforce the public policies to reduce housing shortage and create conditions for access to affordable housing for middle and low income households (Angola);

136.137 – To continue the efforts to ensure adequate housing for all (Bangladesh);

136.145 – To address the challenges of water supply and sanitation in the *favelas* through full implementation of the National Sanitation Plan (South Africa);

136.146 – To use further efforts to improve access to water and sanitation, especially in the North and North-East regions of the country, through the effective implementation of the principle of equality and to gradually reduce inequalities through the implementation of the National Sanitation Plan (Spain);

136.147 – To reinforce endeavors to ensure access to safe drinking water and sanitation by installing water and sewage networks (Turkey);

136.138 – To take further steps in enhancing the promotion and protection of the rights of the child, aiming at fully eradicating child homelessness (Croatia);

608. The right to adequate housing is a social achievement constitutionally acknowledged and incorporated into Brazilian public policy and into the social housing programs. The concept of decent housing “encompasses access to residence, security of possessions, habitability, affordable cost, cultural adequacy, accessibility, location, and to the urban goods and services offered around the city, with respect to availability of public transportation and proper mobility conditions, access to public facilities, sanitation, health, safety, work, education, culture, and leisure, according to the average standards of the city”. It is present in all laws and regulations of the housing programs offered by the Brazilian Government, through the Ministry of Regional Development, and, through the actions of the National Council of Cities, a tripartite urban policies management body. It has further been disseminated in the various instances of participation and decision-making about public funds, thus, it tends to be included more and more as the objective to be pursued in the subnational policies.

609. Additionally, the Brazilian Government, through the National Housing Office of the Ministry of Regional Development, has sought, through inter-institutional partnerships, qualitative monitoring and social effectiveness of its programs. Accordingly, efforts to ensure proper housing for everyone, including children, are

maintained and enhanced each year, together with the improvements to politics and social housing programs.

610. The guidelines of the National Housing Plan, published in 2009 and pending review, are related to the guidelines of the laws and regulations and to the specific agreements prohibiting any type of discrimination and promoting human rights. Actions directed to the lower-income population are a priority, including programs highly subsidized for the acquisition of housing and housing improvements. The social technical work is also provided for in any intervention under the management of the Ministry of Regional Development, seeking to overcome all discrimination factors.

611. Regarding housing programs, in the last eleven years, the Brazilian Government created three major priority programs to ensure access to housing, giving priority to actions directed to the low-income population. The programs seek to offer strategies to meet the demands for demands on a quantitative and qualitative basis.

612. The Precarious Settlement Urbanization Program of the former Ministry of Planning (PAC/UAP), the *Minha Casa Minha Vida* Program (PMCMV), and the *Cartão Reforma* Program are three major instruments to deal with the Brazilian housing issues, mass production of homes and improvement of improper housing.

613. These three programs have substantial funds from the Federal Budget through subsidy or mandatory transfers from the Federal Government to federative units, in addition to using public funds from states and cities for the direct benefit of precarious housing and housing assistance for low-income families.

614. PAC/UAP, created in 2007, addresses the issues of precarious housing and slums while seeking to maintain families in the location they live, by urbanizing areas and promoting infrastructure, in addition to providing housing in the cases of resettlement. This program is focused on the qualitative intervention of settlements, performing actions of housing improvements, land regularization, environmental recovery, among others. Operations executed within the scope of PAC/UAP are benefitting about 300 thousand families.

615. The *Minha Casa Minha Vida* Program was created in 2009 by the Brazilian Government, aiming at filling in the gap in housing provision to the lower-income population, promoting economic development and combating housing deficit. Coordinated by the Ministry of Regional Development, this Program is remains a priority among the Brazilian Government's social policies. Until June 2018, the program had an investment of more than R\$430 billion, and more than 3.9 million housing units were delivered out of the 5.3 million housing units contracted in the entire country.

616. The *Cartão Reforma* Program, on its turn, launched in 2016, aims at improving the housing conditions of low-income families by granting economic assistance for the acquisition of building materials intended for the reconstruction, expansion, or completion of housing units for low-income families, which also includes the provision of technical support services by civil construction professionals.

617. These housing programs operate in coordination with environmental sanitation programs, in addition to their own constitutive elements, such as land regularization and social work actions, including by supporting those families after completion of the interventions and undertakings. These programs also comprise a requirement for the local authority (municipal) to assist families by providing basic services as education, health care, and transportation.

618. With a view to reaching vulnerably groups, the construction of residences in Federal Government actions also meets the accessibility standards, reserving housing units for persons with disabilities and the elderly. The housing units are, as a priority, registered under the woman's name, in recognition of women as the householders, a condition very common in Brazil.

619. Although the Brazilian Government has implemented such programs to meet the current demand for housing, it is relevant to prepare and predict the maintenance of these actions and programs in the medium and long term. In order to properly plan the allocation of available resources and revise the programs themselves, the Ministry of Regional Development carries out studies from time to time, such as surveys on the future demand for residence in Brazil by means of technical cooperation actions with academic

institutions. Based on population projection, these researches measure not only the number of housing units necessary, but also the impacts on the creation of jobs and income, poverty reduction, among others. The last survey on the future demand was published in 2018 and covers the period from 2015 to 2040. It is highlighted that this study supports the current revision process of the National Housing Plan.

620. The Brazilian Government has signed agreements and initiatives such as the 2030 Agenda, which includes the Sustainable Development Goals, and the New Urban Agenda, in the Habitat III Conference. Therefore, there is commitment to the international guidelines and recommendations for matters involving the right to adequate housing, such as the reduction in the population experiencing poor living situations, assistance with housing needs, and provision of affordable housing for all, among others. This international political agenda, reflected on the agendas of regional groups and in the agreements on global targets and goals, is central to urban and housing policies for sustainable development, poverty reduction and economic growth.

17. RIGHT TO EDUCATION

Recommendations related to the topic:

136.164 – To further develop the National Policy of Basic Health Care and the National Education Plan 2014-2024 (Israel);

136.165 – To keep implementing measures to improve the quality of education and reduce inequality in terms of education due to income and social status (Japan);

136.166 – To ensure adequate funding in implementing the National Education Plan and to prepare a progress report on its implementation to improve transparency and accountability (Malaysia);

136.167 – To use efforts aiming at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, especially in rural areas (Morocco);

136.168 – To pursue implementing high quality intercultural education (Peru);

136.169 – To promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (Republic of Korea);

136.170 – To follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey);

136.171 – To continue the implementation of the education plan of 2014-2016 (Sudan);

136.172 – To increase investment in education infrastructure and promote education in rural areas (China);

136.173 – To improve quality of public education, especially for those that live below poverty line, especially Afro-Brazilians, focusing on the psychological health and integration of psychosocial elements in order to achieve a better learning environment (Haiti);

136.174 – To continue strengthening efforts to eliminate discrimination, including racial discrimination in education (Indonesia);

136.175 – To implement plans promoting inclusive education of ethnic minorities, which have high levels of school dropout (Paraguay);

136.200 – To adopt policies and programs to strengthen the rights of children and adolescent in the field of education, training, and health care (United Arab Emirates);

136.205 – To further reinforce programs to address child labor, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education (Liechtenstein);

621. In the third cycle of the Universal Periodic Review, the recommendations regarding education relate to actions of vocational education for young persons, aiming at the eradication of child labor, and fostering inclusive education and non-discrimination. It is important to highlight that the comprehensive access of children in school age to primary education in the country may explain the degree of specificity in the recommendations presented, which go beyond mere access and are presented as to promote quality to a right that must be exercised in a more elaborate and inclusive manner.

622. Based on an intersectoral approach, it is important to emphasize the strong convergence between the topics of the PNAISC and the strategic axes of the *Saúde na Escola* Program (PSE), intersectoral policy established in 2007 to integrate health and education for development of social responsibility and well-being.

623. We note the strengthening of state administration regarding comprehensive health care through training of Local Strategic Groups, towards the implementation of actions to promote breastfeeding, address congenital syndromes, and develop strategies to improve neonatal care.

624. Regarding the policies and programs directed to Teenagers and Young Adults, the period from 2015 to 2018 was important period to foster agreements on strategic agendas

for health care of teenagers and young adults, pursuant to the Strategic Objectives of the Ministry of Health and priority agendas of the Federal Government.

625. The National Coordination Office for Health Care of Teenagers and Young Adults has three major lines of work planned for the period: the *Proteger e Cuidar de Adolescentes* Agenda, the *DiverSUS – Educomunicação, Juventudes e Saúde* Project, and the National Health Care Policy for Teenagers Deprived of Liberty.

18. ANNEX I

Systematization of the contributions of the civil society to the report, divided into topics, in a public hearing Held in the Commission of Human Rights and Minorities of the House of Representatives on August 28, 2019, and through the website of the Ministry of Women, Family, and Human Rights, from August 26, 2019, to September 1, 2019.

International Human Rights Instruments

On this topic, civil society presented criticism on the efficacy of the ratification of international human rights instruments and their applicability to the national jurisdiction, as, according to the comments presented, their effectiveness depends on political will from the Government.

There were comments related to the non-ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. There was also disagreement with respect to the change to the operation of the National Mechanism for Prevention and Fight against Torture, referred to in the OPCAT.

There were also references to mechanisms of individual petitions and complaints, advocating with the objective of providing the plaintiff with full control over the progress and conclusions about the petition.

General Recommendations on Human Rights

Despite the fact that it was not a subject matter of the recommendations within this section, a comment was presented on the independence of the Amnesty Commission.

There were comments on the preservation of the Amazon, prevention of forest fires and the accountability for environmental crimes and violations.

The “*Escola do Trabalhador*” Program was the subject matter of one of the comments, which complimented the initiative for facilitating access to and dissemination of vocational courses.

There was a comment on the note that the Brazilian Government delivered to the Organization of American States, together with other countries of the region, commenting about the current operation of the Inter-American Human Rights System. According to the citizen/organization that made the comment, the note hides “*sovereignist intentions (according to information provided) and intentions of exclusion of responsibility for violations of human rights*”.

National Human Rights Institutions

There were comments pointing out that the report is too focused on “step 1” (autonomy of the NHRI), but this is only one of the points, which will be necessarily followed so that institutions may fulfill their role.

There is criticism regarding the results presented in 2017 and 2018, pointing out that none of them occurred in 2019. The reporting period is 2017-2019.

There were many comments in the electronic forms and in the public hearings addressing the dismissal of the staff of the National Office for Global Protection directed to the Executive Office of the National Human Rights Council – CNDH, as an example of interference in the independence of such body.

There were comments on the budget that shall be managed by CNDH in 2020, which is included in the report.

There were mentions to the absence of references to the Amnesty Commission and Special Commission on Political Deaths and Disappearances, but there were no specific recommendations addressed to Brazil regarding such Commissions.

There was a suggestion for the implementation of a “secularism observatory”, in view of the growth of the evangelicals parliamentary group in the House of Representatives and of an alleged attempt to homogenize the customs and behavior of the Brazilian population.

Poverty Reduction and Social Development

There were comments on the prevalence of inequality, which is still depriving a lot of young persons from opportunities and preventing the nation’s development. There are suggestions for provision of housing and food assistance and support so that young persons from poor neighborhoods may enroll in renowned schools.

The programs mentioned in the report, such as the *Bolsa Família* Program, the PLANSAN, and the PNAE, were referred to as being very important for social development and poverty reduction.

Racial Equality

There were comments on how the legal rules address the topic but, on their own, are not capable of providing the desired result. According to the comment, there is a lack of actions that effectively change the society's mentality, from awareness campaigns to bigger incentives for racial representativeness in several prominent positions and environments.

Another comment pointed out the lack of data. In this regard, the Government emphasizes the extensive national legal framework on the topic. Not only punishment, but also education should have been more explored.

The low resolution rate of the crimes submitted to Brazilian Courts was also mentioned. There was also mention to the lack of actions directed to non-Afro-Brazilian and non-white persons (Asians and Latinos).

Indigenous Population

As for indigenous population matters, civil society raised the issue of legal uncertainty. Infrastructure projects in the countryside were also mentioned, as well as the Government's need to commit to the instruments that guarantee popular participation aiming at the decision-making process and the access to justice.

Some criticism was directed to the presentation of SESAI data for 2018, which does not inform its performance in 2019. Bill No. 3,729/2004, which addresses environmental

permits and will affect the rights of indigenous persons and *quilombola* communities, was not presented, and this fact was also challenged.

Some opinions regarded the lack of public schools addressing indigenous matters. Indigenous health care programs were also criticized for their high degree of bureaucratization and for the changes to the *Mais Médicos* Program.

In the public hearing, some remarks were made by the Indigenous representative on recommendations No. 136.168 and 136.175, which were pointed out as not implemented, and recommendation No. 136.223, considering that the indigenous lands are being subject to economic exploitation.

There were also critical comments on the lack of response, in the report, with respect to the land rights of indigenous peoples, such as land demarcation. Moreover, some considerations were presented regarding the fact that indigenous peoples remain among the segments of greatest vulnerability in Brazilian population, considering indicators, such as income, infant mortality, malnutrition, health, education, and access to sanitation.

Policies for Women

There were suggestions that the professional training actions for women in situations of violence should be increased as they help to break the violence cycle. They also pointed out the importance of combining the actions of awareness with the training programs in order to overcome sexism, working with men in order to expose the harms caused by this situation to the entire family nucleus or in the police stations themselves, with public security professionals.

Civil society presented comments related to the number of women in leadership positions in the Federal Executive Branch. There was criticism on the change of the name of the MDH in order to include in its nomenclature Women and Family.

A reference was made to the absence of information about recommendations that would matter in the expansion of hypotheses of voluntary termination of pregnancy, and greater focus was given to the programs on motherhood.

Promotion and Protection of the Rights of Persons with Disabilities

Actions for inclusion of persons with disabilities were praised. Additionally, initiatives for inclusion in the job market, such as quotas, which are easily complied with and may be monitored by the MPT, were mentioned. There were suggestions on the integration between the professional qualification and education systems with the job market.

Promotion and Protection of the Rights of Children and Adolescents

There was concern about the fact that, according to the data from *Disque 100*, children suffer the highest number of violations. Additionally, the education level of young teenagers and the high rates of adolescent homicides, especially of Afro-Brazilian male young adults, were considered challenges to be overcome.

LGBT Rights

There were comments related to the need for improving the collection of data on violence against the LGBT population, aiming at improving the preparation of public policies, identifying which types of crimes are committed, where they are committed, how serious they are, etc...

There were also mentions of the importance of sex education in the schools as an instrument to combat homophobia. There was also reference to the need for making

training actions for the security forces in order to avoid practices directed to vulnerable groups.

A special emphasis was placed on the situation of transsexuals, due to the fact that they allegedly suffer the most prejudice. There were also references to intersex children and to the difficulty of discussing the topic in Brazil.

Migrants, refugees, and fight against human trafficking

Ordinance No. 666/2019 of the Ministry of Justice and Public Security was mentioned several times, both in the public consultation and in the public hearing. It is not included in the report because its subject matter is not referred to in any of the recommendations received by Brazil.

There were comments mentioning the Statute of the Foreign Nationals, revoked with the advent of Migration Law of 2017.

There were also considerations on the long time required for judgments of requests for refuge. There were comments praising the efforts by the Government to host the great flow of Venezuelan refugees.

Human Rights Defenders

There was information provided on the fight of land and environmental activists being murdered in the Legal Amazon area, especially in the States of Pará and Rondônia, with low resolution rates. There were other comments on how the program operates..

Business and Human Rights

There were considerations pointing out that the topic is still incipient in Brazil and that more initiatives must be promoted.

It was pointed out that there is a need for the Judiciary Branch to properly judge severe cases, such as Brumadinho and Mariana.

Human Rights Education

There were comments on the lack of information regarding inclusion, equity, accessibility, and equality in Brazilian education.

There were comments on the importance of the *revista científica de direitos humanos* magazine and on how increase civil society engagement.

There was also mention to the fact that actions of human rights education must be directed to those who are already interested in being educated on the topic.

There was also a comment that mentioned that, of the 5 recommendations on the topic, 4 were not implemented.

Public Security

According to some comments received, the creation of public security teams is still based on the paradigm of repression.

Need for adequacy of the Brazilian laws and regulations to the Rome Statute and classification of enforced disappearance as a crime.

Comments point out that the report does not indicate the implementation of recommendation No. 163.63 regarding the reinforcement of the efficacy of investigations on cases of police violence.

Prevention and Fight against Torture

It was noted that the failure to establish State Mechanisms for Prevention and Fight against Torture is a problem. Another topic addressed is the lack of proper training for identifying such practices.

There was also mention to the obstacles for effecting the rules and regulations provided by agencies of anti-torture systems.

Justice System

There were some remarks on the recommendations having been made in a section and the responses presented in another section.

Some considerations were posed in the sense that Brazil is not in line with the Mandela Rules, especially rules No. 2 and No. 5, expressing concern over prison conditions in Brazil.

The issue of prison overcrowding in Brazil was remarked upon more than once in the comments.

Abolition of Slavery

The policies reported were considered to be interesting, and it was suggested that the results were demonstrated by numbers. Other comments claim that Brazil may be considered an example to be followed in the fight against forms of modern slavery.

Right to Health

Some comments express concern over the low budget directed to mental health, which is allegedly below the global average.

Some considerations on previous progress in the rates of overcrowding in emergency care units were expressed, as well as doubts over what can be expected from a minimal state model.

Right to Adequate Housing

Comments were submitted with the example of downtown São Paulo as an example not to be followed – with the increased police actions and removal of the population in street situation, which has migrated to further regions – the problem of lack of housing has not been solved.

There were also comments that the report explains the concept of decent housing – still unknown by many and which contemplates more than a place to live.

The *Minha Casa Minha Vida* program was mentioned as a success in the city of Capelinha.

Right to Education

The lack of information in the report regarding the topics effectively brought by the international community was criticized especially due to the extension of the text intended for the theme. Criticism was also made to the current management of federal universities. Cuts in the budget for education were also mentioned.