



# Economic and Social Council

Distr.: General  
27 April 2022

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

Seventy-fourth session

25 September–13 October 2023

Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

## Replies of Brazil to the list of issues in relation to its third periodic report\* \*\*

[Date received: 4 April 2022]

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\* The present document is being issued without formal editing.

\*\* The annex to the present report may be accessed from the web page of the Committee.



## I. General information

### Introduction

1. The following list of responses aims at summarizing the information regarding the questions drawn up by CESCR to Brazil on the occasion of the submission of its III National Report to the International Covenant on Economic, Social and Cultural Rights. An extensive consultation was conducted with more than 20 public bodies, among which members of the Federal Executive, Judicial and Legislative Branch. In addition, research was carried out in public databases, including from state and municipal levels, and with other concerned actors, as civil society organizations, to gather the greatest amount of information available to answer the list of issues comprehensively. However, it should be noted that the space available for the written answers is limited and imposes constraints on the ability of the State to provide thorough answers to the questions, which are complex and not rarely divided in items. In this context, the Brazilian government looks forward to the opportunity of providing further clarifications during the constructive dialog with the Committee.

### Reply to paragraph 1 of the list of issues E/C.12/BRA/Q/3

2. At first, it should be noted that the Ministry of Women, Family and Human Rights (MMFDH) has highlighted the following actions related to this question:

(a) Establishment of the *Ex Ante* method by all units within the Ministry for the formulation of public policies, based on Decree n. 9,203, which stipulates as a public governance directive the responsibility of monitoring performance and assessing the design, implementation and results of policies and priority actions. In this method, the identification of the problem diagnosis, which is one of the method's stages, involves seeking data from the Brazilian background and from comparisons with the international scenario. This leads the policymaker to pursue agreements made by the Brazilian State under this scope, as the III Report from the Brazilian State to the ICESCR;

(b) Taking UPR – Universal Periodic Review into consideration in the Ministry's planning for the period 2021–2022. In this respect, it should be noted that UPR is in alignment with the III Report of the Brazilian State to the ICESCR;

(c) Presence of qualitative technical analysis in each thematic area from the Ministry through the work of collaborators trained in the international area, who offer specialized support aimed at outcome improvement, seeking compliance with the aforementioned report.

3. It is also worth recalling the work of the National Human Rights Council (CNDH), which analyses, monitors and assesses State actions in light of the Constitution, treaties and international commitments undertaken by the Federative Republic of Brazil in the domain of Human Rights.

4. CNDH acts mainly through its plenary body, responsible for deciding over matters brought to its attention. It also relies on a number of thematic commissions.

5. As regards actions, policy proposals and legislative proposals in the federal level, the CNDH usually makes statements about relevant and special interest issues. The dispositions of the ICESCR are particularly taken into account by the Permanent Commission of Rights to Work, Education and Social Security, more connected to the rights recognized in the ICESCR.

6. That Commission has the role of examining reports of violation of human rights related to the rights to work, education and social security and violations to the “principle of the unacceptability of social setbacks”; recommending reparations and measures to address detected violations; examining regulatory, administrative and legislative acts relevant to the national human rights policy, within the thematic purview of the Commission; mapping policies associated to the topic and issuing recommendations to adopt and improve public policies, as well as developing actions to promote human rights.

### **Reply to paragraph 2 of the list of issues**

#### *LGBTQ Service*

7. Regarding policies to promote LGBTQ rights in the context of the COVID-19 pandemic, a booklet was provided and disseminated among the LGBTQ population called “LGBTQ for the Coronavirus Prevention”, available in Portuguese at the website <https://www.gov.br/mdh/pt-br/assuntos/covid-19/cartilhas>.

8. The agreements and projects focused on the LGBTQ population, funded by the MMFDH, went through adjustments and adaptations in order to include actions of prevention and fight against COVID-19 within the assisted population.

9. Two Public Call Notices were published, aimed at granting financial support to the implementation of projects promoting inclusion actions of the LGBTQ community in the formal labour market, focused mainly on transsexuals and transvestites’ population. The LGBTQ employability promotion projects seek to reach the portion of the LGBTQ population which is excluded from the formal labour market.

#### *Actions Towards the Quilombolas*

10. The Federal government launched an action plan to protect the right to life and health of the quilombola population during the pandemic. Overall, it is estimated that more than R\$ 1.4 billion will be invested in actions for health promotion and food safety in the communities, for example. Under the plan, among the measures for prevention, for improving access to testing, and for expanding health public services are, for example, the vaccination of at least 1.1 million quilombola people over 18 years of age. Vaccination and other health actions will involve an estimated investment of R\$ 421 million, according to the plan.

11. The plan also includes the delivery of 440 thousand food baskets, with another 70 thousand ones already delivered, benefiting around 180 thousand families. Around R\$ 60 million are due to be invested in the initiative. In addition, more than 260 thousand students are receiving food through the National School Food Program (PNAE). The funds for the action during the pandemic are approximately R\$ 80 million.

#### *Actions Toward Other Traditional Groups*

12. The other Brazilian traditional groups were also supported. Food baskets were destined to riverside, fishing and extractive communities (<https://www.conab.gov.br/ultimas-noticias/4264-distrito-federal-embarque-de-cestas-de-alimentos-e-iniciado-com-destino-a-municipios-da-regiao-norte>).

### **Reply to paragraph 3 of the list of issues**

13. Initially, we recall that obligations of reparation, with respect to victims and to public institutions, are a responsibility of the companies which cause the disaster.

14. It is important to mention the development of initiatives for the implementation of the National Guidelines about Businesses and Human Rights as well as the structuring of the National Plan of Action about Businesses and Human Rights, expected to be released in December 2022.

15. Within the National Investments Committee, a Plan of Action for Business Conduct is being drafted. It is expected to be completed by August 2022. The document is to be based on the “OECD Guidelines for Multinational Enterprises”, including about matters related to human rights, in line with what is prescribed in the Guiding Principles on Business and Human Rights.

16. Also, it is worth mentioning the development of the “Take Responsibility National Campaign”, with the purpose of promoting respect for human rights in the corporate context. The publication of the 5th cycle of the Governance Indicator (IG-Sest) from State companies, with a focus on human rights practices, also deserves mention.

17. The Ministry of Economy has also been improving conditions for approval of credit operations for external credit with public sector sovereign guarantee by the Commission of

External Financing – Cofix, adding requirements of Sustainability, Social and Governance – ESG.

18. Brazil considers that it is crucial to promote a balance between family life and work, as the two main realms of life for most adults. In this context, the Work-Family Balance Program was introduced, with a view to fostering balance between family and work responsibilities in Brazil.

**Reply to paragraph 4 of the list of issues**

19. We have listed in the attached document the actions within the Protection of Witnesses and Human Rights Defenders, regarding the actions implemented over the year 2021 to prevent and prosecute cases of violation of economic, social, and cultural rights of defenders, including of indigenous people, as well as facing the rising number of death threats against community leaders.

**Reply to paragraph 5 of the list of issues**

20. The Brazilian State has reinforced inspections and actions to curb illegal deforestation and has doubled resources for the environmental inspection bodies, Ibama and ICMBio. R\$ 270 million reais were added to the specific annual budget (R\$ 228.1 million) of the Ministry of Environment for command and control actions – an increase of 118.4%.

21. Adding to these investments, the federal government has approved action of 3,000 men in the Armed Forces and 700 men of the National Force in operations in the Legal Amazon to combat environmental crimes.

22. In order to strengthen the prevention and fighting of forest fire, 3.2 thousand temporary fire fighters were hired; firefighting airplanes and helicopters were employed (R\$ 115 million reais) and one hundred tank trucks and tractors were purchased.

23. Regarding forest fires, the federal government has banned the use of fire in agricultural practices throughout the national territory for 120 days (July–October), when forest fires occurrences intensify. Besides, it has authorized a joint action of the Ministry of Justice, the Ministry of Regional Development and the Ministry of Environment (in cooperation with state’s bodies), in an operation called “Biome Guardians”. There are almost 6,000 men working in fire prevention and fighting in the Amazon, Cerrado and Pantanal under this integrated action strategic plan.

24. With respect to Paris Agreement goals, countries were involved in the construction of their own commitments, through the so-called Intended Nationally Determined Contributions (iNDC).

25. On December 8, 2020, Brazil submitted a new NDC, through which it confirmed the commitment previously agreed – of reducing in up to 37% the greenhouse effect gases emission in 2025 compared with the 2005 emissions. It also committed to up to 43% emissions reduction by 2030, also compared to the 2005 emissions.

26. It also presented an indicative goal for carbon neutrality by 2060. On April 22nd, 2021, the President of Brazil brought forward the deadline to 2050, during a speech delivered in the leaders’ Summit on climate change convened by the United States. More recently, Brazil submitted to the UNFCCC an addendum letter, by which it formalized its goal to achieve zero liquid emissions of greenhouse effect gases by 2050. It also reiterated moving the deadline from 2060 to 2050 during COP26-UNFCCC, in November 2021, in Glasgow.

## II. Issues relating to the general provisions of the Covenant (arts. 1–5)

### Right to freely dispose of natural wealth and resources (art. 1 (2))

#### Reply to paragraph 6 of the list of issues

##### *The progress made with regard to the process of formal demarcation of indigenous and Quilombola lands*

27. We inform that investments in land regularization reached R\$ 42.5 million between 2019 and 2021. The amount is 233% larger than compensation payments carried out between the years 2016 and 2018, with financial inputs of approximately R\$ 12.7 million. The compensations apply to improvements made in good faith by former occupiers of Indigenous Lands.

28. In the last two and a half years, the Brazilian Federal Government allocated R\$ 35.5 million to land regularization in indigenous areas.

29. The National Indian Foundation (Funai) invested around R\$ 34 million in inspection actions in Indigenous Lands throughout the country in 2021. The activities are crucial to ensure the safety of the communities, to prevent infection of these populations by COVID-19, as well as to prevent illegal activities, such as illegal wood extraction, mining activities and predatory hunting and fishing. As a result of the inspection actions carried out by the Federal Government, a reduction of 22.75% in deforestation was observed in the Legal Amazon Indigenous Lands between 2020 and 2021.

30. As regards the Amazon Plan 2021/2022, Funai has implemented actions of land protection in Indigenous Lands under the coordination of the National Council of the Amazon (CNAL). Funai's inspection operations have prioritized actions in the 11 municipalities presenting the higher rates of deforestation and forest fires in the last year.

##### *The status, contents and consequences of Funai's Normative Instruction n. 9 of April 16th, 2020, regarding protection of land rights*

31. IN 9/2020 will greatly reduce the number of legal disputes that slow down the demarcation process, since it increases the legal security of the indigenous lands demarcations processes. It has enabled a better management of the Brazilian territory, allowing for precise land studies and for the settlement of conflicts, which improve protection to the indigenous communities, besides granting legal security to Funai's work. With the regulation, Funai ensures respect to the right of property of each citizen, indigenous and non-indigenous.

32. IN 3/2012, revoked by IN 9/2020, allowed for private properties located in lands under identification and delimitation study (stage of the demarcation procedure that can last for decades) to be enrolled in the Land Management System (Sigef), which prevented the issuance of administrative certificates to the respective owners, disrespecting the constitutional right of ownership and property. IN 9/2020 solved this unconstitutionality, bringing solution to a long stalemate.

33. In various court decisions all over the country, IN 9/2020 has been backed as regards its constitutionality and applicability. Federal Supreme Court (STF) Minister, Luiz Fux, rejected a legal action questioning validity of the act.

34. Moreover, the validity and implementation of IN 9/2020 do not bring any harm to ongoing demarcation procedures nor reason for rural conflicts. Ongoing demarcation processes and studies remain unaltered. With IN 9/2020 in force, the administrative practice is compliant with the legal and constitutional regulations.

## **Maximum available resources (art. 2 (1))**

### **Reply to paragraph 7 of the list of issues**

35. Various indicators on social expenses, which are related to the standards set in the Sustainable Development Goal indicators, may be found in the Brazilian ODS platform, in the following address: <https://odsbrasil.gov.br/objetivo1/indicador111>. As an example, we included in the Annex the proportion of people living below the poverty line, in a table extracted from the mentioned platform that presents a list of statistics according to the international standards for the available years in the moment, from 2012 to 2019.

### **Reply to paragraph 8 of the list of issues**

36. Data on the expenses in the federal budget are public and may be accessed in the following panels:

- Federal Budget Panel (Tool for free search on public expenses: [https://www1.siof.planejamento.gov.br/QvAJAXZfc/opendoc.htm?document=IAS%2FExecucao\\_Orcamentaria.qvw&host=QVS%40pqlk04&anonymous=true&sheet=SH06](https://www1.siof.planejamento.gov.br/QvAJAXZfc/opendoc.htm?document=IAS%2FExecucao_Orcamentaria.qvw&host=QVS%40pqlk04&anonymous=true&sheet=SH06);
- Digital Public Budget Panel (Tool for search for expenses with social rights): [https://www1.siof.planejamento.gov.br/QvAJAXZfc/opendoc.htm?document=IAS%2FExecucao\\_Orcamentaria.qvw&host=QVS%40pqlk04&anonymous=true&sheet=SH15](https://www1.siof.planejamento.gov.br/QvAJAXZfc/opendoc.htm?document=IAS%2FExecucao_Orcamentaria.qvw&host=QVS%40pqlk04&anonymous=true&sheet=SH15).

## **Non-discrimination (arts. 2 (2))**

### **Reply to paragraph 9 of the list of issues**

37. The Brazilian State has updated its National Policy of Regional Development, a legal tool which guides Federal Government actions seeking to reduce economic and social inequalities, between and within regions, by creating development opportunities which result in economic growth, income generation and life quality improvement.

38. The actions envisaged by the Policy, in line with its main goals, fall under the following sectoral intervention axes:

- I – Productive development;
- II – Science, technology and innovation;
- III – Education and professional training;
- IV – Urban and economic infrastructures;
- V – Social development and access to essential public services;
- VI – Strengthening of the subnational bodies government capacities.

39. The Policy may be accessed in its entirety in Portuguese on: <https://www.gov.br/mdr/pt-br/assuntos/desenvolvimento-regional/pndr>.

### **Reply to paragraph 10 of the list of issues**

40. The National Plan on the Rights of Persons with Disabilities – Living without Limits entailed an articulation of government policies of access to education, social inclusion, health attention and accessibility, implemented by various ministries, effective from 2011 to 2014, with some deliveries taking place until 2016. Additional information on the Plan and its cross-sectional perspective with other subjects may be found in the booklet available in Portuguese on:

<https://www.gov.br/mdh/pt-br/centrais-de-conteudo/pessoa-com-deficiencia/cartilha-viver-sem-limite-plano-nacional-dos-direitos-da-pessoa-com-deficiencia/view>.

41. About item “c”, in order to comply with the regulations set forth in the Brazilian Law of Inclusion of Persons with Disabilities, a dedicated flow of complaint was introduced in the

National Human Rights Ombudsman, aiming at receiving complaints of denial of the right to school education for people with disabilities, particularly regarding the collection, by schools, of additional values for the implementation of accessibility resources.

42. The flow has the goal of ensuring the right to accessibility in education, so as to provide people with disabilities the full enjoyment of their human rights and fundamental freedoms, allowing for an inclusive educational system in all levels, as well as learning throughout their lives.

43. Decree n. 10,502/2020 sought to broaden the range of options offered to students with disabilities. It did not exclude inclusive education by including special education, but allowed for a gradual progression between special and inclusive education. The decree is currently suspended, pending reformulation after debates and discussions with interlocutors from the various sectors that represent people with disabilities.

#### **Reply to paragraph 11 of the list of issues**

44. Health, as a person's right, arising from the right to life, is guaranteed to all under Article 5 of the Constitution, "without distinction of any nature, secured to Brazilian and foreign residents in the Country".

45. In this context, it is worth mentioning that containment measures during the pandemic do not hinder the exercise of rights, among them health (including vaccination, according to regulation from the relevant national plan, and treatment), education, assistance and social welfare to migrants.

46. The Ministry of Justice and Public Security, cognizant of the effects of the pandemic on migrations and migration services, adopted measures to mitigate them:

- Publishing of regulations allowing for alternatives and improvement of the current migratory legislation;
- Introduction of administrative procedures to enable reasonable deadline for migration regularization and due legal process in the Ministry's processes, such as the suspension and subsequent resuming of legal deadlines, as well as the possibility for electronic procedures.

47. While the temporary suspension of deadlines in legal procedures was in place due to the pandemic, the Ministry's units were oriented to publish deferrals and adopt the possible procedure instruction acts, inasmuch as possible, in accordance with the reasonableness/proportionality principle, in order to minimize prejudice to the parties and to reduce the line of cases.

48. We also emphasize the Federal Police extension, until March 15th, 2022, of the deadline for residence permit retrieval or registration, and for temporary visa registration, for foreigner whose migratory documentation had expired since March 16th, 2020.

49. To ensure humanitarian assistance to Venezuelan migrants and refugees in Roraima, the Federal Government initiated in 2018 the Welcome Operation, which offers emergency assistance to Venezuelan migrants and refugees entering Brazil through the Roraima border. The Federal Government estimates that, currently, around 260 thousand Venezuelans refugees and migrants live in Brazil.

50. Due to the pandemic, the service flows within the mentioned Operation had to be adapted, in order to enable assistance to the migrants in compliance with all health and sanitary precautions crucial for preventing COVID-19 infection. Despite the pandemic and its initial impacts in the regularization of migration, the immigrant interiorization operations were not interrupted, taking place periodically in 2020/2021.

51. The Federal Government has acted to minimize impacts in the municipalities and support families and individuals, which are in need of housing and food. A delegation with representatives from the Ministry of Citizenship and the Ministry of Women, Family and Human Rights visited the municipalities of Assis Brasil and Rio Branco, in order to promote articulation with state and municipal governments.

52. Resources were sent both to the state of Acre and to Assis Brasil. With these resources, the state and municipal Secretariats were able to buy and distribute hygiene kits and Personal Protection Equipment (PPE), besides providing food and welcoming services. The United Nations High Commissioner for Refugees (UNHCR) has also supported these actions.

53. Until December 2021, within the Welcome Operation, more than 697 thousand vaccines were administered, more than 66 thousand Venezuelan were interiorized, more than 347 thousand people were registered in the Brazilian natural person register (CPF), providing thus more the 1.95 million services to migrant people.

54. In Brazil, people have the right, by law, to access universal services (specially health and social assistance), regardless of their migration status.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

##### **Reply to paragraph 12 of the list of issues**

55. The National Plan for Ensuring Employment and Decent Jobs (PNETD), initiated in 2010, had as a reference the Multiannual Plan 2008–2011, and presented goals for 2011 and 2015. Although the PNETD is not in force anymore, creating jobs with equal opportunities, eliminating slave and child labour, and strengthening the trilateral actor and social dialogue remain as priorities within the Ministry of Labour and Social Welfare.

56. The department of Labour Inspection, while carrying out its duties, perform activities that translate into important actions aiming the implementation of decent work in Brazil. In the Annex, we present the most recent statistics related to results achieved by the work inspection operation and that are connected to the goals set in the PNETD. It must be taken into consideration that the data from years 2020 and 2021 were affected by the COVID-19 pandemic.

57. Among the measures taken to fight the consequences of the public health emergency caused by the COVID-19 pandemic in the labour market, we highlight the Emergency Program of Job and Income Maintenance. The program enabled agreements between employers and employees for temporary suspension of the work contract and proportional reduction of journey and salary, while receiving the Emergency Benefit of Job and Income Maintenance.

58. The program envisaged temporary job security to all employees who signed agreements during the agreed period of journey reduction of contract suspension and after returning, for a period equivalent to the agreed in the reduction or suspension. More than 10 million workers were benefited and secured temporary jobs.

##### **Reply to paragraph 13 of the list of issues**

59. Regarding the mentioned project, it changed a little more than 15 articles and had as a main objective strengthening collective bargaining. This is because a high number of collective agreements were legally questioned later, for alleged inconsistency with the legislation.

60. However, the acknowledgment of the collective conventions and agreements in Brazil is constitutionally set, so that the mentioned project sought to make clear that the collective agreement could prevail over the labour law.

61. The prevalence of the agreement over the regulation does not affect the constitutional labour rights, which are extensive in Brazil, since the Constitution holds the main protective rules in labour law. Regulations related to work safety and health are also banned from being bargained.



62. In no way the regulation causes less job stability. The protections against arbitrary dismissal were not altered, namely, the payment of 40% over the balance in monthly mandatory collection of 8% of the employee's salary in a mandatory savings account. Unemployment benefits are also untouched.

63. Some of the measures from Law n. 13,467 of 2017 that were questioned are mentioned in the attached document, followed by explanations on what were the goals of the measures.

64. We reaffirm that the regulation in no way makes jobs less stable.

65. As for the Provisional Decree n. 905, it should be clarified that the Decree was not approved, and its terms lost validity.

66. With respect to the second part of the question, it bears to inform that Pronatec was originated by the Legislative Bill n. 1,209, of 2011, submitted by the Executive Branch on April 29th of that year. Later, it became Law n. 12,513, of October 26th, 2021, with the first Article establishing that the program's aim is to "expand the offer of professional and technology education, through financial and technical support programs, projects and actions".

67. Pronatec serves the purpose of meeting the demand for skilled labour by means of expansion, interiorization and democratization of the technical and professional training offered in secondary school and of Basic and Continued Education for workers. In 2011, year when the Program was launched, a National Confederation of Industry (CNI) survey indicated that 69% of the companies faced obstacles to find and employ skilled labour.

68. Pronatec was implemented under a few main lines of action, which are described in the table attached.

69. With respect to the types of employers involved in the apprenticeship program mentioned in paragraphs 66 and 67 of the State report, as well as data disaggregated by age group on individuals employed under the program, we have included in the Annex quantitative data of the apprentices which comprise the disaggregation requested.

70. The National Youth Secretariat has released the "Horizons Program", which has as its target audience Brazilian young people from 18 to 29 years old. The Program's main goal is to foster and develop resilient entrepreneurship and innovation among young people, with a focus on the human being, and to strengthen their problem-solving skills and their ability to overcome obstacles, adapt to changes and react positively in face of adversities.

## **Right to just and favourable conditions of work (art. 7)**

### **Reply to paragraph 14 of the list of issues**

71. Receiving a minimum wage in Brazil is a constitutional right. The minimum wage is readjusted every year to meet the constitutional order.

72. Regarding the gender and race wage gap observed, it is known that this is a transversal problem with more than one cause. Updating the data on gender and race wage gap, the average monthly income usually earned in the main occupation for white people was, in the 2021 3rd trimester, of R\$ 3,044.90. Brown people earned 59.8% of this amount (R\$ 1,821.49), and black people, 58.9% (R\$ 1,792.40). Men earn, on average, 20% more than women. Women estimated income was of R\$ 2,078.50 in the 2021 3rd trimester and men's, R\$ 2,598.90.

73. Therefore, an improvement is observed in the indicator, especially in the average wage difference between men and women.

74. From a legal viewpoint, the Federal Constitution bans wage differences justified by sex, age, colour, or civil status. To implement the provision, the Consolidation of Labour Laws in Brazil set the requirements of mandatory compliance by the employer for equal pay, which, if not observed, result in the right of compensation for differences and fine when discrimination due to sex and ethnicity is demonstrated.

75. To reduce differences in relation to salary mass, however, overcoming other obstacles is required. For black workers, a quota was introduced for civil servant jobs and federal universities, aiming at increasing these workers training and income as a way to raise productivity and reduce discrimination.

76. Among women, there was an improvement in the gap as demonstrated, but we acknowledge the importance to continue efforts towards improving these indicators, since the reduction of wage gap in mass salary between men and women is a significant factor in the fight to reduce poverty in general, due to the rising relevance of women as families' central figures.

77. This demands action in various areas, such as education, professional training, childcare, health etc.

78. With the dismantling of the Ministry of Labour and Employment in 2019, the duties and responsibilities of Work Inspection were not altered, which allowed for the Work Inspection related activities to continue all over the national territory.

79. We have included in the attached document a comparative table of statistical data related to work inspection activities before and after the dismantling of the Ministry of Labour and Employment.

80. It should be noted that the Ministry of Labour and Welfare was recreated by Law n. 14,261, of December 16th, 2021. Then, the Undersecretary of Work Inspection was again placed within the newly created Ministry of Labour and Welfare structure, keeping its duties and responsibilities.

#### **Reply to paragraph 15 of the list of issues**

81. The Constitutional Amendment n. 72 of April 2nd, 2013, altered the Federal Constitution to lay down equal work rights between domestic workers and the other urban and rural workers.

82. Supplementary Law n. 150/2015, in addition to the changes promoted in the Federal Constitution, regulated the specificities of the domestic work contract, besides regulating the various rights the domestic workers are entitled to. The regulation addresses working hours, overtime work payment, service during a trip, rest or food break, night work payment, remunerated weekly rest, paid vacations with addition of one third from regular wage, inclusion in the Severance Premium Reserve Fund (FGTS), previous notice, maternity leave, unemployment benefits eligibility and Social Welfare coverage, among other provisions.

83. Regarding social security protection, we emphasize that the domestic workers are entitled to a maternity leave of 120 days, without prejudice to work and salary, just like the other workers, according to Article 7 of the Federal Constitution.

84. The domestic worker is compulsorily insured by social welfare, in accordance with the legislation that regulates age retirement, disability retirement, sick pay, family benefits, maternity salary, among other benefits. The greatest task to be carried out, and which represents a barrier to the fulfillment of the rights envisaged in the mentioned regulations, is to combat these workers' informality, a complex task not only in Brazil, as it will be seen below.

85. In Brazil, these workers are often hired for undetermined term, with the formalization in these cases taking place through this worker's registration by the employer, as well as the corresponding work and welfare protections.

86. Another type of hiring is for up to two days a week, to carry out tasks, in which an employment relationship is not marked and in which the workers usually perform tasks for various contractors. In this case, the social protection derives from the registration made by the employee as Individual Microentrepreneur, which amounts to a formalization, entailing a US\$ 10.5 dollars payment for compensations for disability protection, maternity leave, and retirement.

87. The Federal Constitution established as workers' right, including domestic workers, the reduction of risks inherited to work, through health, hygiene, and safety regulations.

88. It is still worth mentioning that the Supplementary Law n. 150/2015 expressly establishes a social contribution to finance insurance against occupational injuries. Besides this, the domestic workers are covered by welfare benefits in the event of work accidents.

89. In relation to forced labour, Brazil has committed to fully abolish slave work, having ratified ILO Conventions n. 29 and 105.

90. Within the work inspection responsibilities, it is the Undersecretary of Work Inspection's duties to formulate and propose work inspection guidelines, to prioritize the implementation of policy against forced and child labour and all kinds of degrading work.

91. Also, the Criminal Code classify as a crime reducing someone to a condition analogous to slavery, encompassing forced labour, exhaustive journey, degrading work conditions and mobility restriction due to a debt to the employer.

92. As for child labour, the Federal Constitution prohibits night work, hazardous or unhealthy to those under eighteen years old and any work to those under sixteen years old, except as apprentices, as of fourteen years of age.

93. Additionally, Article 227 of the Constitution ensures child and adolescent full protection, respecting its peculiar condition as a developing person. In the infra-constitutional level, the Statute of the Child and Adolescent bans the adolescent from hazardous, unhealthy, or painstaking work, besides work taking place in schedules and places that do not allow school attendance.

94. Supplementary Law n. 150/2015 namely forbids hiring an underage minor for domestic working. In the same sense, Decree n. 6,481, of 2008, includes domestic service in the list of worst types of child labour and prohibits underage working in these activities.

95. Law n. 150/2015 included Article 11-A in Law n. 10,593, of 2002, to regulate domestic work inspection. According to the article, the examination, by the Labour Inspector, of compliance with the regulation governing the domestic worker's activities, within the employer's residence, will rely on previous appointment and understanding between inspection and the employer. During work inspection, the Labour Inspector must be accompanied by the employer, or any family member assigned by them.

96. It is also ruled that the inspection must have a primarily guiding nature and that the requirement of double visitation to issue a violation notice must be observed, except when the violation verified is due to lack of Labour Contract annotation and Social Welfare or in cases of recurrence, fraud, inspection resistance or impediment. During work inspection, the Labour Inspector must be accompanied by the employer, or any family member assigned by them.

97. Due to the coronavirus pandemic, people circulation in Brazil was restricted, and the Regional Superintendency of Labour and Employment units restricted access to the public. In this context, a channel for submitting complaints online was developed. It proved fundamental to facilitate and keep workers' access to services provided by the Ministry of Labour and Welfare's decentralized units.

#### **Reply to paragraph 16 of the list of issues**

98. Data on inspection actions performed in both urban and rural areas are available in the attached document to illustrate PLANCITE impact in inspection improvement.

99. Particularly as regards rural area informality, it is well known that the participation of the so-called agribusiness Gross Domestic Product in the Brazilian economy is increasing significantly over the last decades, be it from the perspective of the sector's investments or its share in country's total exports. According to data from the Center for Advanced Studies in Applied Economics (CEPEA), in 2020 agribusiness reached a 26.6% participation in the GDP, compared to 20.5% in 2019.

100. The agri-food industry participation in the country's sum of goods and services in 1970 was of 7.5%. According to the same source, the Brazilian GDP amounted to R\$ 7.45 trillion in the last year, with agribusiness representing almost R\$ 2 trillion of the total. When looking at the data spread on the various agribusiness sectors, the higher participation is in

agriculture: 68%. The livestock industry is responsible for 32%. Brazil is the 2nd largest global agribusiness exporter, which makes it one of the national economy's propellants.

101. In 2020, exports amounted US\$ 101 billion, second highest value of the series. If, on the one hand, we can observe a considerable presence and dynamic performance in economic activities of the rural sector, on the other, work-related issues persist. Informality in the agricultural sector workforce is almost at 60%, according to the National Sample Survey of Households (PNAD/IBGE). Of the 13 million rural workers in the country, 40% are self-employed and 18% work without contract annotation, while employees with annotation are a minority, around 4.5%. People working for their own consumption and not remunerated account for 25% and 11%, respectively.

102. The persistence of non-regular practices of labour hiring comes together with relevant rates of informality, preventing many rural workers to have access to social welfare protection and to those rights and warranties they are entitled to by the labour legislation.

103. In a reality marked by high informality hiring rates, especially in times of higher labour use (harvests), presence of child/adolescents work exploitation and instances of workers submitted to work analogous to slavery, it is fundamental that work inspection employs tools that allow for a more qualified operation in the sector.

104. Furthermore, the Brazilian Government has complementary agendas to stimulate small-sized entrepreneurship and small businesses formalization.

105. As a public policy, the microcredit actions in Brazil are regulated by the National Program of Oriented Productive Microcredit (PNMPO), aiming at supporting and financing productive activities from entrepreneurs, mainly through making resources available for oriented productive microcredit.

106. This measure was adopted to progressively expand the Productive Inclusion, with the main purpose of universalizing access to small-sized popular businesses credit, allowing for the strengthening of small productive units, securing work for Brazilians with entrepreneurial profile.

107. Combined with the oriented productive microcredit, there is also the Individual Microentrepreneur (MEI), aiming at fostering entrepreneurship in the country, facilitating the formalization of informal businesses.

108. MEI is the person that works on his/her own behalf and that is formally a small business. Besides the numerous fiscal gains and the facilitation of access to various bank services, the entrepreneurs, when formalized as MEI, start having access to social protection, attaining benefits as maternity leave, sick pay, retirement, among others.

#### **Reply to paragraph 17 of the list of issues**

109. This constitutional provision lacks regulation. At the moment, the Legislative Bill n. 1,678, of 2021, is under discussion in the Parliament, with a view to regulating the article.

110. A proposal for constitutional amendment was passed and enacted as the Constitutional Amendment n. 81/2014, altering Article 243 of the Federal Constitution. It established the possibility of land expropriation when conditions analogous to slavery are determined.

111. However, the mentioned legislation has limited effectiveness, depending on regulation, by supplementary law, for its implementation and for achieving results. For this reason, there are no cases of land expropriation due to exploitation of slave labour.

112. From 1995 to September 30th, 2021, a total of 56,772 workers were rescued from conditions analogous to slavery by the Labour Inspection. From this total, 43,978 workers were rescued from rural activities and 12,744 from urban activities. We included in the Annex data from workers rescued by Labour Inspection in conditions analogous to slavery from 2018 to 2021, both in urban and rural areas.

## **Trade union rights (art. 8)**

### **Reply to paragraph 18 of the list of issues**

113. Law n. 13,467, of 2017, altered the Consolidation of Labour Laws (CLT) provisions in order to conform the legislation to the new work relations.

114. The Federal Constitution secures the election of an employees' representative with the intent of promoting direct understanding with employers, in companies with more than two hundred employees.

115. According to the regulation, it is the responsibility of the representatives of the commission to promote dialogue, seek resolution for work relation conflicts, forward employees claims, monitor collective agreement and labour and welfare legislation compliance, improving the relationship between employer and employees.

116. The commission members must be elected and may not be arbitrarily dismissed since the registration of the candidature up to one year after the end of the mandate. The representatives' commission operation facilitates agreements between employer and employees, contributing to solving dissents and to enhancing work relations in light of the local reality.

117. Law n. 13,467, of 2017, strengthened further the collective instrumentality, by including Articles 611-A and 611-B to the CLT.

118. Article 611-A establishes a non-exhaustive list of topics in which the collective convention and agreement takes precedence over regulation. Arrangement in terms of working hours, annual bank of hours, break schedule, remote working, career and salary plan, profit and equity participation are some of the subjects in which the collective tool takes precedence over regulation.

119. On the other hand, Article 611-B establishes a list of rights that are protected from suppression or reduction, representing an illegal collective agreement, such as remunerated weekly rest, Christmas bonus salary value, maternity leave, minimum wage, health, hygiene, and safety regulations, among others.

120. With the alteration, a higher negotiation flexibility between employers and employees is imparted, respecting due legal security and conserving constitutionally secured workers' rights.

121. Regarding union rights, one of the relevant changes enacted by Law n. 13,467, of 2017, was the suppression of the compulsory collection of union contribution.

122. With the legal alteration, the compulsory collection of union contribution was replaced by optional contribution, when indicated expressly by the employee.

123. The change was intended to stimulate an active union operation, with effective representation of the associated workers' interests, highlighting union freedom, secured constitutionally.

## **Right to social security (art. 9)**

### **Reply to paragraph 19 of the list of issues**

124. Considering the importance of the reform for the population, a booklet about the subject was published to inform people on the changes introduced. The booklet is available in Portuguese on:  
[http://sa.previdencia.gov.br/site/2019/11/22\\_11\\_2019\\_panorama\\_previdencia\\_v3.pdf](http://sa.previdencia.gov.br/site/2019/11/22_11_2019_panorama_previdencia_v3.pdf).

125. Data on unemployment insurance may be found on the panel about the subject, in Portuguese on:  
<https://app.powerbi.com/view?r=eyJrIjoiNzEzZmM0ZTctZWVwMy00ODg0LWJlOWQtY2Q5ODI1NTRmY2M0IiwidCI6IjNlYzkyOTY5LTZhNTEtNGYxOC04YWw5LWVmOThmYmFmYTk3OCJ9>.

**Reply to paragraph 20 of the list of issues**

126. All over Brazil, in 2020, between April and December, 68.2 million eligible people were benefited, 19.4 million of them through the Family Grant Program; 10.4 million through the Single Social Registry and 38.2 million people through the Caixa App, a state-owned bank smartphone application. These payments amounted to a total of R\$ 294.7 billion reais.

127. In 2021, the Emergency Aid 2021 was introduced, providing payment of seven monthly payments to families in need in face of the COVID-19 consequences, which represented a R\$ 20.27 billion investments. Adding up the first three stages, 114.09 million payments were made, with a federal investment of R\$ 26.3 billion, all audiences included, with a total of 39.3 million families benefited.

128. Given the pandemic effects, the Emergency Aid 2021 was extended for three more months (August to October) through the publication of Provisional Measure n. 1,056 of July 5th, 2021, authorizing special credit, in favour of Ministry of Citizenship, amounting R\$ 20,272,300,000.00 (twenty billion, two-hundred seventy-two million, three-hundred thousand reais).

129. Regarding this benefit's impact, a recent assessment made by the World Bank (Available in Portuguese on: <https://documents.worldbank.org/pt/publication/documents-reports/documentdetail/099205012022128987/p1748360efc96a06e09b020cf56c8465c9b> – “Emergency Aid – Lesson from the Brazilian Experience in Response to COVID-19” – Summary Note) points out that Emergency Aid benefited up to 55.6% of the population, including direct and indirect beneficiaries, impacting positively on the average income, and reducing poverty and inequality measured by Gini as compared to the levels immediately before the pandemic. It also states that the program's success may be due both to its solidity and to its complex architecture and set by innovations, which must be examined in terms of its integration potential with social protection regular policies and measures of adaptability improvement in Brazil's social protection systems and in other countries.

**Protection of the family and children (art. 10)****Reply to paragraph 21 of the list of issues**

130. Brazil has submitted the National Report on the Implementation of the Madrid International Plan of Action on Ageing, which shows our efforts on complying with older persons policies in national and international levels.

131. The Brazilian government, in order to implement the National Policy in question, has developed the actions and policies mentioned below, which also have been detailed in the referred Report and which brought significant advances to the older population and for an active and healthy aging.

132. A practical example of the impact of the National Policy for the Elderly is the first Public Security integrated police operation, aimed towards fighting violence against older persons. It was called Vetus Operation, relied on more than 7 thousand policemen from the 27 Federative states, and verified more than 13 thousand reports of violence against older people.

133. Vetus was implemented by the states' Civil Polices, in 1,410 Municipalities from the 27 Federative units, and resulted in the following operational outcomes (data from 10.01st to 12.04th.2020):

- 13,424 Reports of violent crimes against older people verified;
- 14,907 Visits/inquiries to violence victims;
- 13,950 Violence victims assisted;
- 3,703 Investigations launched to ascertain possible violent crimes;
- 2,801 Official Reports drawn up to the disadvantage of the offenders;
- 874 Protective measures issued in favour of the victims;

- 287 Warrants fulfilled against the offenders; and
- 569 Arrested offenders;

In 2021 (Partial Report):

- 2,242 Reports of violent crimes against older people verified;
- 2,286 Violence victims assisted; and
- 66 Arrested offenders.

134. One of the actions was the strengthening of the channel for service and supportive listening for the elderly – Hello Grandpa. The channel is an extension of the Disk 100 Call Center under the responsibility of the National Human Rights Ombudsman.

135. Also, the Program Living – Active and Healthy Aging was launched, with older population as its target audience. Its goals must be implemented through four fields of action: technology, health, physical mobility, and education, which must be developed by the federative body joining the Program by means of activities, workshop, and courses in the mentioned thematic.

136. The municipality that joins and becomes eligible receives from the federal government a set of equipment comprised of computers, webcams, television, and printer. In 2019, 99 municipalities were contemplated by the mentioned Program and more than 80 will be covered by the 2020 budget resources.

137. The National Pact for Older Persons’ Rights Implementation (PNIDPI) is an instrument conceived to foster, in the national level, the implementation of the National Policy for the Elderly. By joining the National Pact, the administrators commit to the implementation of public policies of rights by structuring and strengthening the local protection network for promotion and protection of elderly rights and combating violence committed against this population. Up to now, 19 states signed a cooperation agreement and 1,726 municipalities joined the Pact.

138. Brazilian older people are increasingly protected by Social Welfare. From the total of 20.6 million older people registered by the 2010 Census (Brazilian Institute for Geography and Statistics), 17.2 million are Social Welfare recipients, according to data from the Social Welfare Annual Statistics (AEPS). This means that social protection reaches 83.6% of those over 60 years old. Among women, coverage is of 84.2% – higher than men’s, 81.9%. (Welfare and assistance coverage evolution of older people is available in the attached document, for the years 2016–2019.)

139. Within the Brazilian public housing programs, the national legislation provision for older people protection is respected, that is, the Statute of the Elderly, which indicates that this age group will have priority when purchasing their own homes.

## **Right to an adequate standard of living (art. 11)**

### **Reply to paragraph 22 of the list of issues**

140. Although data on extreme poverty have fluctuated over the years, and bearing in mind the country’s continental dimension and the various challenges faced economically, the Brazilian State has worked continuously to combat and overcome poverty in the country. On the subject, an important source of information is the Institute for Applied Economic Research publication “Strategies for Overcoming Poverty in Brazil and impacts on the rural area”, which not only deals with the rural sector, but details many of the extreme poverty fighting tools in Brazil, including Brazil without Extreme Poverty Plan. It is available in Portuguese on:

[https://www.ipea.gov.br/portal/index.php?option=com\\_content&view=article&id=34512](https://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=34512).

141. Currently, the policies for social welfare, health, education, job, and income are comprised in Brazil Aid, new social cash transfer program destined to families in situation of poverty and extreme poverty.

**Reply to paragraph 23 of the list of issues**

142. The Program for the Acquisition of Food was replaced by Feed Brazil Program. However, the initial goals of food acquisition from family agriculture were kept as a strategy for income generation and access to food both for small farmers and for families in situation of food and nutritional insecurity covered by the social-assistance network that receive as donation the food acquired by the Program.

143. Various studies point to the PAA importance in strengthening short cycles of production, sale and consumption, which promote the right to food specially in small municipalities from regions North and Northeast, the regions historically receiving more incentives by the Program. With the COVID-19 pandemic, in the beginning of 2020, the federal government identified PAA as one of the essential policies to guarantee the right to food, allocating special credit of R\$ 500 million which allowed for servicing more than 80 thousand family farmers and donate more than 200 thousand tons of food all over the country.

144. In terms of budget allocation, more than R\$ 4.8 billion were destined to the Program in the last ten years. The change from PAA to Feed Brazil Program also promoted a raise on the family farmers' individual participation limits, which had remained frozen over these years. This allowed families joining the Program to receive at least the equivalent to a monthly minimum wage, encouraging thus the development of their productive capacity and livelihood conditions.

**Reply to paragraph 24 of the list of issues**

145. The Brazilian State published in December 2020 an Assessment Report of Minha Casa Minha Vida Program. The report is available in Portuguese and evaluates the program's impacts through various tables and data. The document is available on:  
<https://www.gov.br/cgu/pt-br/assuntos/noticias/2021/04/cgu-divulga-prestacao-de-contas-do-presidente-da-republica-de-2020/relatorio-de-avaliacao-pmcmv.pdf>.

**Reply to paragraph 25 of the list of issues**

146. In relation to Plansab, we inform that it is subject to adjustments and reviews only every four years, according to legal provisions, the last one taking place in 2018, therefore, before the Covid-19 pandemic, not addressing this subject then. However, regarding Chikungunya and Zika epidemics, Plansab monitor them, through its Annual Assessment Reports, seeking to detect how basic sanitation policies advancements and retreats affect locally diseases highly correlated with sanitary situation. We highlight that the 2019 Plansab Annual Report is available in Portuguese on: <https://www.gov.br/mdr/pt-br/assuntos/saneamento/plansab/RELATRIODEAVALIAOANUALDOPLANSAB20192.pdf>.

147. We add that the new Sanitation Legal Landmark aims at securing universal access to water supply and sanitary exhaustion to all Brazilian citizens, according to set goals.

**Reply to paragraph 26 of the list of issues**

148. For more information on the subject of land appropriation, refer to Question 6 above.

**Right to physical and mental health (art. 12)**

**Reply to paragraph 27 of the list of issues**

149. More information about the new health financing model in the Brazilian State may be found in the booklet "Changes in Health Financing", available in Portuguese on: <https://www.cnm.org.br/cms/biblioteca/Mudan%C3%A7as%20no%20Financiamento%20da%20Sa%C3%BAde.pdf>. The information is made available by the National Council of Municipalities and National Council of Municipal Health Secretariats, with constitutional duties related to health set by the Brazilian federative pact.



**Reply to paragraph 28 of the list of issues**

150. In 2020, more than 230 million reais of Emergency Aid were destined to assist more than 151 thousand indigenous people. In addition, in 2020 almost 400 thousand food baskets were delivered for more than 200 thousand families. Altogether, since the beginning of the COVID-19 pandemic, more than 1.1 million food baskets were distributed to indigenous communities all over Brazil. It amounts to around 25 thousand tons of food delivered. Besides ensuring food security in the communities, the measure is key to avoid coronavirus dissemination among the indigenous people, because it helps them remain in the villages and avoid traveling, reducing the risk of contamination by the disease.

151. Generally speaking, in 2021 we highlight that medication, vaccines, medical consultation and exams, food were directed to the indigenous communities by the Single Health System (SUS). The work carried out included more than 10 million medical consultations and led to a rate of 90% of the adult indigenous population immunized against COVID-19 with at least one dose.

152. The actions taking place in indigenous areas had the highest investment in history, since the creation of the Special Secretariat of Indigenous Health (Sesai), in 2010, going beyond R\$ 1.5 billion to serve this population.

153. To combat COVID-19, the government allocated R\$ 29 million only to assist the more than 400 thousand indigenous people over 18 years old, registered in the Subsystem of Indigenous Healthcare (SasiSUS). Thus far, 84% of this population are immunized with two vaccine doses.

**Reply to paragraph 29 of the list of issues**

154. Brazil reiterates its understanding according to Article 3 of the Universal Declaration of Human Rights, which mentions the Right to Life, the first right mentioned in the text. The Covenant itself does not reference an eventual “right” to abortion; on the contrary, Article 10 expressly protects family: “The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society (...)”

155. Brazil defends life unconditionally since conception. Even taking this into account, the Brazilian State respects completely the legal provisions that allow abortions to be conducted in extremely specific situations. We inform, also, that there is no agreement whether the term “sexual and reproductive health care” encompasses the right to abortion. The right to sexuality and reproduction has an interpretation and internalization parameter in Article 226, Paragraph 7 of the Federal Constitution, which states that family planning free decision is based on the principles of human dignity. It must be considered that women integral health, regarding sexuality and reproduction, is split, in Brazil, in the protection and strengthening of maternal-infant health. Women sexual and reproductive health care, therefore, is related to a global view in all stages of the life cycle, which encompass sexuality and reproduction and, consequently, the pregnancy, birth, and puerperal stages.

156. It must be clarified that, in Brazil, according to Criminal Code Article 128, abortion is not punished, when practiced by doctors, in cases when the pregnancy endangers the woman’s life, when it is result of rape, and in case of anencephaly, according to Supreme Court decision, demonstrating thus, that the Brazilian legal framework prescribe norms aiming at providing more protection to life, including intrauterine life.

157. The first basic human right is the right to life. Cases that do not incur in legislative sanction are exceptions and do not admit any interpretation outside the law and Ministry of Health inspection. Therefore, given the inviolability of the law, the exception may not be taken as the rule.

**Reply to paragraph 30 of the list of issues**

158. To address the National Public Health Emergency caused by COVID-19, the Ministry of Health is exceptionally and temporarily allocating federal financial incentives amounting R\$ 99,22,578.00 (ninety-nine million, two hundred twenty-five thousand, five hundred seventy-eight reais) to develop actions toward the Psychosocial Care Network (RAPS) in 1,789 municipalities and Federal District.

159. The following actions were implemented to reinforce mental health care during the COVID-19 pandemic, in all services and mental health, alcohol and drugs specialized services:

- Implementation of a service for psychological consultation via videoconference with the investment in the amount of R\$ 2,300,000.00 (two million three hundred thousand reais) for reception and care of health workers operating in the pandemic combat front line and 5,554 professionals were served until November 31st, 2021; and
- More than R\$ 99,225,578.00 (ninety-nine million, two hundred and twenty-five thousand and five hundred seventy-eight reais) were made available to increase financing for the Psychosocial Care Network (RAPS), for actions of fighting the international public health emergency caused by the new coronavirus – COVID-19.

## **Right to education (arts. 13–14)**

### **Reply to paragraph 31 of the list of issues**

160. At first, it must be noted that fulfilling the National Education Plan (PNE) goals depends on the combined efforts of federal entities. The Federal Government is part of this group of agents responsible for the PNE.

161. With a view to supporting quality education, the Brazil in School Program was launched. It aims at supporting school networks and units in fostering strategies and innovations to secure the permanence, learnings, and school progression with equity and in the proper age of students enrolled in the final years of Primary School. The Program is structure in three axes, as follows: Technical and Financial Support, Good Practices, and Innovation Promotion, all with the purpose of improving students learning.

162. Within the Program, the System of Preventive Alert is being implemented aiming at supporting the network in resuming on-site classes, in the early identification of students with higher risks of school drop-out and its proper follow-up and monitoring seeking to promote preventive interventions to ensure school permanence.

163. Regarding learning recovery, federal government launched in 2021 the Platform of Formative and Diagnostics Assessment. Its goal is to support the Networks in resuming on-site classes, with a tool for result interpretation and providing computing infrastructure dimensioned to serve primary schools and education networks, also starting to cover secondary school as of 2022.

164. As for Secondary School enrollments, according to 2020 Basic Education Census, developed by the National Institute for Educational Studies and Research (INEP), 7,550,753 students were registered in 2020, a figure 1.0% higher that recorded in 2019, with 7,465,891 enrollments. However, we acknowledge that there was a reduction of approximately 7.1% compared to the number of registrations in 2016, 8,133,040.

165. The National School Food Program has become a worldly reference in the promotion of healthy and sustainable food in schools. In 2021, the resource allocation was around R\$ 4.1 billion to service 39 million students. For 2022, a R\$ 3.96 billion budget is expected.

166. During the COVID-19 pandemic, which forced the suspension of on-site classes, the federal government changed the program's legislation to enable the delivery of foodstuffs directly to students from public basic education, demonstrating its flexibility and adaptability to this sudden change of scenario. In addition, extra payments were made in the years 2020 and 2021 to the federative entities to fight the COVID-19 effects on food supply and prices.

167. We also observe that PNAE not only contributed to food and nutritional security, but also promoted the adoption of healthy food habits among students and their families through Food and Nutritional Education, generating positive health externalities, for example. In this sense, the program boosts local economies by requiring that at least 30% of the National Fund for Educational Development resources be used in the direct acquisition of family agriculture products, prioritizing land reform settlements, traditional indigenous and quilombola communities.

## **Cultural rights (art. 15)**

### **Reply to paragraph 32 of the list of issues**

168. The National Museum restoration plan is currently based on the Project National Museum Lives (PMNV), which focuses on social mobilization and partnerships articulation to give the Museum back to society. The project is being developed to advance the following commitments: a) Reconstruction and restoration of São Cristóvão Palace and new exhibitions installation; b) Renovate the Central Library; and c) Implement the Research and Education Campus.

169. One of the most important elements in the National Museum restoration process concerns collections. Besides the emergency actions made to rescue pieces that survived the Palace fire, interventions are being carried out to ensure reception of new collections safely. In this scenario, actions have been implemented with institutional partners and the general public to assemble new collections, having as a goals building the National Museum's new long-term exhibitions.

170. We also emphasize that the main information about the institution's reconstruction project may be accessed in English and Portuguese on the website <https://museunacionalvive.org.br/>. Regarding the collections and its reconstitution, information may be accessed in Portuguese on <https://recompoe.mn.ufrj.br/>.

171. After the fire, the Federal Court of Accounts (TCU) began drafting the Federal Museums' Report on Assets and Budgetary Management. The purpose of this report was to assess the estates' security conditions on museums that are under the responsibility of federal bodies or entities, besides identifying the main risks and opportunities for assets and budgetary management improvement in these public facilities.

172. Among the Federal Court of Accounts considerations, it was recommended that appropriate measures be taken to effectively draw up a Plan of Action for the implementation of supervision, coordination and guidance mechanisms in the federal museums that are linked to the Ministry of Education structure.

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