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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 10th MEETING

Held at the Palais des Nations, Geneva, on Friday, 9 May 2003, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Brazil (continued) (E/1990/5/Add.53; E/C.12/Q/BRA/1; HRI/CORE/Add.53)

At the invitation of the Chairperson, the members of the delegation of Brazil resumed their places at the Committee table.

The CHAIRPERSON invited Committee members to put questions concerning articles 10 and 11 to the delegation of Brazil.

Mr. MARCHAN ROMERO asked what proportion of Brazil's gross domestic product (GDP) was spent on external debt service. With regard to the issues of housing and forced eviction, he wondered what specific measures were being taken to provide low-cost housing to low-income families, particularly in view of the fact that 83 per cent of substandard urban housing was occupied by such families. The further development of the Alcântara space launch centre could lead to many families or communities in the area being evicted. Did the Government have any intention of providing compensation, in accordance with the Committee's General Comment No. 7? What plans did the Government have for demarcation of the remaining portion of the 20 per cent of land belonging to indigenous peoples? And what measures were envisaged to prevent the eviction of indigenous peoples from their constitutionally-protected ancestral lands?

Mr. CEAUSU said that, according to the report, nearly 3 million Brazilian children were working, yet only 15,000 had been helped by International Programme for the Elimination of Child Labour (IPEC) projects. He wondered whether the Government was satisfied with those results and whether it considered the resources allocated to be commensurate with the extent of the problem. With regard to penalties, he wondered whether the Government might not be able to compel employers to recruit an unemployed adult in lieu of a child.

The Committee had asked quite specific questions on the issue of land reform and it was regrettable that no figures had been provided. They would have been useful in the discussion of the problem. Apparently very few of those people who had been relocated under the land reform programme had received title to their new property. At the current rate, he wondered how long it would take for all such families to receive land and title.

Mr. TIRADO MEJIA wondered whether he was right in his understanding that Brazil had no birth-control programme. He requested

more detailed information on sterilization of men and women without their consent.

Mr. TEXIER asked for information on the current extent of violence against children in large cities - sometimes called "social cleansing" in more northern countries. Was it still a persistent problem or had the problem diminished?

Mr. GRISSA, referring to paragraph 332 of the report, asked what kind of work children aged between 5 and 9 could do, how they could work such long hours, and who they worked for.

Mr. PEDRO (Brazil), replying to an earlier question concerning the police, said he agreed that staffing levels were inadequate; the Government was committed to creating more posts.

Specific legislation was needed to punish violence against women; the current legislation referred only to violence and torture in general. With regard to women heads of household, he said there were some support programmes but they were not sufficient.

In reply to Ms. Bras Gomes' question on the Custodian Councils, he said they were municipal bodies made up of members of the local community and dealt with matters relating to that community. Exact numbers could be forwarded to the Committee at a later date. In general the experiment was considered highly successful: it encouraged fuller participation by members of the community and helped to focus resources where they were needed.

With regard to the poverty line and social inclusion, he said the Government was fully committed to making improvements in those areas and to that end it had launched the Zero Hunger Programme, which had started as an emergency measure, but which now embraced structural problems such as access to water, poverty reduction, land reform and education. It represented a major drive towards social inclusion. The Government had launched a whole range of initiatives in that regard.

Trafficking in persons was an offence punishable by law and the Government was taking action to track down and punish those involved. Trafficking in women in particular was a serious problem, and stricter legislation and more resources would be needed to deal with it. There was an international dimension to both problems, insofar as demand originated outside the country; international cooperation was therefore also needed.

The regularization of property ownership for persons living in shanty towns did not resolve housing problems in the cities, but it helped. The Government regarded action to combat the feminization of poverty as a top priority. The problem of water in the north-east was a complex issue, comprising both structural aspects, which required a political analysis of the problem, and urgent steps to deal with the current situation, such as the drought-relief measures taken in 2002.

External debt service accounted for some 40 per cent of GDP. The new Government was trying to restructure the budget within the framework of the Constitution. In particular, it wished to establish a multi-annual budget programme with broad policy lines geared to future needs, and to encourage wider participation in the preparation of the budget.

Progress was being made in the demarcation of indigenous lands, albeit not as fast as could be wished. The problem was complicated by the country's sheer size and the number of interests involved - not all of them legitimate. Greater vigilance was needed to prevent invasions of indigenous lands. With regard to land reform in general, he said the question of how long it would take to resettle all the families concerned was a very important one. It would be beneficial to involve civil society in an examination of the issue. However, one indicator that the rate of progress was increasing was the fact that, while 218,000 families had been allocated land in the period 1964-1994, three times that number had been resettled between 1995 and 2002.

It was certainly not ideal to find very young children working up to 16 hours a week. Most of them lived in rural areas; some worked in coal mining. With regard to the IPEC programme, he said it had helped 200,000, and not 15,000, children to leave work. Stiffer penalties were needed to discourage employers from hiring children. Violence against children was still a persistent problem, and it was correct that Brazil had no official birth-control policy.

Mr. GHISLENI (Brazil), replying to the question on forced sterilization, said there had been isolated cases in the 1970s. In the 1980s, sterilization had become the most popular form of contraception. Under the 1996 Federal Family Planning Act, health professionals were obliged to offer a full range of contraceptive methods. The Act also placed strict conditions on sterilization procedures: among other things, only men or women who had full legal capacity and at least two living children could be sterilized, and then only provided they had received full information on other forms of contraception and on the irreversible nature of sterilization. Health professionals who did not comply with the law were liable to prosecution.

Ms. MACIEL (Brazil), referring to Mr. Grissa's question on child labour, said the paragraph of the report he had cited also stated that the majority of the children concerned worked within their families and in their own homes in rural areas, and not for employers in factories or cities. The numbers were certainly high - some 300,000 according to the latest data - and the Government wished to reduce the number of hours worked, since even one or two hours a day encroached on the time available for school work. However, the problem was chiefly one of culture and families' lack of resources.

Mr. CEAUSU, referring to Mr. Pedro's point about police staffing levels and the need for recruitment, said there appeared to be many cases in which the police arrived in force to evict poor people from wealthy people's property, and yet when indigenous lands were invaded or there was a problem of slave labour, it seemed to be difficult to find sufficient police to enforce the law, which made him wonder whether the police acted impartially.

The CHAIRPERSON invited the delegation of Brazil to reply to questions 41 to 46 on the list of issues.

Mr. PEDRO (Brazil) said that since the 1980s intensive efforts had been made to promote breastfeeding. There was a programme to encourage mothers to breastfeed until the child was six months old, including payment of small monthly grants to pregnant women with low incomes; there was also a move to increase the number of "milk banks". The postal service was used as a vehicle for

advertising to promote breastfeeding.

On question 42, he said the types of contraception available in Brazil included condoms, the diaphragm, the pill, the intra-uterine device (IUD) and sterilization. While forced sterilization might still be carried out by certain doctors and clinics, it had been criminalized. In order to reduce the number of abortions, the Ministry of Health conducted information campaigns designed to avert unwanted pregnancies, especially among women with low incomes. Abortion was legal only in the event of the rape of a minor or when the mother's life was at risk.

Brazil's programmes to combat HIV/AIDS had been recognized by WHO as exemplary. To combat the virus effectively, Governments must work with NGOs and with the patients themselves, focusing on preventive measures and the integration of those affected. The Brazilian HIV/AIDS programme was implemented in cooperation with WHO and emphasized decentralization, the integration of assistance, prevention and treatment, and universal access to health goods and services. Its guidelines called for respect for human rights, the right to a diagnosis, and the right to universal and free access to all forms of treatment. Brazil had developed generic drugs for the treatment of HIV/AIDS, and had introduced a resolution that had been adopted by the Commission on Human Rights underscoring the usefulness of such an approach in dealing with major illnesses or pandemics. The national health system had been administering antiretroviral drugs to patients since 1991, and universal and free access to such drugs was at the forefront of its policy. The extensive use of retroviral drugs had resulted in a decline of nearly 50 per cent in the HIV/AIDS-related mortality rate since 1996, had reduced the need for hospitalization by some 80 per cent, and had led to a drop of between 60 and 80 per cent in the number of requests for treatment of the so-called "opportunistic" illnesses accompanying the virus. In the past five years, resources saved thanks to the use of retroviral drugs were estimated at about 2 billion dollars. One of the major obstacles to treatment of the virus was the lack of prenatal care and deficient local medical infrastructures in some areas. It was estimated that some 17,000 pregnant women were HIV-positive in Brazil.

The Government recognized that the situation in public mental hospitals and asylums was extremely bad, and had in recent years adopted new standards for the national health system to improve conditions there, for example by reorienting the assistance policy. A general overhaul of the structure of such facilities was needed. In 1999, a specific system for indigenous health had been created within the national health system. It concentrated on improving health care by making basic care more accessible and involving indigenous peoples in the provision of services while respecting their ethnic and cultural specificities. The assessments of the indigenous population's health situation by NGOs as described in their reports were valid, and would be brought to the attention of the Government.

The high prevalence of HIV/AIDS, tuberculosis, hepatitis and dermatological disorders in the prison population was a serious public health problem. While no precise figures were available, about 20 per cent of prisoners were reportedly HIV-positive. A survey of the health situation in prisons was being carried out in the first six months of 2003, and more specific information concerning HIV/AIDS would thus be made available to the Committee shortly.

Mr. RIEDEL said that, according to the alternative report submitted by NGOs, there had been a reduction in absolute terms in health expenditure. What was the State party doing to increase total expenditure on health? The Committee was aware of the conditions imposed by the international financial institutions and the need to meet the constitutional obligation to support the right to health. How would the Government deal with those conflicting obligations?

The maternal mortality rate was reported to be particularly high among women under 15 and over 50 years of age, and there was discrimination in the availability of maternal health care, resulting for example in higher maternal mortality rates among Afro-Brazilians. One of the core obligations set out in General Comment No. 14 was the right to equal access to available health goods and services. Afro-Brazilians also had higher infant mortality and malnutrition rates. For the Committee to engage in a meaningful dialogue, it was of the utmost importance for the Government to provide concrete information, with benchmarks, on the results of programmes undertaken, along with comments on trends. The next report should include information on actual efforts to improve the situation in mental hospitals, to combat prison overcrowding, and to bring the life expectancy of indigenous people into line with that of the overall population.

Mr. PEDRO (Brazil) said that there had not been a decrease in the health budget, but rather a significant increase. The Government was walking a tightrope between its obligations, on the one hand, to ensure the right to health and, on the other, to meet the requirements of the international financial institutions. It would welcome recommendations from the Committee concerning the type of statistics that would be helpful in maintaining a constructive dialogue. Some of the measures taken following the revelation of poor conditions in mental hospitals and asylums included deregistration of establishments and legal action. In the light of the need to reform the legislation governing such institutions and to overhaul the system, the Committee's suggestions would be most welcome.

The CHAIRPERSON invited the delegation to reply to questions 47 to 50 on the list of issues.

Ms. MACIEL (Brazil) said that although the problem of illiteracy persisted, in the past 20 years the illiteracy rate had been halved. The rate was currently highest (29 per cent) among persons over 50, while for those aged 15 to 19 it stood at about 5 per cent. Efforts were now being concentrated on reducing illiteracy among people in remote areas, such as rural workers and those without easy access to schools.

About 97 per cent of children between the ages of 7 and 14 attended school. Among the poor, the corresponding attendance rate had risen in the past 10 years from 74 per cent to 92 per cent, in part thanks to a school grants programme, "*Bolsa Escola*", supported inter alia by international organizations. Girls received more schooling than boys, but the amount of schooling received, six years on average, was still too low, as was the quality of the education. The average number of years of schooling was four in the north-east and almost seven in the south.

There was a literacy programme that targeted some 10 million people. Such efforts tended to rely heavily on the experience of NGOs. Among Afro-Brazilians, the illiteracy rate remained higher than average, but had fallen from 26 per cent to 20 per cent

between 1992 and 1999.

There was much concern among NGOs about the possibility that the education and health sectors would be opened up to international competition as a result of the World Trade Organization (WTO) negotiations. As the Government itself was about to make proposals in WTO to exclude those sectors from any future agreements, there was no reason for the Committee to include such concerns in its concluding observations.

Special courses were being set up to train indigenous teachers, in particular in response to the concerns raised at the World Conference against Racism, but they were few in number. However, by law, indigenous peoples had the right to be educated in their own language. With the exception of the *Quilombos*, Afro-Brazilians had no specific needs in that sense, as they were trained as teachers in the same way as anyone else.

Mr. GHISLENI (Brazil) said that the fostering of sports and games as an expression of Brazilian culture and personal development was a State obligation under the Constitution and various legislative instruments. The Ministry of Sport carried out three major programmes to encourage participation in sports and games, to develop a sound approach to health and a better quality of life, and to induce children to respond positively to everyday challenges.

All federal museums and libraries and the National Art Foundation (Funarte) had programmes for the elderly, and offered free admission once a week and free participation in cultural events and activities. The National History and Artistic Heritage Institute undertook a number of activities to ensure broader access to the country's cultural heritage for the disabled. The National Library had about 450 books in Braille and around 80 recorded works of Brazilian literature. Funarte ran a programme called Art without Barriers (report, para. 851) for disabled people. Lastly, the Ministry of Culture had made significant efforts to recruit disabled people; about 20 per cent of its staff were disabled.

Ms. BRAS GOMES, noting that there was an increasing trend towards privatization, asked what role the public sector played in university education. Was there any national legislation designed to ensure that public buildings such as museums provided access for disabled people?

The CHAIRPERSON invited the representative of UNESCO to make a statement about the right to education in Brazil.

Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) said that Brazil had acceded to the UNESCO Convention against Discrimination in Education, and had reported that regional and racial disparities in educational levels had been reduced but still persisted. Brazil attached great importance to providing access to education for all, and that was reflected in the country's Constitution and legislation, which set certain quotas for the funding of educational programmes.

In a report to the World Education Forum 2000, Brazil had announced its goal of achieving primary education for all children between the ages of 7 and 14 under its new National Education Plan, and indicated that the massive but isolated literacy campaigns launched in the past without taking account of the social conditions that had engendered illiteracy had not been satisfactory. Henceforth campaigns would be conducted only in conjunction with the effort to universalize primary education. The Government had also acknowledged that more needed to be done to provide access to education for street children, an area where legislation too was probably inadequate. UNESCO was looking forward to organizing jointly with Brazil - which had traditionally been very active in the field - the third meeting of the High-Level Group on Education for All.

Mr. ATANGANA requested more information about pupils who had to repeat a grade in school. He asked whether the government loan fund for students who could not afford the high fees at private universities was still in effect, whether the students who obtained loans were generally able to pay them back and what happened if they were not.

Mr. GRISSA pointed out that in the report (E/1990/5/Add.53) (table 89) indicated that some 60 per cent of federal funding for education went to higher education and only 5 per cent to primary and secondary education, and yet the great majority of students were in primary school. Such an allocation of funds worked against the interests of the poorer states in the north-east and Amazonia, with the result that, indeed, most school dropout occurred there. The data in table 90, broken down by ethnic group, corroborated the fact that the non-poor "Yellow" and "White" pupils received the most net schooling and that the poor "Brown" and "Black" pupils received the least. This meant that the Government, which should be actively redistributing wealth from the rich to the poor, was simply acting neutrally to maintain the status quo.

Mr. KERDOUN, referring to the right to take part in cultural life under article 15, asked what the Government was doing to develop indigenous languages by comparison with the teaching of Portuguese, and of Spanish, English and French, the most widely taught foreign languages; what proportion of the culture budget was allocated to minorities and to enhancing their role in shaping the national identity; whether there was any cultural production in the languages of the minorities; and whether access to culture, apart from the readily accessible cultural channel on television, was limited to those who were well off. It was a pity that no data had been provided in that field, because the Government seemed to be encouraging its development.

Mr. MARCHAN ROMERO, referring to the protection of intellectual property, requested more information about the indigenous peoples' ownership of ancestral knowledge. Also, he wondered what the Government was doing to help its nomadic but 600,000-strong Roma minority to preserve their own cultural identity.

Mr. MALINVERNI said that he would welcome clarification of the causes of the very high repetition rates in primary schools; perhaps the poor quality of the education was at fault or low teacher salaries. Also, he had found it very surprising that the free public universities had stricter admission requirements than the fee-paying private universities, and were therefore attended mainly by students from the middle and upper classes. He had the impression that the education system was ill-suited to the industrial country that Brazil had now become, as it did not produce enough qualified professionals and had too many unskilled workers.

Mr. SADI asked if human rights education was integrated into the curriculum and had proven effective, if the Government was familiar with the Committee's recommendations regarding education in General Comments Nos. 11 and 13 and had put any of them into effect, and if it had ever considered using electronic education to reach pupils in remote areas.

Mr. PEDRO (Brazil), replying to the questions raised, said that in developing its affirmative action policies, the Government had made a study of the acknowledged educational disparities between Brazilians of African descent and those of non-African descent and had found that the general trend over the previous 100 years showed increasing access to education in both groups, but with both curves remaining parallel at all times. The problem was to reduce the enduring gap between the two curves.

Regarding intellectual property, the Government was working to ensure that the indigenous peoples retained ownership of their traditional knowledge. The peoples included the Amazonian peoples and the remaining Quilombos. It was in the process of establishing a databank on the subject. Recently, Brazil had sent a delegation of indigenous leaders, including important traditional figures, to an international forum sponsored by the World Intellectual Property Organization (WIPO).

With regard to Gypsies in Brazil, he said that unofficial estimates by their own leaders put their number at about 600,000, but more work needed to be done to clarify their situation. The main problem was to somehow reconcile respect for their cultural identity with the procedures seen as necessary by society as a whole. For example, Gypsies saw little need for birth or death certificates, which were not part of their culture; they adapted to all kinds of situations on the road, accepting them as part of their nomadic way of life.

Ms. MACIEL (Brazil) added that one of the main reasons why the Government could not readily provide statistics on groups such as the Gypsies was that, until recently, Brazilians had been classified according to their colour, rather than ethnic or racial origin.

With regard to the questions raised about education in Brazil, she acknowledged that the country faced serious problems at all levels of the education system. At the primary level, the dropout rate was high and too many children had to repeat an academic year; problems then arose as a result of the discrepancy between their age and the age range catered for in the class they were in. Those problems were often compounded at the secondary level and only about 10 per cent of pupils who managed to complete their secondary education went on to university. It was true that a large proportion of government spending at the federal level was allocated to university education and there was a danger that government policy and budget allocations might exacerbate shortcomings elsewhere in the education system. However, it should be remembered that only federal funding was available for universities, whereas municipal and state funding was available for schools. Moreover, the Government had in recent years begun to put more emphasis on improving education at the primary and secondary levels in order to avoid the knock-on effect throughout the system of educational failure at an early age. For example, the salaries of teachers working in primary and secondary schools had recently been raised, although they were still rather low.

She was confident that the current Minister of Education, who was a former rector of the University of Brasilia, understood very well both the need to maintain the level of investment in higher education and the need to overcome fundamental problems in primary and secondary schools. In that connection, she highlighted the Government's "Bolsa Escola" programme, developed in conjunction with UNESCO: under that programme, families received monthly payments for every child attending school, provided that all their children attended school. The programme covered about 8 million children between the ages of 7 and 15. In fact, for some families in remote areas, the payments from the programme were their only source of income.

Mr. GHISLENI (Brazil), replying to questions raised by several Committee members, said that the main body responsible for protecting the rights of disabled persons and ensuring that they were able to participate fully in society was the National Council for the Rights of the Disabled, but he was unable to provide information on specific legislation in that area.

The Government attached great importance to the issue of the ownership of traditional knowledge, which had been under review for several years. Although no action had yet been taken, the Government recognized the principle of benefit-sharing, whereby the profits arising from such knowledge were shared between indigenous peoples and the companies exploiting it. As to the Government's policy on indigenous languages, he stressed that the mother tongue of most Afro-Brazilians was Portuguese. The Government was therefore concentrating on preserving their cultural traditions rather than their original African languages, which had gradually been lost over the generations. However, indigenous people, especially those living in remote areas, did still use their own languages and were finding it increasingly difficult to keep them alive because of the pressures to become integrated into Brazilian society, which entailed speaking Portuguese. The Government's policy was to encourage indigenous children to learn their indigenous language at school and, to that end, it provided appropriate educational materials and paid for indigenous teachers.

Mr. PEDRO (Brazil) said that it had been difficult for his Government, at a time of political transition, to provide the detailed answers that the Committee's questions deserved. However, the meetings with the Committee had been a learning process for his delegation and the lessons learned would be useful when the time came to prepare Brazil's next periodic report. His delegation had chosen to approach the discussions with the Committee in a spirit of openness and was sure that the Committee's concluding observations and recommendations would prove useful in helping the Government to improve the implementation of economic, social and cultural rights.

The CHAIRPERSON said that the lack of written replies and the absence of experts able to answer the Committee's questions meant that the dialogue had perhaps not been as satisfactory as it might have been. However, she appreciated the efforts made by the delegation to provide the information requested and hoped the Committee's conclusions and recommendations would be accepted by the State party in the constructive spirit in which they were offered. She offered a special word of thanks to the NGOs which had made the journey from Brazil to attend the session for their invaluable contribution to the debate.

The public part of the meeting rose at 5.25 p.m.