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Seventy-fourth session

Summary record of the 38th meeting

Held at the Palais Wilson, Geneva, on Thursday, 28 September 2023, at 3 p.m.

Chair: Ms. Crăciunecan-Tatu

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Third periodic report of Brazil

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The meeting was called to order at 3 p.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third periodic report of Brazil (E/C.12/BRA/3; E/C.12/BRA/Q/3; E/C.12/BRA/RQ/3)

1. *At the invitation of the Chair, the delegation of Brazil joined the meeting.*
2. **Ms. Oliveira** (Brazil) said that, regrettably, the national reports submitted to treaty bodies in recent years, including the third periodic report to the Committee (E/C.12/BRA/3) and the replies to the list of issues (E/C.12/BRA/RQ/3), reflected neither the reality in Brazil nor the current Government's commitment to human dignity.
3. In the context of growing inequality, the Government was now working to address the structural challenges facing Brazil and to rebuild social policies aimed at vulnerable populations, who had been severely neglected. Despite having one of the world's most advanced universal health-care systems, denialism at the highest levels of government had resulted in a disastrous response to the coronavirus disease (COVID-19) pandemic and the discrediting of the country's vaccination campaign, and over 700,000 lives had been lost.
4. Poverty eradication and guaranteeing the right to food were among the Government's top priorities. Unfortunately, in 2022, the United Nations had again placed Brazil on the Hunger Map. The Government had recently launched the "Brazil without Hunger" plan, consisting of 80 actions and programmes designed to remove Brazil from the Hunger Map by 2030 and to reduce the overall poverty rate and the proportion of households facing acute food insecurity. The aim of the Family Grant (Bolsa Família) Programme – one of the world's largest cash transfer programmes – was to provide dignity for 22 million families, together with opportunities for future generations.
5. To ensure the right to adequate housing, the Government had restructured the My House, My Life (Minha Casa, Minha Vida) Programme, which had delivered more than 6 million affordable homes since 2009. A preliminary analysis had revealed that the number of persons in street situations had soared between 2016 and 2022. Most were young men of African descent, and 15 per cent had disabilities.
6. The Government recognized the importance of data to inform the formulation, monitoring and evaluation of public policies at the federal, state and municipal levels. For that reason, it was setting up a national human rights observatory – an online platform for the dissemination and analysis of information on the human rights situation in Brazil – which would be launched in December 2023.
7. In respect of the right to decent work, the Government had focused on combating slavery-like work, which remained a brutal reality in the country – some 1,450 victims had been rescued in 2023 alone. The National Congress had not yet concluded its work on the proposed constitutional amendment that would allow for the expropriation of properties where workers had been exploited. However, new guidelines on the fight against slave labour were being drawn up, while the National Commission for the Eradication of Slave Labour had set up a working group on combating domestic slave labour, an issue that particularly affected women of African descent.
8. The Government recognized that certain groups of people had historically been excluded and subject to multiple and intersecting forms of discrimination. For that reason, it had recently adopted a law on equal pay for men and women and a decree setting aside a proportion of positions in the civil service for people of African descent. The Federal Supreme Court had recently rejected the "temporal framework" doctrine that would have severely curtailed the recognition of Indigenous land. The Government had already launched a programme to strengthen specialized services for older persons living in vulnerable communities. Efforts had been made to strengthen the National Council for the Rights of LGBTQIA+ Persons, with a view to working with that community on policies to eliminate discrimination.

9. The Government was also committed to strengthening the Programme for the Protection of Human Rights Defenders, Communicators and Environmentalists. For that purpose, it had set up an expert working group to design a more efficient protection policy. One of the lessons of the murder of Maria Bernadete Pacífico – a Quilombola leader who had been assassinated in August 2023 – was that better guidelines were needed for the implementation of the protection programme. The killing remained under criminal investigation.

10. The Government was committed to the environment and the fight against climate change. The anti-scientific environmental policies of recent years had given way to the search for a socially just and environmentally sustainable growth model. Deforestation in the Brazilian Amazon was already down by 48 per cent, and the Government was working on an ecological transformation plan that would change the country's economic paradigm. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement) had been submitted to the National Congress for ratification.

11. **Mr. Windfuhr** (Country Rapporteur) said that the Committee recognized that the delegation represented a Government that had only recently taken office. As the State party appeared to have limited jurisprudence in relation to the Covenant, he would be interested to know how the Government planned to increase the application of Covenant provisions in domestic legal proceedings. He would also like to know how the State party planned to improve the collection of disaggregated data on the implementation of the Covenant, particularly in respect of disadvantaged or marginalized groups. He wondered whether the State party planned to establish a national human rights institution in compliance with the Paris Principles and whether it planned to ratify the Optional Protocol to the Covenant.

12. Given that cases of illegal logging, landgrabbing and other incursions had increased in frequency, he wished to know how the Government could better protect Indigenous Peoples and whether it had formulated any new plans or policies in that regard. He wondered what steps had been taken to reverse the weakening of the institutions responsible for the demarcation and protection of Indigenous territories. It would be interesting to know what developments might follow the Federal Supreme Court decision on the “temporal framework” doctrine. What steps had been taken to protect land rights defenders, in the light of reports that they were threatened by private security personnel hired by mining companies? How did the Government control the activities of private companies engaged in large-scale projects? What was being done to address and prevent illegal mining? How did the State party ensure that mining companies observed the requirement to seek the free, prior and informed consent of communities affected by extractive activities? Did the Government plan to adopt a national action plan on business and human rights?

13. The delegation might comment on reports that, despite some recent improvement, the issuance of land titles for Quilombola territories was still very slow and that only a small budget had been allocated for that purpose. As the State party reportedly ranked among the countries with the highest number of killings of human rights defenders – a problem closely connected with agrarian conflicts – details of any plans to improve the situation and to address rural violence and impunity would also be welcome.

14. Although the new Government had announced that the State party would comply with its climate obligations under the Paris Agreement, the Committee had been informed that the environmental agenda was not always considered a priority. It would therefore be useful to know how the Government intended to strengthen the institutional framework for the protection of the environment and how it would guarantee the reduction in greenhouse gas emissions envisaged under the State party's nationally determined contributions. Would the Government be prepared to seek international funding for climate adaptation?

15. Regarding the maximum of available resources, the Committee would appreciate information on budgetary trends and spending priorities, including the allocation of resources to the new executive departments that had been established for the advancement of women and people of African descent. He wondered whether it would be necessary to commit additional resources to ensure the rights to food and to housing and whether the Government might need to increase the tax burden for that purpose.

16. The Committee would also appreciate information on priorities in the areas of climate finance, international cooperation and trade. In particular, the delegation might address the concerns and criticisms that had been raised about the proposed trade agreement between the European Union and MERCOSUR. It would also be interesting to know the priorities of the State party for its upcoming presidency of the Group of 20.

17. Noting that the State party's anti-discrimination legislation was somewhat fragmented, he wished to know whether the Government intended to develop a comprehensive anti-discrimination law and how it would remove the obstacles that certain groups faced in obtaining access to justice. How did it plan to address violence against women and discrimination against members of the LGBTIQ community? How did the State party guarantee access to health-care and social assistance services for migrants and refugees, particularly Venezuelan nationals? What were the State party's plans for promoting gender equality and social inclusion and for combating discrimination against people of African descent? How did the State party intend to combat discrimination in access to health, which had been exacerbated during the COVID-19 pandemic?

18. Lastly, he wished to know more about the Government's efforts to combat corruption. In particular, he wondered to what extent public finances had been affected by the creation by the previous Administration of a "secret budget" mechanism that had been used to redirect billions of dollars to congressional spending projects with little transparency.

The meeting was suspended at 3.35 p.m. and resumed at 3.40 p.m.

19. **A representative of Brazil** said that the Programme for the Protection of Human Rights Defenders, Communicators and Environmentalists had been established in 2019 and updated in 2021. It covered the whole of the national territory and had been regularly improved through better institutional coordination, visibility and outreach initiatives, staff training and additional funding. The Programme safeguarded the lives of human rights defenders, including activists in the areas of Indigenous and Quilombola rights, land rights and environmentalism.

20. In the area of non-discrimination and inclusion, significant progress had been achieved under the National Plan on the Rights of Persons without Disabilities – Living without Limits, which was based on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. In May 2023, the Government had decided to draw up a new version of the Plan in order to promote the civil, political, economic, social and cultural rights of persons with disabilities and their families.

21. In 2021, about 62.5 million people (29.4 per cent of the population) had been living in poverty, including 17.9 million (8.4 per cent) in extreme poverty – the highest figures since 2012. Between 2020 and 2021, the number of people living below the poverty line had risen by 23 per cent and the number of people in extreme poverty by 48 per cent.

22. In 2022, overall government spending had stood at 32.7 per cent of the gross domestic product (GDP). In terms of social expenditure, 6.09 per cent of the public budget was currently allocated to labour-related policies, 6.42 per cent to education, 8.47 per cent to health, 15.56 per cent to social assistance, 53.87 per cent to social welfare and 9.58 per cent to other activities. Considering that the budget cap introduced in 2016 had exerted downward pressure on social spending and threatened the capacity of Brazil to meet its obligations under the Covenant, the Government had introduced a new fiscal framework. The new framework provided for greater stability in the future financing of essential social investment, preserved fiscal space and set the public debt on a clear downward trajectory.

23. The new minimum wage policy was important for recovering purchasing power and improving income distribution to boost consumption and economic growth, particularly among working-class people. From 2024, annual adjustments would take into account inflation and the real GDP growth rate.

24. The new Ecological Transition Plan had six axes: sustainable finance, circular economy, leveraging technology, bioeconomy, energy transition and adaptation to climate change. The Ministry of the Environment had been working to reimplement environmental policies to preserve forests; conserve and enhance biodiversity and ensure its sustainable use; promote a just ecological transition; strengthen the bioeconomy; and value and maintain

ecosystems. While deforestation rates had increased to 13,000 km² in 2021 following the discontinuation of the Action Plan for the Prevention and Control of Deforestation, the new Government aimed to achieve zero deforestation by 2030 by eliminating illegal deforestation and compensating for the legal removal of native vegetation and the resulting greenhouse gases. Forestry legislation would be strengthened and there would be economic incentives for conservation and sustainable forest management. Deforestation in the Amazon had already been reduced by 48 per cent, and a new agenda for the protection of the forest and its inhabitants had been launched at the Amazon Summit held in Belém in August 2023.

25. The General Coordination Office for Human Rights and Business was reviewing Decree No. 9571/2018, which provided for the voluntary application of the guidelines set out therein. Since a national action plan on business and human rights had never been established, the Government was working on a national policy on business and human rights to be developed by an interministerial working group.

26. The trade agreement between the European Union and MERCOSUR had been revised by Brazil and discussions were ongoing. Regarding the Optional Protocol to the Covenant, the Government had started drafting the relevant legislation for its ratification. The slogan of the G20 presidency would revolve around building a fair future and a sustainable planet, and key topics for the presidency would include social inclusion, combating hunger, the energy transition and global governance reforms.

27. **A representative of Brazil** said that the land rights of Indigenous Peoples had constitutional status. The Federal Supreme Court had declared the “temporal framework” doctrine unconstitutional and had reaffirmed Indigenous Peoples’ right to previously occupied lands. The National Indigenous Peoples Foundation had reinforced the right of isolated peoples to remain without contact and, in 2023, had resumed the demarcation and regularization of Indigenous lands through the creation of an additional 32 technical groups. It was hoped that the Foundation would be strengthened by the hiring of new officials.

28. An interministerial committee had been tasked with removing intruders, such as illegal miners, from 32 Indigenous lands, and the Government had reinstated the National Policy for Environmental and Indigenous Land Management. A committee for the promotion of public policy and social protection of Indigenous Peoples had also been formed to plan and implement policies on Indigenous education, food sovereignty, health, combating racism and prejudice, access to rural housing and interaction with security forces.

29. **A representative of Brazil** said that the new Government was prioritizing agrarian reform policies, including policies to demarcate Quilombola lands and ensure that they were not used for other purposes. It had reviewed the legislation that facilitated the inclusion of the most vulnerable families in the settlement project. An emergency settlement project sought to incorporate an additional 5,000 families by the end of 2023. A number of ministries were working together to develop a national Quilombola coordination programme.

30. The Government was also simplifying regulations to speed up the process of recognizing, titling and registering Quilombola lands. In the Government’s first 10 months, it had recognized 22 Indigenous territories and published eight technical reports on identification and demarcation, which had benefited more than 3,000 Quilombola families. It had also prepared 40 draft decrees on deforestation.

31. **A representative of Brazil** said that, through resolution No. 203/2015, the National Council of Justice had regulated the adoption of racial quotas in public tenders. A minimum of 20 per cent of places in the judiciary were now reserved for people of African descent. Similarly, resolution No. 512/2023 had established that a minimum of 3 per cent of vacancies in public tenders should be reserved for Indigenous persons. In November 2022, the National Council of Justice had launched a national judicial pact for racial equality and equity, which promoted the adoption of affirmative and corrective action in all spheres of justice and had been supported by all Brazilian courts.

32. Regarding advancements in gender equality, resolution No. 496/2023 stipulated that there should be gender parity on examination committees and boards, and resolution No. 525/2023 provided for gender equity within the appellate courts. As of 2024, lists for

promotion to the higher courts would alternate between a list exclusively composed of women and a mixed-gender list until the courts achieved gender parity.

33. Through resolution No. 43/2021, the National Council of Justice had established the National Environmental Policy of the Judiciary. A National Observatory for Highly Complex Environmental, Economic and Social Issues with Broad-Ranging Impacts and Repercussions had also been created to monitor and address emblematic legal cases. For example, the National Council of Justice had played a key role in appointing the judges involved in the case concerning the dam collapse near Mariana and mediating a historic agreement between Government representatives and the companies responsible for the social and environmental disaster.

34. Lastly, it was important to make clear that, pursuant to the ruling of the Federal Supreme Court concerning the “secret budget” mechanism, amendments to the mechanism could now be used only to correct errors or omissions, and not to approve congressional spending projects. Separately, the Court had also ruled that acts of homophobia and transphobia should be treated as criminal offences equivalent to acts of racism, pending adoption of specific legislation criminalizing those forms of discrimination.

35. **A representative of Brazil** said that the Ministry of Development and Social Assistance, Family and the Fight Against Hunger had a single register for social programmes in which 42 million families were listed. A revised version of the registration form would be available in 2024. The database enjoyed broad social participation and received requests from a diverse population group. Further data collection would allow the Government to improve its social policies and ensure the rights of all citizens.

36. **Mr. Windfuhr** said that he wondered whether it was likely that the finding by the Federal Supreme Court that the “temporal framework” was unconstitutional would cause controversy in the National Congress. Furthermore, he would like to know whether the Government planned to include the Roma population in its data and policies. Lastly, he wished to know what measures and how much investment would be needed to change the attitudes of actors in rural areas with regard to recourse to violence and perpetrators’ impunity.

37. **Mr. Nonthasoot** (Country Task Force) said that he would like to hear about the key performance indicators and goals established by the State party regarding the development of a national action plan on business and human rights, particularly concerning the issues of participation, the assessment of material questions pertaining to business conduct and activities, and remedies. He would like to know what the new time frame for the adoption of the national action plan would be.

38. **Mr. Fiorio Vaesken** said that he would like to clarify the legal institutional relationship between the Ministry of Indigenous Peoples and the National Indigenous Peoples Foundation, and the differences between their mandates. He would also like to know whether one or both institutions were responsible for implementing international recommendations on the protection of Indigenous Peoples. He wondered how the Government upheld the right to free, prior and informed consent and the associated consultation procedures on policies and activities affecting the interests of Indigenous Peoples. He wished to know how the Government intended to incorporate the Committee’s recommendations into its normative framework and public policies.

39. **Ms. Rossi** (Country Task Force) said that she would like to know the current figure for external debt as a percentage of the State party’s GDP, and what conditions, if any, were placed on international loans. She also wondered whether debt repayments restricted the State party’s ability to invest in social policies and give effect to rights such as the right to health, education and an adequate standard of living. She would like to know whether the State party intended to assess the impact of debt on human rights in future business negotiations in order to ensure that its debts did not prevent it from fulfilling its obligations under the Covenant. She also wondered how the State party intended to address the requirements of the climate change plan and whether it had requested or had already received resources or funding from the Special Climate Change Fund.

40. She wished to know what measures the State party was taking to regularize the status of people who had arrived in the country during the COVID-19 pandemic. She would also like to know how the provisions of bill No. 7876/2017 on residence permits, if passed into law, would be applied to migrants who were already present in the national territory.

41. **A representative of Brazil** said that in the past, human rights policies had not been developed on a participatory basis. The Government hoped to establish a human rights and business policy focused on social inclusion and the participation of all stakeholders involved.

42. With regard to debt, it was possible to answer questions only on public debt, rather than external debt. The Government's debt was projected to peak at 76 per cent of GDP in 2024 and then fall to 72.9 per cent by 2032.

43. **A representative of Brazil** said that there had been a significant increase in land conflicts and rural violence under the previous Government, during whose term in office a large number of communities had been evicted from their land. The current Government had sought to address the issue by establishing bodies to assess land claims and implement measures to protect the environment and the land and traditional ways of life of vulnerable rural communities. The Federal Supreme Court had ruled that parties to land disputes must attend mediation before eviction orders could be issued.

44. The Government was taking steps to reduce deforestation, which had risen by 40 per cent under the previous Administration. It had identified large swathes of land in the State of Pará to be used as environmental conservation areas.

45. **A representative of Brazil** said that the Ministry of Agrarian Development had held discussions with the police, the Ministry of Justice and Public Security, the Ministry of Racial Equality and the Ministry of Human Rights and Citizenship to tackle police violence against rural communities and ensure respect for those communities' human rights. Although police violence remained an issue, the discussions had led to a change in the police's overall approach to dealing with rural communities and to a shift away from the militarization of the police that had been seen under the previous Government.

46. **A representative of Brazil** said that a bill that would prevent Indigenous Peoples from claiming land that they had not occupied prior to a set "cut-off" date had just been approved by the Federal Senate. Although the President had the power to veto the bill, his decision could subsequently be overturned by the National Congress. Even if the bill were to pass, it was the delegation's understanding that the recent Federal Supreme Court ruling on the "temporal framework" would take precedence.

47. The Ministry of Indigenous Peoples was responsible for coordinating and implementing public policies for Indigenous Peoples. It had close links with the National Indigenous Peoples Foundation and had been tasked with supervising the Foundation's work. The Government had taken steps to uphold the right of Indigenous Peoples to free, prior and informed consent by organizing consultations between the Ministry of Indigenous Peoples and members of the Yanomami community.

48. **A representative of Brazil** said that the Ministry of Racial Equality had been working with Roma families and communities and compiling data to help improve their well-being. Almost 2 million reais (R\$) had been earmarked for such activities. Other ministries were in the process of formulating a specific policy for the Roma community. To help develop that policy, visits had been made to Roma communities in five regions, giving members of those communities the opportunity to outline their needs and priorities and propose solutions to the issues that they faced.

49. **A representative of Brazil** said that, in 2018, the Government had launched the Welcome Operation to assist Venezuelan refugees, support their integration into Brazilian society and provide them with financial support. To alleviate pressure on public services in the regions bordering Venezuela, refugees were given the option of being relocated, in a safe manner, to other parts of the country. Over the previous five years, they had settled in approximately 900 municipalities. The Ministry of Development and Social Assistance, Family and the Fight against Hunger was responsible for providing the initial support required by refugees after crossing into Brazil and had signed a cooperation agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) to that end.

Other stakeholders involved included the Federal Government, state governments, the judiciary, international organizations, the armed forces and civil society organizations. More than 100,000 Venezuelan refugees had arrived in Brazil in 2023.

50. **A representative of Brazil** said that the Government had traditionally been welcoming to migrants, who had almost the same rights as Brazilian nationals and were able to regularize their situation where necessary. The National Committee for Refugees, attached to the Ministry of Justice and Public Security, had simplified the procedure for granting refugee status, including to lesbian, gay, bisexual, transgender and intersex persons who faced imprisonment or the death penalty in their home countries.

51. **Mr. Nonthasoot** said that he would like to know how the State party intended to tackle youth unemployment. He would welcome an update on the situation of the informal sector in the wake of the COVID-19 pandemic and details of any measures envisaged to address the high levels of informal employment, particularly in the north and north-east of the country.

52. He wished to know whether quotas for the employment of people of African descent, which were due to expire in 2024, would be kept in place. The delegation might comment on whether it planned to supplement the quota system for the employment of persons with disabilities with other incentives and whether penalties were handed down for non-compliance with the quotas.

53. The Ministry of Labour and Employment had been reconstituted as the Ministry of Labour and Welfare in 2021; he would be grateful for an explanation of any differences in their mandates and capacities.

54. He wished to know whether the State party had established time-bound goals or key performance indicators to ensure effective implementation of the law aimed at eliminating the gender pay gap and whether the relevant agencies had sufficient capacity to enforce that law. He would welcome information on the legal framework in place to address sexual harassment in the workplace and on whether the State party intended to ratify the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190).

55. It would be useful to learn whether the State party had set specific targets to reduce cases of modern slavery, whether the National Commission for the Eradication of Slave Labour had enough inspectors, whether those inspectors had jurisdiction at the state level and, if not, what steps the State party had taken to ensure that incidences of slave labour were properly handled by each state.

56. The delegation might provide information on any policies aimed at addressing the widespread use of pesticides in the agricultural sector, which had a significant adverse impact on Indigenous Peoples.

57. He would be interested to hear the delegation's assessment of the labour reform laws and whether further labour reforms were planned.

58. It would be helpful to receive an update on the state of the social security system following the COVID-19 pandemic. The delegation might comment on the steps to be taken to guarantee the functioning of the social safety net and on whether there were plans to offer social security protection to people of African descent, particularly women, who were self-employed or engaged in informal work and to domestic workers who had been unpaid caregivers during the pandemic.

The meeting was suspended at 4.50 p.m. and resumed at 4.55 p.m.

59. **A representative of Brazil** said that the Government had launched a programme to encourage responsible business conduct and decent work through social and sectoral dialogues and training and awareness-raising activities. It had also signed a memorandum of understanding to promote good practices and decent work in the agricultural sector. To support those efforts, it had developed technological systems such as a self-assessment tool for responsible business conduct; a rural occupational risk management system; an upgraded system for receiving complaints about slave labour, which included a module for migrants;

and a child labour complaints system. The Special Mobile Inspection Group was responsible for tackling modern slavery; regional teams had also been set up to address the issue.

60. Petrobras, a State-owned oil and gas company, had agreed to give jobs to persons with disabilities and victims of child labour. Some 95,000 workers had transitioned out of the informal sector, and, in August 2023, the Government had begun to provide training for workers to improve their career prospects and access to the labour market. The Government had worked with ILO to develop a strategy to ensure that lesbian, gay, bisexual, transgender and intersex persons were able to obtain a decent job and income. It had implemented measures to protect such persons from harassment and discrimination in the workplace.

61. The country's current labour laws limited sources of funding for trade unions and weakened their negotiating power. The new Government would therefore take steps to enhance labour rights; resume social dialogue between the Government, employers and employees; promote collective bargaining and strengthen trade unions.

62. **A representative of Brazil** said that, although the obligation to provide equal pay for work of equal value had existed in Brazil since 1943, wage disparities remained. On average, women were paid 22 per cent less than men. That gap was worse for certain groups; the earnings of women of African descent amounted to less than half of the earnings of men of European descent. A law guaranteeing equal pay for men and women was currently being implemented to address the situation. To mark the 2023 edition of International Women's Day, the President had submitted the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and Convention No. 190 to the National Congress to begin the ratification process.

63. Women of African descent were more likely to be unpaid caregivers, whose work was precarious and undervalued. Accordingly, the Government had created a national policy to improve recognition of the role played by caregivers, whether paid or unpaid. Other programmes had been set up to improve the lives of women in rural areas. An interministerial group was being created to increase the number of women involved in policymaking.

64. A number of steps had been taken to combat the harassment of women, including within the civil service, and provide jobs to women who had been victims of domestic violence. A national pact had been signed to prevent femicide and tackle misogyny and gender-based discrimination and violence. It provided for guaranteed access to justice for women who had fallen victim to such violence.

65. **A representative of Brazil** said that the Ministry of Social Security, the functions of which had previously been performed by other ministries, had been re-established in 2023. In late 2022, the National Social Security Institute had been making more than 37 million benefit payments per month, and total expenditure on such benefits for that year had been approximately R\$ 876 billion, representing some 8.8 per cent of GDP. In 2021, social security benefits had lifted almost 14 per cent of the population out of poverty.

66. Also in 2021, around 70 per cent of the national population of working age had been covered by social security. In the working-age population, significant differences in coverage rates existed between different racial groups, with 77 per cent of people of European descent covered but only around 65 per cent of people of African or mixed descent and just 61 per cent of Indigenous persons. Among persons 60 years of age and older, while slightly more than 80 per cent of people of European or African descent were covered, the rate stood at just 69 per cent for Indigenous persons; in that age group, 84 per cent of men had coverage, compared with 79 per cent of women. As for domestic workers, only the 37 per cent of them who were in formal employment had social security coverage.

67. Constitutional Amendment No. 103/2019 on the social security reform had reduced the rate at which social security spending had been increasing as a proportion of GDP. In 2019, prior to the reform, the projection for 2060 had been 16 per cent of GDP and the 2023 projection had been a little below 11 per cent. The most vulnerable groups had been less disadvantaged by the reform: rural workers – including Indigenous and Quilombola persons – had retained lower retirement ages; persons with disabilities remained permitted to retire under more favourable rules; and women had retained their shorter minimum contribution period.

68. **A representative of Brazil** said that between 2020 and 2022, the demands on conditional cash transfer programmes had significantly increased; at the same time, the budget for such programmes had been more than halved, rendering it difficult for the Federal Government to meet the needs of the 17 million persons living in extreme poverty. Within its first 100 days, the new Administration, which had taken office in January 2023, had increased the social assistance budget by 80 per cent, restructured the Family Grant (Bolsa Família) programme and launched a programme to reorganize its records of low-income families; those measures had been made possible by an amendment to the Constitution to allow for a significant increase in the federal budget. Under the restructured Family Grant, social assistance had, between January and September 2023, been extended to an additional 19.7 million households and the Early Childhood Benefit (Benefício Primeira Infância) had been incorporated, increasing the Grant's value by 30 per cent for families with children aged 6 years or under.

69. **Mr. Nonthasoot** said that he would be interested to learn how the Federal Government ensured that its decisions – for instance, those relating to women, people of African descent or Indigenous persons – were actually implemented at the state level.

70. **Mr. Windfuhr** said that he wondered how the State party regulated the pensions of the very large number of persons working in the informal sector and how the values of such pensions were calculated. He also wished to know whether the larger proportion of women working in informal jobs – for which there was often no pension scheme – resulted in a gender pension gap. While he welcomed the State party's measures to bring an end to the informal work in which 40 per cent of the workforce was currently engaged, he would be grateful for clarification as to how the reform would address the often blurred line between informal work and self-employment or how the State party would finance the benefits to which newly formalized workers would be entitled, such as health care.

The meeting was suspended at 5.30 p.m. and resumed at 5.35 p.m.

71. **A representative of Brazil** said that, while his country's social security system was contributory in nature, a system of non-contributory benefits also existed, available to persons aged 65 years or over who lacked family support or the ability to support themselves, as well as to persons with disabilities.

72. **A representative of Brazil** said that, for self-employed workers who had been unable to make social security contributions throughout their lives, a lower level of social assistance coverage was provided. Like everyone else, informal workers could use the universal health-care system. Average social security payments were slightly lower for women because they were based on salary contributions over the course of a person's working life and, as women were often paid less, their contributions were usually smaller. Since a law had recently been adopted to establish gender pay equality, however, social security benefits would also become more equal in the future. In addition, rules introduced in 2019 had made the method of calculating benefits more favourable to women, which would also reduce the gender pension gap.

73. **A representative of Brazil** said that one aim of the Government's multi-year plan for 2024–2027 was to expand the scope of social security benefits. Within that, one of the principal programmes was intended to raise awareness among the general public about the social security system.

74. **A representative of Brazil** said that the interministerial working group formed to address the issue of how to provide social security cover for persons working through digital platforms would soon publish its findings.

75. **A representative of Brazil** said that the Ministry of Human Rights and Citizenship had established a standing forum of human rights officials, in which representatives of all states could exchange experiences and best practices, in order to foster an integrated national approach to human rights policy. The Federal Government had re-established the National Commission on the Sustainable Development Goals, reporting directly to the Office of the President. In addition, the Administration was voluntarily undertaking preparatory work towards an additional national goal of its own, the focus of which would be policies to counter

discrimination against people of African descent, Indigenous persons and traditional communities.

76. **A representative of Brazil** said that, in partnership with the Ministry for Women, state and municipal governments were involved in implementing the Femicide Prevention Pact within their territories. To ensure the state- and municipal-level implementation of federal policies, Federal Government ministers had planned a visit to Rio de Janeiro in September 2023 to meet state and municipal officials.

77. **A representative of Brazil** said that the Federal Government would soon be launching the Poverty Reduction Programme, under which informal workers would be offered training and technical advice. The Programme would involve contributions from 11 ministries and would have partnerships with state and municipal governments, as well as with the private sector.

78. **A representative of Brazil** said that the Federal Supreme Court had recently upheld Act No. 16.6 of 2019 of the State of Ceará prohibiting the aerial spraying of pesticides. The Federal Government was encouraging other state governments to bring forward similar bills in their territories.

79. **Ms. Rossi** said that she wished to know what impact the State party expected the policies in force would have on reducing poverty, extreme poverty and food insecurity, and whether any differential measures were in place for people of African descent, women, children and Indigenous Peoples. It would be helpful to know whether the current Administration planned to reintroduce former Governments' policies relating to councils for public participation in formulating such policies. She wondered whether the additional resources allocated to such policies would have to be increased gradually.

80. She would like to know what specific measures the State party was taking to combat the root causes of child labour. Details of all aspects of the State party's labour inspections would be useful, as would information about the nature and effectiveness of any criminal penalties imposed on perpetrators of child labour offences.

81. She would appreciate information on home-care policies to promote older persons' right to independent living, in particular on the Better at Home (Melhor em Casa) programme and on the existence of long-term residential homes in rural and outlying areas. More specific information on the Growing Old in the Territories (Envelhecer nos Territórios) programme would be useful, in particular details of how intersectional discrimination factors, the fundamental social rights of the older population and the diversity of that population were being taken into account.

82. She would be grateful for more information on the planned census of, and policies concerning, persons in street situations, including whether those policies were backed with any laws and what specific measures were being taken to address the large increase in such persons between 2016 and 2022. She wondered whether the 2017 national guidelines on the provision of support to children and adolescents in street situations had strengthened the social assistance network and public policies and reduced the number of children living in street situations. She would like to know what programmes existed to address the causes of such situations, what types of immediate assistance such children received, what the predominant characteristics of the children were and what their geographical distribution was.

83. Up-to-date data on the housing shortage, disaggregated by ethnic, racial and gender factors and by geographic location, would be useful. She would be grateful for information on the main policies currently being implemented and on progress with and the results of the My House, My Life (Minha Casa Minha Vida) programme in improving access to housing for low-income groups, in particular women and people of African descent. She wondered whether the State party had considered any regulation of empty housing or other aspects of the property market, in order to reduce the shortage. She wished to know what policies were being implemented to formalize favelas and other informal settlements. She would appreciate information, including recent statistical data, on forced evictions. She would be interested to hear about any effective form of appeal and the provision of alternative housing for those unable to find it themselves.

84. She wished to know whether the new Administration was investigating and seeking to prosecute the authorities in charge during the COVID-19 pandemic for avoidable deaths and offering redress to victims and their families, in particular to the population groups that had suffered the most. She wondered how the State party planned to strengthen the national health-care system to respond to future pandemics and other health emergencies and how it would address interregional and intercommunal disparities in access to the right to health. Lastly, she would be interested to learn about the impact of the funding model implemented in 2019, in particular on the national policy on comprehensive health care for people of African descent.

The meeting rose at 6 p.m.