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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
19 – 23 May 2008

**BRAZIL**

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the second periodic report of Brazil concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BRA/2)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED**

1. Please provide statistical data on the socio-economic conditions of indigenous peoples covering, in particular, the incidence of poverty, life expectancy, literacy rates and access to employment. (E/C.12/BRA/2, paras. 15, 19, 20 and 23)
2. Please explain whether the rights enshrined in the Covenant can be directly applied and invoked before Brazilian courts and provide examples, if any, of court decisions directly applying Covenant rights. What steps are being taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies? (E/C.12/BRA/2, para. 53)
3. Please provide information on the mechanisms which ensure that adequate safeguards are in place for the protection of economic, social and cultural rights of the most disadvantaged and marginalized individuals and groups, particularly in relation to the rights to health, to an adequate standard of living, to work and to favourable conditions of work.

4. Please indicate whether the State party has established a national human rights institution in conformity with the Paris Principles<sup>1</sup>. If so, does it have competence to deal with issues relating to economic, social and cultural rights?

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2, paragraph 2 – Non-discrimination**

5. Please provide information on the affirmative action programmes being implemented and to what extent have they proven to be effective.

6. Please provide information on the measures taken following reported killings of young persons of African descent in the Bahia State. Please indicate the measures being taken to provide a stronger legal framework for the protection of persons of African descent, particularly to put an end to such killings.

7. Please provide information on the results of the implementation of the "Brazil without Homophobia" policy and indicate the measures taken at the level of the federal states in response to reported cases of discrimination based on sexual orientation and acts of violence against concerned groups.

8. Please indicate whether the draft Statute for Racial Equality has been adopted. If so, please provide details of the provisions of the Statute.

### **Article 3 – Equal rights of men and women**

9. Please indicate whether the State party has implemented or envisages implementing a comprehensive strategy to modify and eliminate negative cultural attitudes and practices and deep-rooted stereotypes that discriminate against women in the State party. Please also inform whether the State party has carried out awareness-raising campaigns aimed at the elimination of stereotypes associated with the traditional roles of men and women in the family and in society at large.

## **III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6 – The right to work**

10. Please provide information on measures taken to promote equality in access to employment for persons of African descent and members of indigenous communities, particularly at the professional levels.

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<sup>1</sup> Principles relating to the status of national institutions, adopted by General Assembly resolution 48/134 of 20 December 1993.

11. Please provide detailed statistical data on the number of persons with disabilities in full-time and part-time employment.

12. Please provide information on the implementation of the “National Qualification Plan” and, in particular, the extent to which it has benefited the disadvantaged sections of society who are entitled to preferential access to the benefits of the plan.

#### **Article 7 – The right to just and favourable conditions of work**

13. Please provide information concerning the total number of cases registered under Law 108/03 relating to crimes of “slave work”. Please also indicate what steps have been taken, in law and in practice, to eradicate all forms of forced labour, and provide details of recent cases in which offenders have been prosecuted and convicted.

14. Please provide detailed and updated information, including statistical data disaggregated by sex and age, on domestic workers in the State party, in particular on the legal norms regulating domestic work. Please also indicate whether domestic workers enjoy the same rights as other workers, including the maximum hours of work per day, rest days and the minimum wage as well as on oversight mechanisms and the frequency of labour inspections in this sector.

15. Please provide detailed information on accidents in the industrial and agriculture sectors in the State party, including fatal accidents, and on measures undertaken by the Federal and State labour inspections to enforce occupational safety and health standards.

#### **Article 8 – Trade union rights**

16. Please provide information on the measures taken by the State party to protect the right of workers to form trade unions and to join the trade union of their choice. Please provide detailed, disaggregated statistical information on the number of strikes organized on big farms (“latifundium”) and on the number of strikes declared by courts as illegal in the State party.

17. Please provide information concerning the number of complaints or reports received in recent years about the murders and other acts of violence committed against union leaders and activists, the number of cases brought to trial and the number of current convictions. What other steps are being taken to combat these crimes and provide protection to labour unionists?

#### **Article 9 – The right to social security**

18. Please provide detailed information on effective mechanisms within the social security system in the State party which grant coverage to orphans, children without parental care, families headed by single mothers or children, widows, older persons, persons with HIV/AIDS, persons with disabilities as well as rural workers, *quilombolas* and “riverside dwellers”.

19. Please provide information on the numbers of citizens who are not yet covered by social security and the reasons for their exclusion. What measures are contemplated to extend the

benefits of social security to everyone as required by the Covenant? What, if any, are the penalties imposed on employers of domestic workers for failing to “formalize” such employment?

### **Article 10 – Protection of the family, mothers and children**

20. Please indicate whether the “Maria da Penha Law” (Law on Domestic and Family Violence against Women) has been implemented in the State party. Please elaborate on the content of the Law including the mechanisms in place for the suppression of domestic violence against women. Please also indicate the role of the Special Secretariat on Women’s Policies in the fight against domestic violence as well as detailed information on the establishment of the State and Municipal Councils on the Rights of Women (E/C.12/BRA/2, paras. 145 and 150).

21. Please provide information on the number of street children and the measures taken to protect them from economic and social exploitation, work harmful to their morals or health or dangerous to life. What measures are being taken to rescue and rehabilitate street children, especially in Sao Paolo and Rio de Janeiro?

22. Please provide more detailed information on the Child Labour Eradication Program. Please also provide information on the effectiveness of the Program for Integrated Reference Initiatives for Combating Sexual Violence in the protection of children (E/C.12/BRA/2, paras. 263 and 311).

### **Article 11 – The right to an adequate standard of living**

23. Please indicate the steps being taken to set up effective mechanisms in order to reduce poverty in the State party. Has a time-frame been established for achieving the objectives of the State party’s National Programme against Poverty?

24. Please provide detailed information on the Zero Hunger Program and explain whether it is designated to eliminate “serious” and “moderate” food insecurity within specific time-frames. If not, please explain the reasons. Please also provide information on the National Food and Nutritional Security System (E/C.12/BRA/2, paras. 25 and 343).

25. Please provide information on measures being taken by the State party to accelerate the process of identification of the *Quilombo* communities as well as the distribution of their respective title deeds to such communities and completing the removal of all illegal occupants from the specific indigenous communities.

26. Please provide information on the measures being taken to stop the violence caused by prospectors invading indigenous lands, in particular in Mato Gross, Roraima and Maranhao States.

27. Please provide information on the extent of the prevalence of forced evictions in the State party, in particular in Curitiba, the State of Parana and at Parque Oeste of Goiana, including disaggregated data on the number of affected persons and families. Please also provide information on the implementation of the National Policy on Urban Development and the

National System for Social Housing, including any measures contemplated to implement Resolution No.º 31 of the National Council for Cities.

**Article 12 – The right to the highest attainable standard of physical and mental health**

28. Please provide information on the measures being taken to identify and combat the high maternal mortality rate, particularly in the more remote regions where access to health facilities is very limited and elaborate on the Committees on Maternal Mortality (E/C.12/BRA/2, para. 453) and the role of such Committees in reducing maternal mortality.

29. Please also comment on the high rate of clandestine abortions and its causes, linked to, among other factors, poverty, exclusion and lack of access to information.

30. Please provide updated information on the State party's National Health Service, including disaggregated statistical data on those covered by such system. Please also indicate the measures taken to guarantee effective access to health-care facilities, goods and services of the most disadvantaged and marginalized individuals and groups, including members of indigenous communities and persons of African descent.

31. Please provide information on the educational preventive measures being taken to combat HIV/AIDS and to eliminate discrimination against persons with HIV/AIDS. Please elaborate on the National Sexually Transmissible Diseases and AIDS Program (E/C.12/BRA/2, para. 440) . Please also provide information on the health protection available to persons with HIV/AIDS, including information on achievements and plans to provide equal access to adequate and affordable treatment and medication for these persons.

**Articles 13 and 14 – The right to education**

32. Please provide detailed information on the concrete measures being taken to combat the high dropout rate of children from schools at all levels across the country, particularly among the poor, *mestizo* children, children of African descent, indigenous children and children living in remote areas. Please also provide information on the measures being taken to address the problem of the high illiteracy rate in the State party, including the adoption of a national plan of action in respect of education. Furthermore, what concrete measures has the State party taken in respect of education of street children, especially in Sao Paulo and Rio de Janeiro?

33. Has the State party implemented the constitutional right to cultural diversity, which provides for the adaptation of particular educational programmes to the specific needs of each community?

**Article 15 – Cultural rights**

34. Please provide detailed information on the concrete measures adopted by the State party to implement the right of everyone to participate in cultural life and to enjoy the benefits of scientific progress and its application.

35. Please provide information on the linguistic diversity programmes, in particular in respect of members of indigenous communities and persons of African descent.

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