

FEDERATIVE REPUBLIC OF BRAZIL



Replies to the List of Issues
to be taken up in connection with the consideration of the
second periodic report of BRAZIL (CCPR/C/BRA/2004/2)

CONSIDERATION OF REPORTS SUBMITTED BY
STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT ON CIVIL AND POLITICAL RIGHTS

Geneva, 26 and 27 October 2005

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PARTIES UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration
of the second periodic report of BRAZIL (CCPR/C/BRA/2004/2)**

Right to self-determination (art. 1)

1. Please provide recent examples of consultations with indigenous communities on the use of land affecting them (paragraph 14 of the report). How is the State party ensuring their right to freely pursue their economic, social and cultural development?

Article 231 of the Brazilian Federal Constitution recognizes to the indigenous communities their social organization, the original customs, languages, beliefs and traditions, and their rights to the lands that traditionally occupy. The Brazilian State declared so far 420 indigenous lands as traditional, covering 103,918,758 (one hundred and three million, nine hundred and eighteen a thousand, seven hundred and fifty and eight) hectares of surface, which correspond to almost 12% of the national territory. Beyond the formal recognition, it is guaranteed to the indigenous communities the permanent possession and the exclusive fruition of the natural wealth of their lands.

It is through the declaration of indigenous lands and through specific public policies addressing the needs and peculiarities of the culture and social organization of the indigenous peoples that the State assures their right to development.

The educational policies for the indigenous peoples are implemented with a view to advancing the social and cultural diversity of the country, by guaranteeing the respect to the indigenous culture and social organization and promoting the learning in the language of each people and the education of the Portuguese. The Brazilian State develops indigenous education policies in a decentralized way, through partnerships between the federal, state and municipal Governments.

There are 2,232 (two a thousand two hundred and thirty and two) indigenous schools nationwide, providing education to about 150 thousand indigenous students. The basic indigenous education is under responsibility of the states of the Federation, which brings benefits of proximity and adaptation to regional realities. The federal Government is responsible for the planning, orientation, coordination and follow-up to the definition and the implementation of educational policies for the indigenous communities. In this regard, actions are developed to promote and to strengthen basic education relating to indigenous schools, the production and the distribution of didactic material of indigenous authorship, in indigenous languages, the training of teachers for indigenous schools and the access of indigenous students to the University.

The indigenous educational policies are carried out with the effective participation of the concerned communities. Policy making and implementation of the indigenous

school education policies aim at greater participation of indigenous communities, through the institutional strengthening of the National Commission of Indigenous School Education, composed by 15 members that represent indigenous organizations of the five regions of the country and organizations of indigenous teachers. The Commission acts before the Ministry of the Education as an advisory body in policy making and implementation of indigenous school education policies and as an agency of social control, pursuant to the Law of Guidelines and Bases for the National Education. As a means of consultation with the communities it is important to mention the realization of state workshops on indigenous education, with the participation of indigenous leaders.

The indigenous communities also have access to the public resources that aim at protecting the environment and the biodiversity, the sustainable use of the natural resources and the implementation of plans of management of indigenous lands. These resources are applied pursuant to projects presented by the communities themselves.

The Ministry of Health, through the National Foundation of Health (FUNASA), is the agency responsible for the access of the indigenous peoples to health care. The greater challenges regarding indigenous health care, with mortality rates higher than those of the Brazilian population in general, has required the elaboration by the Brazilian State of health policies that address the specificities of the indigenous peoples: the Subsystem of Indigenous Health Care, a policy which was formulated with the participation of all the various stakeholders and shall be established and consolidated in three years. The State also participates in the economic development of the indigenous peoples. The recognition and protection of indigenous lands, duty of the federal Government, is basic for the development of the productive activities and for the survival of the indigenous peoples.

It is also duty of the Brazilian State to promote the economic activities with a view to ensuring economic and environmental sustainability, as well as to respecting the cultural and ethnic diversity of each indigenous people, in accordance with its aspirations and needs. This promotion is carried out in a decentralized way by the federal Government – through the Multi-Year Plan of Investments, with the program "Protection of Indigenous Lands, Territorial Management and Ethnic Development" – and by the States of the Federation.

As a means to ensure the pursuit by the indigenous peoples of their cultural and economic development, the Constitution of the Federative Republic of Brazil and the ILO Convention n°. 169 – to which Brazil is a party – provide for mandatory consultation procedures with indigenous populations whenever the domestic legislation allows the use of their lands. The possibility of indigenous peoples to be consulted on the uses of their lands signals their effective recognition by the State and their fruition by the indigenous peoples.

The mandatory consultation to the concerned indigenous groups in the procedure of demarcation of indigenous lands was established by the Decree n°. 1.775/96. Consequently, all the indigenous lands recognized by the Brazilian State since 1996 involved mandatory consultations to the concerned indigenous communities. The exploitation of water resources and the research and extraction of mineral resources

can only be carried out upon authorization of the National Congress, provided that the affected communities are heard.

The previous consultation provided by § 3º of article 231 of the Brazilian Constitution is yet to be regulated, until then being forbidden the exploitation of mineral resources in indigenous lands in Brazil. There is, nonetheless, without legal support or authorization, neither from the State, nor from the aboriginal peoples, exploitation of mineral resources by non-indigenous peoples in some indigenous lands, such as those occupied by the “Cinta Larga” and the “Yanomami”. These illegal practices are countered by the National Foundation of the Indigenous Person, the Brazilian Institute of the Environment, the Federal Police and the National Department of Mineral Production, counting always on the support of the affected indigenous communities.

The federal indigenist agency (National Foundation of the Indigenous Person - FUNAI) controls every enterprise inside indigenous lands and its surroundings, whenever legally authorized, evaluating the ethnic and environmental impacts and demanding – in the procedure of licensing of the activities – measures to alleviate any impact caused. Consulting with the indigenous communities is mandatory in this evaluation procedure. The communities are represented pursuant to their own procedures and can veto the use of their lands. Recent examples of the participation of the indigenous communities can be found in the enterprises regarding route BR 101 - Indigenous Land “Monte dos Cavalos”, the Gas-line Parada-Lake Vitória – Indigenous Land “Comboios”, route BR 156 - Indigenous Land “Uaçá”, and the Line of Transmission Teresina 500 156 II/SobralIII/Fortaleza II kv - Indigenous Land “Pituary”, among others.

The consultations with the aboriginal peoples, in a more comprehensive way, are carried out by the Brazilian State through the National Conference of the Indigenous Peoples and its preparatory regional conferences, some already carried out in the year of 2005, with its conclusion scheduled for the year 2006. The indigenous peoples had been also consulted in the 1st National Conference for the Promotion of Racial Equality, in July of 2005, which drafted a National Plan for the Promotion of Racial Equality, having gathered requests of indigenous peoples for the regularization of their traditional lands and for public policies aimed at their special characteristics.

Right to a legal remedy for the violation of Covenant rights (art. 2)

2. In how many low-income communities has the Government installed Legal Desks (para. 25), and have they improved access to justice for disadvantaged groups? Please provide information on progress made in judicial reform, and in particular the proposal to federalise human rights crimes (para. 24).

The Secretariat on Human Rights carries out a series of actions for the promotion and defense of the human rights, by means of qualification, formation and rendering of services. The Legal Desks train people, give legal assistance and advice and supply basic civil documentation. In the last two years, more than 400 thousand people were benefited in low income communities, “quilombola” communities, indigenous communities and cities where there are cases of recruitment for slave labour, among others. Since 2003, the Secretariat on Human Rights has signed agreements with other

public entities or with civil society organisations that provide for the creation of 368 Legal Desks. In addition of these Legal Desks directly supported by the federal Government, there is also a number of Legal Desks established independently by other levels of Federation.

The **Legal Desks** projects were based on experiments carried out by Government entities and non-governmental organisations which offered low-income segments of the population the possibility of access to essential services, fostering the exercise of citizenship. Outstanding among the serviced rendered free of charge are the supply of basic civil documentation, the dissemination of information on rights, and full legal aid, stressing mediation as a practice used for the settlement of disputes.

In parallel to the services rendered, efforts are focused on raising awareness among the segments of the population through lectures and debates on the Universal Declaration of Human Rights and Brazil's National Human Rights Programme, as well as aspects related to the exercise of citizenship. Moreover, human rights pamphlets are prepared and distributed, in order to encourage discussions, in addition to the essential legislation related to individual and collective rights and guarantees.

From 2003 onwards, it is stressed that the Secretariat on Human Rights began to assign top priority to projects addressing indigenous communities, old runaway slave settlements known as *quilombolas*, riverbank communities, rural settlements and communities living in municipalities rated as sources of slave labour.

Although difficult to measure the impact of the results achieved under the aegis of the Legal Desks, it is obvious that possession basic personal documentation which is required to access the labour market, as well as education and healthcare services, among others, has upgraded the conditions for accessing citizenship among the beneficiary communities.

On the other hand, rendering legal aid services and stressing reconciliation and mediation as practices for settling disputes mean that people traditionally excluded by the legal system are now recovering their confidence in the Courts. Consequently, violent reactions are becoming a less frequent option for settling these disputes, which is certainly helping reduce violence rates.

In terms of Court reforms, the Itinerant Court System was introduced (Constitutional Amendment N° 45/2004), in which the Federal Regional Courts (107, §2), the Federal Labour Courts (115, §1) and the Courts of Justice (125, §7) will set up a Itinerant Courts System that will hold hearings and perform other jurisdictional functions within the territorial limits of their respective circuits, serving as public, community facilities. In this direction, it is in underway a process of decentralization of both the Federal and the Labour Public Prosecution Services, according to the principle of broader access to Justice. Both Prosecution Services, ever since Law n° 10.771/2004 entered into force, had created offices in cities with demographic and/or economic and social expression in order to expand the performance of the prosecutors in the defence of the society's collective and diffuse rights.

There are also projects of establishing outposts of Federal Special Courts for low income population, aiming to enable the citizens who inhabit in regions far from the physical installations of the Federal Special Courts to nonetheless access their

services, through electronic means. These outposts will allow citizens to file actions and complaints and follow up their processing, without the need of displacement to the headquarters of the judicial body.

It is about to be signed an agreement between the Ministry of Justice, the Ministry of Communications and the Federal Justice Council that will allow the citizens to digitally file judicial actions to the Federal Special Courts through the Program of Social Inclusion of the Federal Government, co-ordinated by the Ministry of Communications, which uses tools of information technology to promote digital inclusion in all the Brazilian states (the Electronic Government Service of Attention to the Citizen – GESAC). The agreement will also encompass training to civil servants and community leaders in the points of access to the GESAC (3,200 points), so that they can navigate the web sites of the Federal Justice System in order to offer the population information on the course and the situation of the lawsuits in which they are parties or have interest.

The Outpost of the São Paulo Federal Special Court is already in operation, in the Francisco Morato Municipality, streamlining access to Justice through integrating the Court Services with the community services provided by the São Paulo State Government, at the Citizenship Integration Centre, particularly for matters related to social security, pensions and housing loans among the communities living on the outskirts of the City of São Paulo.

In terms of human rights protection, it is important to stress the recent alteration to the Brazilian Constitution (Amendment N° 45) which introduced a mechanism for federalising crimes against human rights. Consequently, in case of a severe breach of human rights, the Federal Prosecutor-General may, in order to ensure compliance with the obligations arising from international Human Rights Treaties of which Brazil is a party, present such matters to the Superior Court of Justice at any stage of the inquiry or proceeding, resulting in the shift of jurisdiction from state to federal courts (109, V-A and §5).

In order to encourage a reduction in criminal occurrences while fostering a more peaceful society, there are three pilot projects that would ensure the feasibility of analysing the best practices related to “Restoration Justice”, understood as applying negotiation and mediation methods for settling criminal disputes, through the inclusion of the victim and the community in the criminal proceedings. This model for State reactions to crimes focuses not only on society or the perpetrator, but is also intended to reconcile the interests and expectations of all those involved in the criminal issue through soothing the turbulent social relationship that gave rise to it. Through this approach, it is expected a restoration of all weakened relationships, including but not limited to reparations for damages caused to the victim and the community through a positive stance adopted by the perpetrator, while strengthening any possible flaws and weak points in the programmes under way, in order to draw up a capacity-building plan for agents and disseminate this model within the Brazilian context.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. Please provide further information on the role of National Human Rights Programmes and the Special Secretariat for Human Rights (para. 4) in implementing Covenant rights. In addition, how will the application of the State party's international human rights obligations be enhanced through human rights programmes and institutions at state level?

The role of the National Human Rights Programmes is to help to systematise the demands of all Brazilian society in terms of human rights and to identify alternatives for the solution of structural problems, by supporting policy making and implementation and fostering the creation of state programmes and entities conceived under the approach of promotion and protection of human rights. The creation of the Special Secretariat for Human Rights made possible advancing the federal Government commitment to the promotion and protection of human rights.

The Secretariat for Human Rights, in this regard, functions through articulation and coordination with governmental bodies, in the federal, state and municipal levels, including the Executive, Legislative and Judiciary Branches, and through partnerships with civil society entities. Its fundamental purpose is coordination and articulation in order to mainstream a human rights promotion and protection approach to the formulation, execution and evaluation of all policies, programmes and activities of the Brazilian State, with a view to implementing the actions and goals set up by the National Human Rights Programme and all the international and domestic human rights norms and instruments.

The goals of the National HR Plan were, in general, included in the planning and budget instruments of the Federal Government and converted in specific programmes and actions with financial resources guaranteed in the Yearly Budget Laws, as defined in the Multi-Year Plan of Investments (PPA). Some concrete examples of fulfillment of human rights international obligations, based on the National Programme, are the Programmes of "Assistance to Threatened Victims and Witnesses ", "Protection of Adoption and Fight against International Kidnapping", and the actions of "Technical Assistance to Police Ombudspersons' Offices and Community Policing", of "Protection of Human Rights Defenders", and of "Support to Services of Social and Legal Attention to Children and Adolescents threatened with death ".

The National Programme has indeed influenced in the planning and implementation of the national public policies, though the measurement of such impact is difficult by the very idea of mainstreaming a human rights based approach to all governmental activities. In terms of state institutions, the National Human Rights Programme serves not only as a tool for policy dialogue, coordination and articulation with state Governments but also as a reference to foster the elaboration of state human rights programmes, which were launched, for example, in the States of São Paulo (1997), Pernambuco (1999), Minas Gerais (2001) and Rio Grande do Norte (2002). Most states have State Human Rights Councils that convene representatives of public and civil society entities to mainstream, coordinate and monitor human rights policies at the state levels, as well as State Human Rights Secretariats, generally integrated with of the Secretariats of Justice (State Justice and Human Rights or Justice and

Citizenship Secretariats), the State of Rio de Janeiro having one State Secretariat dedicated solely to human rights policies.

Once a series of constitutional powers relating to the promotion and protection of human rights fall under the state powers within the federative system established in the Brazilian Constitution, whose execution can not but in most exceptional situations be enforced by the federal Union, the existence of state human rights programmes and entities can further enhance human rights promotion and protection by the state institutions, taking also into account the various regional realities in Brazil.

4. Has the State party considered the creation of a mechanism to address questions remaining from the period of military dictatorship, such as a truth and reconciliation commission?

Brazil has two reparation mechanisms addressing people adversely affected by Brazil's military dictatorship: The Special Commission for Disappeared and Dead Political Dissidents, and the Amnesty Commission.

The Special Commission for Disappeared and Dead Political Dissidents and the Amnesty Commission

Established by Law N° 9,140 dated December 4, 1995, this Commission acknowledges as dead people who disappeared due to their participation or accusations of participation in political activities from September 2, 1961 through to August 15, 1979. Through this approach, the Brazilian State acknowledged its responsibility for the forced disappearance of 136 people listed in Annex I of the afore mentioned law. It should be stressed that this list was presented by Human Rights Protection Entities, the Torture Never Again Group, in the Dossier of Disappeared and Dead Political Dissidents from 1964 onwards.

This Law also stipulates that a Special Commission should be set up with the following duties and responsibilities:

I – Undertake the acknowledgment of people who:

- a) Disappeared and are not listed in Annex I of the Law;
- b) Died due to non-natural causes on police premises or similar, for having participated or having been accused of participation in political activities, from September 2, 1961 through to August 15, 1979.

II – Location of the bodies of people who disappeared, should any indications be found of the place where they might have been buried.

At this stage, 373 proceedings were registered, covering 366 victims.

The following Table offers an overview of the outcome of State 1.

	Number of Proceedings
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Annex I	132
Approved	148
Dismissed	86
Total	366

On August 14, 2002, Law N° 10,536 was promulgated, which altered Law N° 9,140 dated December 4, 1995, extending the period covered by these measures, now running from September 2, 1961 through to October 5, 1988. On March 24, 2004, Provisional Measure N° 176 (Law N° 10,875/2004) was published, altering Law N° 9,140/1995, extending the acknowledgment criteria and including the victims of public demonstrations or armed conflicts with Government agents, as well as those who committed suicide when about to be arrested, or due to the psychological aftermath of acts of torture.

Through this Act, the Special Commission was linked to the then Special Secretariat for Human Rights, and this Provisional Measure became Law N° 10,875 on July 1, 2004.

Since it was established, this Special Commission has already handed down judgments on 457 proceedings, acknowledging the fault of the Brazilian State for the death and/or disappearance of 336 people.

Amnesty Commission

Functioning under the aegis of the Ministry of Justice, the **Amnesty Commission** was set up on August 28, 2001 through Provisional Measure N° 2,151. Its purpose is to analyze claims for compensation filed by people who were prevented from performing economic activities due to solely political reasons from September 18, 1946 through to October 5, 1988, both in public or private sectors. Around 40 thousand requests for compensation are expected to be filed to the Commission. All of them will be examined by the Amnesty Commission and subsequently be sent for final decision by the Minister of Justice.

The amnesty is determined by article 8 of the Act of Transitional Constitutional Provisions of the 1988 Federal Constitution, which was regulated by Law n° 10.559, of 13 November 2002. The economic compensation, pursuant to the above mentioned law, can be granted in a sole payment corresponding to 30 times the minimum wage by year of political persecution, up to the limit of R\$ 100 thousand, or monthly payments corresponding to the position, rank or job the amnesty beneficiary would be occupying if still working, up to the maximum limit of a federal civil servant monthly income.

The Amnesty Commission can evaluate requests regardless of a pending judicial proceeding, whose abandonment is not necessary, only information on its existence.

Until December 2004, the Amnesty Commission, by its three Chambers, had already approved and sent to the bodies responsible for payment of the due compensation 4288 proceedings. Their amounts and beneficiaries can be verified in the web site: <http://www.mj.gov.br/anistia/processos_encaminhados.htm>

**Principle of non-discrimination, gender equality and protection
of national minorities (arts. 2, 3, 26 and 27)**

5. Please provide detailed information on the law establishing a goal for increasing the number of women candidates in political elections (para. 4) and its operation. Why has there apparently been a decrease in the percentage of women elected to legislative and executive posts (para. 36)? What measures has the State party taken to remove remaining obstacles to the adequate representation of women?

The mere existence of Law N° 9,504, dated September 30, 1997, which establishes a quota system is not in itself sufficient to ensure wider participation by women in political parties and consequently political positions. This Law lacks provisions establishing sanctions and other mechanisms that could foster greater compliance with the provisions in force, which establish the minimum and maximum percentage of candidatures by gender for positions filled through proportional ballots: Federal Chamber, State Legislative Assemblies, Federal District Chamber and Town Councils.

The Brazilian Congress is considering draft bills that alter the current Quotas Act, extending this percentage and imposing sanctions on political parties that fail to meet the minimum quota, while establishing quotas in other political fields. The Special Women's Policies Bureau and the Women's Bench in the Brazilian Congress are working hard to see these new Laws approved.

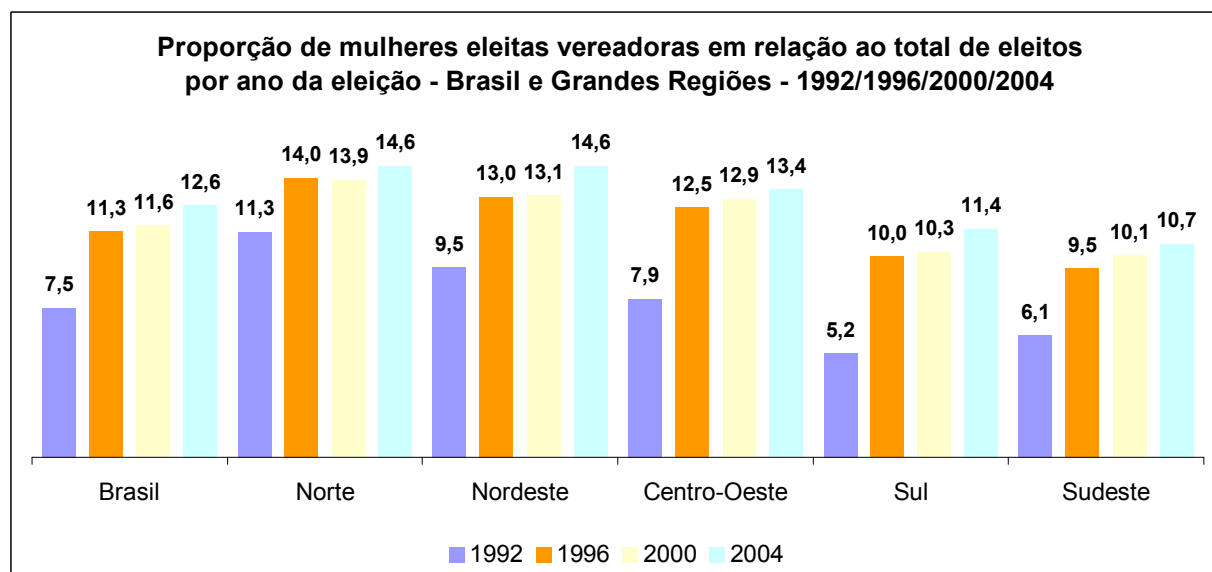
Regarding the apparent drop in the percentage of women elected to positions in the Legislature, instead, a small increase in the participation of women is noted in the Brazilian Congress: in the 2002 elections, eight women Senators were elected (14.8% of the total) and 42 Federal Congresswomen (8.2% of the total).

The 2004 municipal elections extended the presence of women in politics slightly: 6,554 women (12.65% of the total number of men/women elected) and 45,240 men (87.33% of the total number of men/women elected) were voted on to Town Councils, making a total of 51,819 men/women elected. In 2000, 7,001 women were elected (11.61%) and 53,266 men (88.35%) making a total of 60,287 men/women elected. It is important to note that there was a drop in the number of seats on Town Councils all over Brazil between 2000 and 2004.

Even with the drop in absolute figures of women elected during the last elections (2004) if compared to the outcome of the 2000 elections (due to the reduction in the number of seats in the Legislative Chambers, which dropped by more than 8,000) the proportional participation of women rose by 1%, up from 11.61% to 12.65%.

In 2000, 70,321 women ran for seats on Town Councils in Brazil, with 7,001 women Councillors being elected, corresponding to 9.95% of the candidates standing for these elective positions. In these same elections, 1,139 women stood for Mayor, with 317 women Mayors elected, equivalent to 27.83% of the number of women running for these positions.

Proportion of women elected as Town Councillors compared to the total number of men and women elected by election year – Brazil and Major Regions – 1992/1996/2000/2004



Brazil

North

Northeast

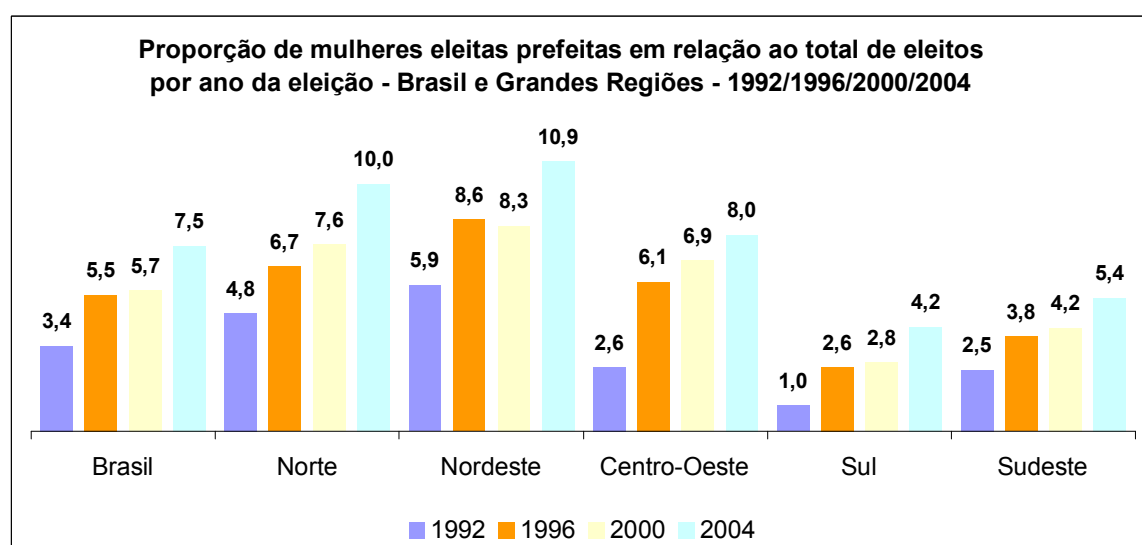
Centre-West

South

Southeast

At the Executive level, 407 women Mayors were elected in 2004 (7.32% of the total) and 5,111 male Mayors (91.96%) with 40 of the elected candidates not stating their gender (0.72%), making a total of 5,558 men/women elected. In 2000, 317 women Mayors were elected (5.70%) and 5,241 male Mayors (94.28%) making a total of 5,559 men/women elected. The absolute growth in elected women reached ninety seats, representing an increase of around 28% of the total.

Proportion of women elected as Mayors compared to the total number of men and women elected by election year – Brazil and Major Regions – 1992/1996/2000/2004

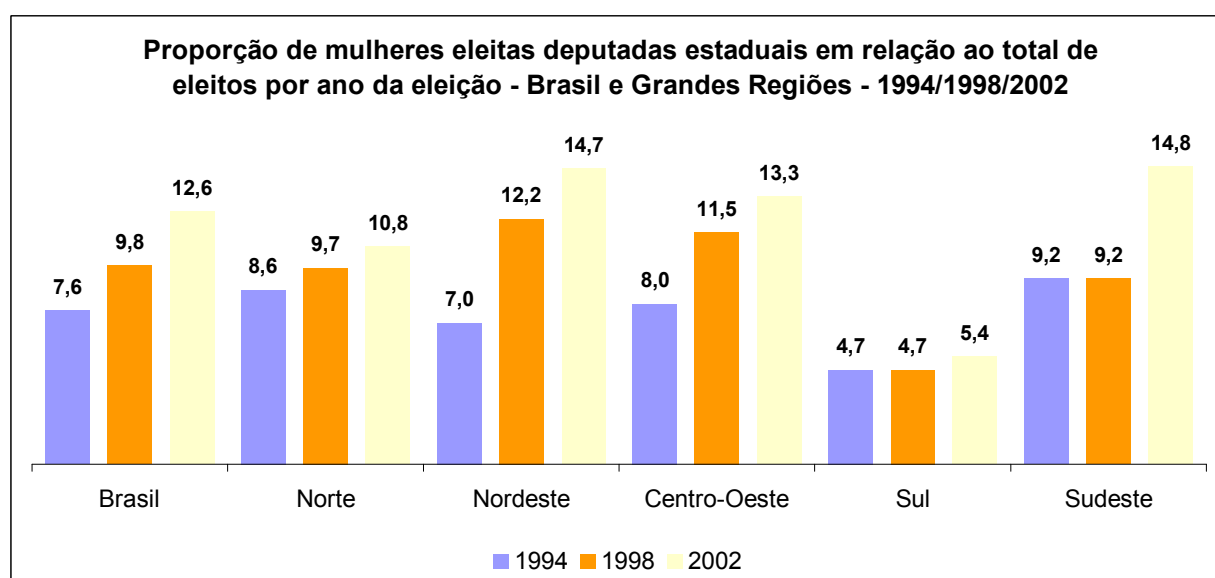


Brazil North Northeast Centre-West South Southeast

In the 2004 elections, a total of 76,551 women ran for seats on Town Councils, with 6,554 of them being elected, representing 8.56% of these candidates. In elections for the position of Mayor, 1,498 women stood as candidates, with 407 of them elected, representing 26.96% of the total number of candidates.

Women remained in their elected positions, extending their positions in local Government. Although the number of seats held by women in the Lower Houses dropped, their presence expanded proportionately in Municipal Legislatures all over Brazil.

Proportion of women elected State Congresswomen compared to the total number of men/women elected by election years – Brazil and Major Regions – 1994/1998/2002



Brazil North Northeast Centre-West South Southeast

As a way of raising awareness among women of the importance of their participation in politics, the Brazilian Government has adopted various measures designed to step up the participation of women at the decision-taking levels of political life, deploying pro-active policies to increase the participation of women in the fields of power. Outstanding among them are:

(a) Dealing with gender and race inequalities, specifically covered in the inclusion of these topics as mainstreamed general policies, in the 2004 – 2004 Multi-Year Plan as well as the Sector Policies Assessment System under the Ministry of Planning, Budget and Administration.

(b) Organisation of the First National Conference on Women's Policies in July 2004. Preceded by Municipal and State events, this Conference directly involved more than 120,000 women from all over the Brazil in its process, in order to draw up the “the

guidelines for the National Policy for Women from a gender equality standpoint, taking ethnic and racial diversity into consideration”.

(c) Convened by the President of Brazil and coordinated by the Special Bureau on Women’s Policies and the National Council for Women’s Rights, the National Conference met in Brasilia, the Brazilian capital, with 1,787 delegates and more than 700 observers from Brazil and elsewhere in the world.

(d) The National Plan for Women’s Policies was launched in December 2004 nationwide on television and radio. Based on the resolutions issued by the I National Conference on Women’s Policies, it defines the policies and guidelines of action for fostering gender equality in Brazil. Built on the basis of a working group that involved seven Ministries, it required efforts to reach agreement between the Special Bureau for Women’s Policies and the other Ministers for the seventeen portfolios directly involved in the proposed actions. This Plan indicates an important shift in the manner in which gender equality is being dealt with in Brazil, now in a better-articulated way, rather than through stand-alone actions.

(e) In terms of extending the economic autonomy of women, the introduction of tools that deepen policies ensuring equal opportunities and rights on the labour market, such as the establishment of the Tripartite Commission for Equal Work Opportunities, Regardless of Gender and Race and the Institutional Strengthening Programme for Gender and Race Equality, the Eradication of Poverty and Job Generation (GRPE).

(f) Establishing a national policy for dealing with violence against women in Brazil, reflected, among other measures in the presentation to the Brazilian Congress of a Draft Bill on Domestic Violence; the Edict issued by the Ministry of Health establishing mandatory notification of cases involving violence against women, assisted through the healthcare system; and campaigns combating violence against women, as well as sexual tourism and exploitation.

(g) Since the early 1990s, the Judiciary has recorded a significant inflow of women. This phenomenon is the outcome of the encouragement offered by Government-run competitive entrance examinations, with non-discriminatory approval/classification criteria.

6. To what extent has the creation of specialized police units to address the problems of abused women succeeded in raising the number of abuse complaints made to the police (para. 31)? Please provide information on the number of prosecutions and convictions in cases of domestic violence. What measures is the State party taking to sensitize public officials to the issue of domestic violence?

The absence of up-to-date systematised data on violence against women hampers an accurate diagnosis of who are the victims and proper measurements of the size of this problem.

Outstanding among the main reasons for the lack of a reliable database on this issue is the lack of communication among the various players in the network that assists women victims of violence (healthcare centres, hospitals, regular or specialised police

stations, reference centres), the still limited capacities of the practitioners working this network, which means that assistance required as a result of domestic violence may often not be qualified as such, and resistance among a still large number of women to filing charges against their attackers, due to embarrassment, fear or the fact that they still have links of affection with their significant others.

There are few official indicators and, other than some location-specific surveys, there is no information on the development of the number of women assisted or subjected to domestic violence. Information on the coverage provided in Municipalities through Police Stations providing Specialised Assistance for Women (DEAMs) and the average number of women assisted by these Police Stations has only begun to be collected or systematised very recently, which prevents us from using historical series to monitor this issue.

However, steps are being taken to deal with these problems. The National Public Security Bureau (SENASP) in partnership with the Special Bureau for Women's Policies, is working on the introduction of a gender factor into the National Public Security and Criminal Justice Statistics System, with the subsequent training of public security professionals in the States who will be in charge of recording criminal occurrences, as a way of building up data on domestic and gender-related violence, which is still not yet possible today. Other efforts to enhance data collection, sharing and coordination among law enforcement agencies, the Judiciary Branch and the Public Prosecution Services, mentioned elsewhere in the answers to this List of Issues, may play an important role in providing a clearer overview of this issue.

According to information provided by the National Public Security Bureau under the Ministry of Justice, 425,934 crimes were registered in 2004 at the 289 Police Stations providing Specialised Assistance for Women (DEAMs) that replied to a survey carried out by this entity, indicating an average of 1,479 occurrences each year at each Police Station. The main allegations are related to threats, bodily harm, injuries, slander, libel and disturbing the peace. Additionally, the diagnosis indicated that most of these Police Stations registered 500 to 1,000 occurrences in 2003, indicating their poor regional distribution and the high rate of coverage in larger towns and cities, bringing the average up to 1,479 occurrences a year as they assist larger numbers of people. It is also interesting to note that these Police Stations do not assist only women, but some 90% of them also help children, 19% assist heterosexual men, 22% offer assistance to homosexual men, and 26% provide aid for elderly men.

The Brazilian State has been deeply concerned with extending the quantity and upgrading the quality of public facilities for protecting and assisting women in situations of violence. At the moment there are 31 shelters in operation, 28 centres of reference and 22 Public Defender Offices for Women and Specialised Women's Centres. In 2004, seventeen shelters were also supported by resources from the Women's Protection Bureau, as well as fourteen reference centres and three Public Defenders' Offices and Specialised Women's Centres.

In 2004, funds were allocated to eighteen projects in Municipalities and States based on agreements with the National Health Fund, in order to upgrade the health of women living in situations of domestic or sexual violence, implementing integrated networks and fostering exchanges of experiences in various parts of Brazil. These

funds were earmarked for staff training, the production of educational and instructional materials, the organisation of events to publicise the services, and the organisation of a social welfare network.

In order to ensure keener awareness of this topic among the responsible Government authorities, the Brazilian Government has supported publicity campaigns combating violence against women. In 2004, it supported the White Bow Campaign in Brazil, which was intended to engage and mobilise men in putting an end to violence against women, as well as the campaign developed by the Patrícia Galvão Institute stressing that everyone loses from violence (*Onde tem Violência Todo Mundo Perde*). In addition to these various types of support, the Special Women's Bureau is also running its own campaign on Your Life Starts over When the Violence Ends (*Sua vida recomeça quando a violência termina*) with spots on television and radio, as well as printed matter. From October 30 to November 1, 2005 the National Meeting of Women Heads of Police Stations is scheduled to take place, which is intended to provide refresher training for all women police captains in charge of the 340 Police Stations specialising in providing services for women, celebrating the 20th anniversary of the establishment of the first Police Station providing Specialised Assistance for Women (DEAM) in Brazil, while also extending in-depth discussions of their standardisation and functioning.

Through Presidential Decree N° 5,030, dated March 31, 2004, the Brazilian Government set up an Interministerial Working Group to prepare a Draft Bill and other instruments that would curtail domestic violence against women in Brazil.

The Ministry of Health published Edict N° 2,406, on November 5, 2004, which “established a mandatory notification service for violence against women, and approved the instruments and flow for such notification (...) of cases of violence against women in the Single Health System”, which “will allow the scope of the problem to be measured, categorising the circumstances of the violence, as well as the profiles of the victims and the aggressors, helping build up evidence for the development of policies”.

These actions assign high priority to encouraging local policies focused on the prevention and treatment of the negative effects of violence against women, through providing technical assistance and project funding for establishing integrated networks and fostering exchange of experiences in different parts of Brazil.

In the document for the National Policy for All-Round Women's Health Care – 2003 – 2007, its Specific Objective 4 – “fostering assistance for women in situations of domestic and sexual violence”, the basis are firmed up and the indicators are presented that make attention to domestic and sexual violence an integral and indissociable part of the objective for achieving the humanisation, quality and all-round assistance, from the ethnic, racial and gender-related standpoints. Expansion strategies have been planned for these services, following the organisational concept of a social welfare network. The introduction of the issue of domestic violence is particularly noteworthy.

7. What measures is the State party taking to ensure that women enjoy equal pay for equal work (para. 26)? Please comment on reports that women generally earn significantly less than men for work of equal value.

Many of the actions that are being implemented by the Brazilian Government, included in the National Plan for Women's Policies (2004-2007), are based on the adoption of special measures to speed up the process designed to achieve gender equality at work.

The main focus of the actions and programmes is to promote women's work under equal conditions with men, with no type of discrimination. This compromise was stepped up through the introduction of the Special Bureau for Women's Policies (SPM) and the Special Bureau for Policies Promoting Racial Equality (SEPPIR), which are in charge of drawing up policies with other ministries, networking in order to iron out inequality and discrimination, responding to a long-standing claim set forth by women's movements all over Brazil, while also supporting initiatives combating racial inequality in Brazil through the National Racial Equality Policy.

Equal Opportunities and Combating Discrimination at Work Programme: Implemented by the Ministry of Labour and Employment, it is designed to effectively combat social exclusion on the labour market – through removing various types of discrimination – while firming equal concepts, ensuring full citizen's rights and encouraging employers to accept formal commitments to abolish discriminatory practices on their premises. The purpose of these objectives is to protect women's work, particularly during pregnancy and when caring for children. The programme is supported by the Labour Public Prosecution Service (MPT), which files public civil actions in order to compel employers to adopt anti discrimination policies in the admission procedures and during the execution of employment contracts.

A rule has been established that requires companies where at least thirty women who are more than sixteen years old work to set aside an appropriate place where their offspring may be cared for safely while still breast-feeding. The Law offers companies the option of complying with this requirement through funding day-care centres that may be undertaken directly or through agreements with other public or private entities, on a community system, or through employer associations or trade union entities. Another option is to pay a day-care reimbursement allowance.

The Ministry of Labour and Employment has been paying special attention to analysing the clauses in collective agreements and pacts covering the procedures to be observed and analysing breaches of equality of opportunity between men and women in the work-place, identifying clauses containing abuses, unlawful aspects, or that undermine equal rights in the work-place and in the professions. Once abuses and unlawful items are identified in collective instruments (agreements or collective conventions), the MPT has the power to file a suit requesting their annulment before the Labour Courts and voiding the illegal or abusive clauses.

8. Please elaborate on the "National Policy for the Promotion of Racial Equality" (para. 340) and the targets set to reduce the education gap of the black and indigenous populations (para. 336).

The National Policy for the Promotion of Racial Equality (PNPIR) established by Decree nº 4,886 of November 2003 is an instrument designed to foster public policies, programmes and actions to reduce ethnic and racial inequalities in Brazil, having as fundamental bases the commitments contained in the International Convention on the Elimination of All Forms of Racial Discrimination, in the Durban Declaration and Programme of Action and in the Brazil without Racism government programme.

The PNPIR is implemented according to the principles of mainstreaming and decentralisation of policies for the promotion of racial equality and their democratic management, which involves broad civil society participation.

The main guidelines of the PNPIR are the institutional strengthening of the promotion of racial equality; the inclusion of the ethnic and racial perspective to all government actions; the consolidation of the management of the policies for the promotion of racial equality; the improvement of the living conditions of the black population, with special emphasis being attached to the communities descending from runaway slaves (“quilombola” communities); and the inclusion of the ethnic and racial issues in the international relations of Brazil.

It is worthwhile to mention that for the first time ever, Brazilian Multi-Year Plan of Investments (2004-2007) included in the mega objective “Social Inclusion and Reduction of Social Inequalities”, the challenge of promoting the reduction of racial inequalities.

The coordination of the implementation of the National Policy for the Promotion of Racial Equality is under responsibility of the Special Secretariat of Policies for the Promotion of Racial Equality (SEPPIR) and the National Council for the Promotion of Racial Equality (CNPIR), which gathers representatives of federal Ministries and agencies and civil society entities. SEPPIR and CNPIR promoted in Brasilia, from June 30th to July 2nd 2005 the 1st National Conference of Policies for the Promotion of Racial Equality, whose main subject was “State and society promoting racial equality”. The National Conference, being preceded by state conferences that involved the participation of some 90 thousand delegates, convened around one thousand delegates, the majority of them out of the civil society, in order to discuss propositions for the elaboration of a National Plan for the Promotion of Racial Equality designed to implement the general principles and guidelines of the National Policy. The results of this unprecedented phenomenon of public and social mobilization for the promotion of racial equality in Brazil are currently being reviewed and systematised by SEPPIR and CNPIR in order to finalise the text of the National Plan.

It is also worth mentioning the Project of Modernization of the Legal System and the Program Against Institutional Racism. The first one was launched by SEPPIR, with external funding of the Ford Foundation, aiming at modernizing the Brazilian legal system, under the ethnic-racial perspective, by means of the establishment of a basic framework for the consolidation of a State policy for the promotion of the racial equality. The Program Against Institutional Racism, in turn, is a project developed by the UNDP, SEPPIR, the Federal Public Prosecution Service/ Federal Prosecution

Service for the Rights of the Citizen (MPF/PFDC), Ministry of Health, Brazilian Agency of Cooperation and DFID with the purpose to make a diagnosis of the phenomenon of racism inside public agencies and the measures adopted by these agencies to address it. Such diagnosis will receive the adequate publicity in order to generate a multiplying effect and will be forwarded to other interested institutions.

The Labour Public Prosecution Service, in coordination with the Ministry of Labour and Employment, initiated the implementation of the Program of Promotion of Equality of Opportunities for Everyone, by filing of public civil actions against diverse economic segments aiming at the adequacy of the companies' workforce to the statistical official data of the percentage of economically active whites and blacks in each region and/or city, pursuing the elimination of the discrimination of gender and race.

Through Law N° 10,639/2003 the Brazilian Government altered Law N° 9,394/96 (National Education Guidelines and Bases Act) in order to include **classes on Afro-Brazilian History and Culture** in the official Primary and Junior High School syllabus, to be given throughout the entire school system, particularly in the fields of Art Education, Literature and Brazilian History.

The Ministry of Education and Culture (MEC) is striving to implement this Law, organising forums and seminars together with teacher training courses and preparing educational materials and text books, in its drive to provide these Education Systems with the tools and knowledge needed to implement activities focused on the study of ethnic and racial diversity, stressing respect for differences and the appreciation of culture and wisdom, determined to redeem the contributions of the black people to the economic, political and social construction of Brazil, and which has resulted in the formation of a pluralistic national identity.

It is also worthwhile stressing the definition of the National Syllabus Guidelines for Education in Ethnic and Racial Affairs, as well for Classes in Afro-Brazilian and African History and Culture, the inclusion of ethnic and racial diversity in initial teacher training courses as well as ongoing education; and compensation programmes for minorities subject to discrimination.

At the moment, significant progress is being noted in the field of higher education, through actions being implemented that are designed to surmount the inequalities between blacks and whites, particularly because this aspect is more evident in this Education System. Only 25% of the students in Federal Universities are black (National Institute of Educational Research – INEP/2003).

The Ministry of Education is encouraging the appreciation and acknowledgment of ethnic and racial diversity through its programmes and actions, stressing more democratic access for groups that have been historically excluded from the Brazilian education system: blacks, indigenous peoples and people with special needs.

An **Interministerial Committee for Affirmative Action Policies** was set up in 2003 in order to draw up and implement a seat reservation system in Federal Higher Education Institutions (IFES). These efforts resulted in Draft Bill N° 3,627/04, which allocated 50% of the seats in Federal Higher Education Institutions to students from Government-run schools, particularly black and indigenous youngsters, in compliance

with the statistical percentage of these segments of the population in each State of Brazil.

Overseeing and assessing this System is the responsibility of the Ministry of Education and the Special Bureau for Policies Promoting Racial Equality (SEPPIR), having consulted the National Indian Foundation (FUNAI). Additionally, a review of this system is planned over a ten-year horizon. This Draft Bill is currently being considered by the Brazilian Congress, but fourteen universities have already introduced this entry system.

During discussions of the preliminary draft of the **Higher Education Reform** (2003), concern was noted over responding to demands from social movements related to ethnic and racial diversity, reflecting progress compared to the silence that had reigned until then. Democratisation of access, promoting equality of conditions and the inclusion of groups that have been historically remote from higher education, are also among the reasons indicated as the driving forces behind this reform.

Discussing the expansion of Brazil's higher education necessarily requires dealing with the issue of how to finance studies in private higher education institutions. The diagnosis of the higher education situation in Brazil forecasts rising demands for higher education among underprivileged students, with this challenge demanding appropriate responses. Along these lines, the **Student Loan Programme (FIES)** which is an education loan programme introduced in 1976 and reformulated in 1999, finances up to 70% of the monthly fees, with the student making the payments during the course and its conclusion. The reformulation of this system introduced an Affirmative Action Policy whereby the number of grants to be offered should represent the percentage of Negroes and mixed-race students in the State where the student is studying.

Another recent proposal for Government funding of private institutions is the **University For All Programme (PROUNI)**.

The purpose of this Programme is to award full and partial (50%) study grants for graduate studies and sequential courses at private higher education institutions.

The candidates for this Programme are students completing their high school education in only Government-run schools, or with full scholarships at private institutions, students with special needs and teachers in the Government-run education network for teacher training courses. This Programme also stipulates that a percentage of the study grants should be earmarked for black and indigenous students, defined in accordance with the proportion of these groups in the States, according to the last census carried out by the Brazilian Statistics Bureau (IBGE).

During the first six months of 2005, 112,000 grants were awarded, of which 38,413 full and partial grants were handed out under the Quota System to Afro-Brazilians and members of indigenous communities.

The **Affirmative Actions Programme for the Black Population in Government-Run Higher Education Institutions (UNIAFRO)** was launched in April 2005, covering educational programmes and projects, as well as university extension classes and research, stressing social inclusion, in order to extend the depths of affirmative action policies addressing the black population and strengthening the

institutionalisation of the activities undertaken by the Afro-Brazilian Study Centres (NEABs) or similar groups at higher education institutions. These programmes and projects are focused on teacher training, publications, access and remaining within the education system.

The **University Extension Support Programme for Government Policies (PROEXT)** was introduced in 2004, covering university extension programmes and projects that stressed social inclusion, in order to extend a policy that strengthens the institutionalisation of extension activities at Federal Higher Education Institutions. The general target for 2004 was to support the Federal Higher Education Institutions (IFES) in the development of extension programmes and/or projects that foster the implementation and measure the impact of policies, bringing out their full potential and extending the quality standards of the proposed actions, highlighting their characteristics and stressing the mission of the Government-run university while channelling funds to specific activities run by these programmes and projects. This is also intended to endow the Federal Higher Education Institutions (IFES) with better conditions for administering their academic extension activities for the purposes rated as high priority by this Programme, including compliance with social development policies such as all-round family assistance, combating hunger, eradicating child labour, combating sexual exploitation and abuse of children and adolescents, youth and social development, care for senior citizens and people with special needs, in addition to indigenous communities and the descendents of runaway slaves living in clandestine settlements known as *quilombolas*.

The **Integrated Affirmative Action Programme for Negroes (BRASIL AFROATTITUDE)**, is an initiative undertaken by the Ministry of Health in partnership with the Ministry of Education, the Special Secretariat for Human Rights (SDH/SGPR), and the Special Bureau for Policies Promoting Racial Equality (SEPPIR/PR), targeting eleven universities with affirmative action programmes benefiting negroes and that have adopted the seat reservation system. This is designed to strengthen the implementation of affirmative action practices that are inclusive, sustainable and permanent through backing a wide variety of actions in the academic and social welfare fields that are aimed at black university students as well as students entering under the social system in “precarious social conditions”. This Programme also addresses the battle against HIV/AIDS as a strategy that involves many different social players. In all, 550 grants will be awarded for an Introduction to Science, Extension and Monitoring, with fifty grants assigned to each participating university. This initial phase will last a year, ending in June 2006.

9. Please elaborate on the "Brazil without Homophobia" programme (para. 131) and explain action taken at the level of the States in response to reported cases of discrimination based on sexual orientation and acts of violence against affected groups.

The Brazil without Homophobia Programme is one of the cornerstones for extending and strengthening the exercise of citizen's rights in Brazil – a real historic milestone in the struggle for the right to dignity and respect for differences. This is the outcome of consolidating political, legal and social advances that have been achieved.

“The 2004 – 2007 Multi-Year Plan (PPA) under the aegis of the Human Rights, Rights of All Programme, defined the action entitled Preparation of the Plan for Combating Discrimination Against Homosexuals. In order to meet this commitment, the Special Secretariat for Human Rights launched the Brazil without Homophobia Programme for combating violence and discrimination against Gays, Lesbians, Bisexuals, Transsexuals and Transgenders (GLBTT) and promoting Homosexual Citizenship, in order to underpin the citizen’s rights of gays, lesbians, bisexuals, transsexuals and transgenders, through ensuring equal rights and combating homophobic violence and discrimination, respecting the specific characteristics and preferences of each of these segments of the population (Brazil without Homophobia, 2004).

In order to attain this objective, this Programme consists of a broad-range of actions focused on:

- (a) Support for projects strengthening Government-run and non-governmental institutions that work to promote homosexual citizenship and/or combat homophobia;
- (b) Capacity-training for professionals and representatives of the homosexual movement who work to protect human rights, as well as of teachers in order to promote, through the educational system, the respect to the rights to sexual orientation and to gender identity;
- (c) Dissemination of information on rights and enhancement of homosexual self esteem; and
- (d) Incentive to denounce violations of the Human Rights of the GLBTT segment.

In order to mainstream the fight against discrimination based on sexual orientation and gender identity and the promotion of the rights of GLBTT people, the Brazil without Homophobia Programme is carried out by all relevant Ministries, such as follows:

I. Ministry of Justice – National Public Security Bureau

The National Public Security Bureau (SENASP) of the Ministry of Justice has created a Technical Chamber composed of representatives of the National Council for Combating Discrimination, the Special Secretariat for Human Rights, and civil society organisations linked to this issue, in order to coordinate the actions related to the Right to Security under the Brazil without Homophobia Programme.

The Federal Government will set up a nationwide database on homophobic crimes in Brazil, in order to chart and diagnose the situation of violence against homosexuals in Brazil. This database will be fed by reports sent in by the Justice Bureaus in the 27 States of Brazil. The information will be analysed and fed back to help draw up effective Government policies designed to reduce the number of deaths among gays, lesbians, bisexuals, transsexuals and transgenders

This Programme also makes provision for supporting the implementation of Government policies that provide capacity-building and qualification courses for police officers on providing care, assistance and investigation on non-discriminatory bases and capacity-building classes for school teachers, among other actions. This Programme involves the Ministries of Justice, Health, Labour, Education, Culture, Sports and Foreign Affairs, as well as the Special Bureaus for Human Rights, Women's Policies and the Promotion of Racial Equality. The Ministry of Labour and the Ministry of Home Affairs are also partners.

II. Ministry of Education – Bureau for Ongoing Education, Literacy Training and Diversity (SECAD)

The Secretariat for Ongoing Education, Literacy Training and Diversity (SECAD), created in 2004 in order to attain greater efficiency in addressing the human rights challenges in the field of education, and several other secretariats and institutions linked to the Ministry of Education such as the Anísio Teixeira National Institute for Educational Research (INEP) and the Graduate Staff Upgrade Coordination Unit (CAPES) have been urged to include GLBTT topics on the agendas of their programmes currently under way, as well as when planning their future activities. These efforts have been underpinned and integrated through the activities of the Human Rights Committee at the Ministry of Education, while building up close links with the GLBTT movement in Brazil.

Moreover, the Ministry of Education is striving to build up permanent links with other Ministries and Government bureaus for implementing the Brazil without Homophobia Programme. The Bureau for Ongoing Education, Literacy Training and Diversity (SECAD) is also working towards building up better communications on this topic with the State Education Bureaus, the National Union of Municipal Education Administrators (UNDIME) and the National Education Council (CNE).

III. Ministry of Culture – Bureau for Cultural Diversity and Identity

The projects being implemented by the Ministry of Culture fall under the aegis of the Brazil without Homophobia Programme, by guaranteeing rights through access to culture.

Outstanding among the guidelines of this Programme are: “the right to culture: building up a culture of peace policy and values that promote human diversity”.

Along these lines, the Ministry of Culture is implementing some actions that provide access to culture in order to ensure the rights of the GLBTT segments of the population, such as:

(a) Setting up a Working Group to Promote GLBTT Citizenship: this consultative group will allow the population to present problems and solutions for the GLBTT population;

(b) Support for parades celebrating Gay Pride Day: this major media event offers a

moment of reflection on diversity for Brazilian society;

(c) Preparation of a National Registry of Institutions Implementing Projects and Actions Targeting the GLBTT segments of the population: this might lead to setting up a communications network between the Ministry of Culture and the GLBTT population.

Working Group for the Promotion of GLBTT Citizenship

The Working Group for the Promotion of GLBTT Citizenship (Edict N° 219, dated July 23, 2004) is intended to “draw up a plan that will foster, encourage and support artistic productions and cultural expressions that foster culture and non-discrimination based on sexual preference”. Consisting on various departments of the Ministry of Culture and segments of civil society, the purpose of this Working Group is to diagnose, assess and encourage the preservation of cultural and social values arising from the participation of Brazil’s homosexual population, based on its history and culture, providing input for the Ministry of Culture when undertaking actions designed to build up the capacities of political cultural players in order to underscore the issue of combating homophobia and affirming GLBTT sexual orientation. Edict N° 219 was in effect until December 31, 2004, and was extended for a further year through Edict N° 356 dated December 31, 2004.

During this period, three meetings were held that produced important proposals for establishing a dialog with the GLBTT segments of the population and defining the guidelines and partnerships for support and cooperation among the various Federal Government and civil levels involved. Outstanding among them are the following:

1. Submit the claim for cultural acknowledgment of Gay Pride Parades to the National Culture Incentive Commission (CNIC) for definitive approval, and prepare Tender Announcements for assessing and supporting cultural projects on GLBTT themes;
2. Draw up a document attesting to the cultural status of Gay Pride Parades through an expert opinion prepared by a well-known specialist in this field (cultural studies, homo-affectivity and homo-eroticism);
3. Redeem the cultural memory of Brazil's GLBTT groups and set up museums to display these permanent collections;
4. Assess and redeem the material and intangible assets of GLBTT culture;
5. Prepare Scenic Arts Projects focused on homosexual issues, as well as radio programmes and cultural events, in addition publications portraying the history of the homosexual movement in Brazil;
6. Establish GLBTT cultural centres in towns and municipalities;
7. Provide capacity-training for GLBTT groups;
8. Organise seminars to discuss social accountability;

9. Ensure that the efforts of the Working Group comply with the guidelines established in the Brazil without Homophobia Programme;
10. Set up a specific Advisory Unit or Permanent Forum under the Ministry of Culture to deal with GLBTT issues;
11. Include sexual orientation in all documentation and informative leaflets produced for affirmative actions;
12. Run education campaigns with homosexual content, jointly with the Ministry of Education;
13. Chart GLBTT entities;
14. Include June 28 on the cultural calendar as the date celebrating Gay Pride Day;
15. Support the recording and publishing of CDs in order to enhance the visibility and sustainability of projects run by NGOs related to the GLBTT segments;
16. Analyze successful international programmes and initiatives for transfer to Brazil through agreements;
17. Establish a seal identifying companies that support Gay Pride Parades and other GLBTT cultural expressions, encouraging support among other Government-run entities and private companies;
18. Set up a website presenting a digitalised collection of documents on the history of the GLBTT segments in Brazil, which allows society and researchers to access this history.

These actions help to define the areas of action that should be rated as top priority by the Brazilian Government. The most important aspect was to define the support of the Ministry of Culture for the Gay Pride Parades, due to their high visibility in Brazilian society and their mobilisation power with the GLBTT segments.

Announcement Supporting the Parades celebrating Gay Pride Day

The Announcement supporting the Parades celebrating Gay Pride Day was published in the Federal Government Gazette on March 14, 2005. Item 6 (Financial Backing) stipulated the approval of up to 35 projects, assigning a minimum of R\$ 5,000.00 (five thousand Reais) and a ceiling of R\$ 200,000.00 (two hundred thousand Reais) for each project, depending on the characteristics of the proposal and the decisions of the Adjudication Committee.

It should be stressed that this Announcement was available through the Ministry of Culture website (www.cultura.gov.br), and was publicised widely through the National Registry of Institutions Implementing Projects and Actions Focused on the GLBTT Population, organised by the Bureau for Cultural Diversity and Identity.

National Registry of Institutions Implementing Projects and Actions Focused on the GLBTT Population

This registry was set up in order to extend the communications network between the Ministry of Culture and civil society through organised representatives in the third sector (NGOs, associations, etc.). The preliminary data were made available by the Brazilian Association of Gays, Lesbians and Transgenders (ABGLT), with a list of 196 member institutions, and a survey carried out by the Ministry of Culture over the Internet. Based on these addresses, more than 213 e-mail messages were forwarded to these institutions, requesting the confirmation of the data, as well as additional information on their fields of action. The purpose of this registry is to offer these groups access to information and participation in Government projects, building up an ongoing dialog while also receiving input for drawing up Government policies addressing the GLBTT segments of the population. So far, we have received 74 data sheets, which already provide us with input for analysing the profile of these institutions. This survey focused on the following questions: 1) what difficulties hamper access to Government policies among the population? 2) How can areas with lower levels of positive responses be charted, in terms of civil society (Third Sector)? 3) How can partnerships/organisations be encouraged? and 4) How can segments of the population be trained to build up partnerships with Federal, State and Municipal institutions?

Actions Schedule for July – December 2005

- 1) Itinerant exhibition presented nationwide in order to spotlight the heritage and history of Brazil's GLBTT population, presented in leading museums all over Brazil. This project will be implemented in partnership with the National Historic and Artistic Heritage Institute (IPHAN).
- 2) Essay Contest – Project awarding prizes to essays and/or academic papers dealing with homosexual topics.

IV. Ministry of Foreign Affairs – Human Rights Division

The Brazil without Homophobia Programme covers actions at the international level, which are overseen by the Ministry of Foreign Affairs (Itamaraty). The activities of this Ministry have followed the lines presented below, in the course of this year:

- a) Dissemination of information abroad on the Brazil without Homophobia Programme;
- b) Translation of this programme into English and Spanish, to be forwarded through Brazilian Embassies and Diplomatic Missions to international organisations and foreign Government institutions working in this field, as well as NGOs, universities and the Press.
- c) Identification of Government institutions in countries implementing programmes similar to Brazil without Homophobia, in order to start up dialogs and exchanges of

information with these nations. Contact in greater depth on these matters reflects the importance that the Brazilian Government assigns to effectively combating discrimination and homophobia, and may well lead to partnerships and cooperation niches on specific topics, such as the prevention and treatment of sexually transmitted diseases, particularly HIV/AIDS, in addition to public security programmes focused on combating violence against homosexuals, lesbians, bisexuals, transsexuals and transgenders.

V. Ministry of Labour and Employment

With regard to Brazil without Homophobia Programme, the Ministry of Labour and Employment is committed to implementing policies that combat discrimination against these specific groups, under the aegis of equal job opportunities.

Along these lines, the Brazilian Gender and Race Programme has been implemented, through the Centres Promoting Equal Opportunities and Combating Professional and Job Discrimination, in the Regional Labour Bureaus (DRTs). When receiving allegations of discriminatory practices based on sexual orientation and affecting gays, lesbians, bisexuals, transsexuals and transgenders, these Bureaus analyze the claims of their occurrence, which are usually solved through reconciliation discussions. The companies are thus encouraged to accept formal commitments to abolish discriminatory practices on their premises. Should a negotiated solution not be possible, and once all the legal paths open to the Regional Labour Bureaus have been exhausted, well-founded allegations are submitted to the appropriate authorities, with the worker empowered to opt seek satisfaction through the Courts.

The registration of only some sixty allegations of discriminatory practices between 2000 and 2004 does not represent the real situation on the labour market, highlighting the need to disseminate this Programme and the powers of the Ministry of Labour and Employment to act in this field. It is well worthwhile stressing the introduction of the Special Programme Support Centres (NAPes), which include the activities of the centres combating discrimination in twelve regional labour bureaus.

Moreover, the Ministry of Labour and Employment is striving to set up a Working Group in order to ensure that an awareness of sexual preferences run through all the Government policies implemented by this Ministry. Starting up its activities in April, this group will have representatives from all the Ministry Bureaus.

VI. Special Bureau for Women's Policies

Outstanding among the activities undertaken by this Bureau, in terms of implementing the Brazil without Homophobia Programme are:

- 1) Implementing the Reference Centres for Women in Situations of Violence, including lesbians. Through this action, the Special Bureau for Women's Policies (SPM) recommended that all the Centres should include instructions in their rules and regulations for rendering services with no type of discrimination whatsoever. We will

also organise a national seminar, that will include lesbians, and at which these services will be regulated and standardised.

2) Assess regularly the activities of the Specialised Women's Police Stations (DEAMs) in terms of assistance offered to lesbians. In 2003, this Bureau organised the First National Meeting of DEAMs, and by year-end 2005 the second event of this type will be held, at which the rules and regulations for all Specialised Police Stations will be presented.

3) Build up the capacities of professionals working for public institutions on combating violence against women. Together with the National Public Security Bureau and other Government entities, the Special Bureau for Women's Policies (SPM) sits on the Management Committee that is discussing the Basic Syllabus for the Federal, Civil and Military Police Academies, in order to discuss the methodology for the courses and build up the capacities of all professionals in terms of conduct, approach and concepts, among other actions, all of which include aspects addressing sexual orientation.

4) Support studies and research projects into gender relations and women's status, always addressing aspects relating to sexual orientation. In March this year, the website of the Special Bureau for Women's Policies (SPM) released the Terms of Reference for Programmes and handbooks for agreements, through which projects are received from Government institutions and civil society, including those addressing aspects related to sexual orientation.

5) Implement the data system on women's status, ensuring that aspects related to sexual preferences are addressed. The Special Bureau for Women's Policies (SPM) is already implementing the National Information System on Gender (SNIG) which is divided into three modules for surveying data: the first is linked to the Brazilian Statistics Bureau (IBGE) where we are working with data drawn from the 2003 Census, looking ahead to 2010; the second focuses on more specific studies in the fields of education, healthcare and work; the third is the Virtual Library that has list of contents on several different topics, and where the issue of lesbian women is already being addressed.

6) Organise women's policy events that encourage exchanges of studies, data, experiments and legislation on women at the South American level, particularly the Mercosur Southern Cone Common Market, including the aspect of discrimination against lesbian women. In 2004, Minister Nilcéia Freire was elected Chair of the Inter-American Women's Commission (CIM), which is a Permanent Commission of the Organisation of American States (OAS) that will deal with gender-related issues in all nations of the Americas. Additionally, Brazil is part of the Specialised Mercosur Meeting (REM) that will deal with women's issues at the level of the Mercosur, and the commitment of the Special Bureau for Women's Policies (SPM) through these organisations will also include lesbian women.

7) Ensure the construction and mainstreaming of gender-related approaches in Government policies, including sexual orientation. The Multi - Year Plan (PPA) of the Special Bureau for Women's Policies (SPM) includes three Programmes for Preventing and Combating Violence Against Women; incentives for the economic

autonomy of women in the world of work; and administration of cross-reference gender approaches in Government policies. This latter Programme encompasses the actions that include lesbian women: building up the capacity of Government agents on cross-reference topics; preparation and fine-tuning of indicators; studies and research projects focused on gender relations and women's status; incentives for implementing the National Women's Policies Plan; implementation of the National Information System on Gender (SNIG); organising women's policy events; advertisements for public utilities; monitoring and assessment of Government policies addressing gender; fine-tuning the Brazilian juridical arrangements; capacity-building for services offered by Federal civil servants in qualification processes; management, administration and support for State and Municipal institutional mechanisms ensuring women's policies and rights.

8) Monitor international protocols, covenants and agreements designed to eliminate discrimination, ensuring that aspects related to sexual orientation are addressed.

9) Extend the *Disque Mulher* women's hotline service, ensuring non-discriminatory services and information for lesbian women. The Women's Health Hotline (*Disque Saúde da Mulher*) is a toll-free (0800) line whose call centre operates out of the Ministry of Health. This is an initiative implemented by this Ministry in partnership with the SPM, where we are striving to extend this information to other areas beyond women's health (including lesbians). Other information, mainly in the field of violence, is forwarded to the Complaints Bureau of the Special Bureau for Women's Policies (SPM). Women's Hotline (*Disque Mulher*): 0800 6440803 and Complaints Bureau of the Special Bureau for Women's Policies (SPM): (61) 2104-9391.

10. Please explain and elaborate on the proposal to regulate the "capacity" of indigenous populations (para. 243), and comment on its compatibility with the Covenant. Please also explain and elaborate on any proposal to implement such legislation.

The New Brazilian Civil Code refers to the specific legislation the regulation of the legal capacity of the indigenous person. The Statute of the Indigenous Person (Law nº. 6,001/73) – such specific legislation – regulates the indigenous guardianship. The guardianship is a legal instrument for protection of the indigenous rights and interests, allowing the State to offer a special protection to the indigenous peoples.

The guardianship provisions in the Statute of the Indigenous Person should consequently be construed in compliance with the provisions established in Brazil's 1988 Constitution and in the Convention 169 issued by the International Labour Organisation (ILO). This means that guardianship is still important, helping protect indigenous rights through the State. The National Foundation of the Indigenous Person (FUNAI) is not assigned the duty of serving as an intervener in acts involving the indigenous peoples, but should rather support them in their relationships with other peoples, acting mainly when this relationship proves harmful to the indigenous peoples. Acts carried out to the detriment of the indigenous person can be undone. However, the focus of the protection of the indigenous rights has evolved and shift to the prioritization of the collective relationships over the individual ones.

It is important to notice that the legal institution of the guardianship does not treat the indigenous people as incapable, nor hinders that they assume ranks of prominence in

the national scene, but, yes, it protects the indigenous people in its process of autonomy. Bills of law are being discussed in the National Congress in order to change the Statute of the Indigenous Person, with a view to clarifying and guaranteeing greater effectiveness to the indigenous rights.

11. According to information before the Committee, forced evictions of indigenous populations from their land continue to occur. What actions has the State party initiated to prevent these evictions, to ensure access to legal remedies in order to reverse these evictions, and to compensate the affected populations for the loss of their residence and basis for subsistence? How are such evictions to be remedied legally or politically insofar as they interfere with the rights guaranteed under article 27?

Article 231 of the Brazilian Constitution and the Statute of the Indigenous Person (Law n°.6.001/73) expressly ban the removal of the indigenous groups of their lands. However, in certain cases, properties identified during the administrative procedure of demarcation of indigenous lands, until then considered private property, are sometimes reclaimed by the indigenous peoples, before the conclusion of such demarcation procedure.

The Judiciary Branch, then, upon judicial requests filed by non-indigenous who occupy the demarcated area, sometimes issues orders of possession recovery until the procedure of indigenous land demarcation can be confirmed.

The Brazilian State has two agencies responsible for the judicial defence of the indigenous rights. The Office of the Attorney General of the Union, through the Office of the Federal Attorney of the National Foundation of the Indigenous Person - FUNAI has a staff of 40 Federal Attorneys throughout the States of the Federation. The Office of the Federal Attorney of FUNAI is competent to defend the interests of the indigenous peoples in all the proceedings that involve controversies on indigenous lands, including those related to proceedings of possession recovery

Another agency of the Brazilian State that has constitutional attribution to act in defence of the indigenous interests (art. 232 of the Constitution) is the Federal Public Prosecution Service. The activities of the Federal Public Prosecution Service (MPF) are carried out both judicially and extrajudicially and, through the Federal Prosecutors, are also spread nationwide. The 6th Chamber of Coordination and Review of the MPF has attribution to co-ordinate, to integrate and to review the functional exercise of the Federal Prosecution Service regarding the rights and interests of the indigenous peoples.

The National Foundation of the Indigenous Person - FUNAI, in 2004, also started to receive complaints of violations of indigenous rights by a free hotline (0800-644-1904). Currently, it examines around 200 complaints of aggression to indigenous rights.

Some cases where the state institutions had acted in the last months can be mentioned, such as the cases that involve the indigenous lands Yvy Katu-MS, Guyraroká-MS,

Ñande Ru Marangatu-MS, Raposa/Serra of Sol-RR, Urubu White-TM, Comboios-ES, Alligator of Are Domingos-PB, Caramuru/Praguassu-BA, Apyterewa-Pará etc.

**Right to life, and prohibition of torture and cruel, inhuman
or degrading treatment (arts. 6 and 7)**

12. Please explain the increase in the number of deaths caused by police action, as reported in some states (para. 74). Since the "law of silence" impedes investigating and prosecuting cases of police violence (para. 76), what action has been taken to tackle this phenomenon, inter alia by creating witness protection programmes and special police inspection units?

So far there is not a national unified system of measurement of police lethality in the States of the Federation. In order to overcome this information deficit, the Federal Government, through the Public Security Bureau of the Ministry of Justice (SENASP/MJ), has started in 2003 the implementation of National Statistics System, in order to ensure reliable databases and statistics. Among those data related to public security, information throughout the country on lethality of police action – either on or off duty – are under a process of standardization and systematisation. In 2003 there was the collection and standardization of these data. In 2004, 4 professionals by state were trained to be responsible for registering data related to police lethality, totaling 108 people that later became multiplying agents in their origin states training professionals of the police stations in the rest of each state. The State of Bahia, for example, has trained 100% of the police stations in the state. By the end of 2005 the National Statistics System will be fully functional, as well as its data ready to be made public.

The Secretariat for Human Rights (SDH) has a programme supported by funds of the European Union (6,516,000 Euros) which is intended to help strengthen the democratic responsibilities of the Brazilian police forces, particularly in terms of respect for Human Rights and reduction in the use of violent methods in the fight against crime. To do so, by December 2006, it is intended to fine-tune external procedures for controlling police violence through strengthening and disseminating the works of the existing State Police Ombudspersons' Offices, while also supporting community law enforcement initiatives in the City of Rio de Janeiro and São Paulo.

Activities for strengthening State Police Ombudspersons' Offices:

- Training in Capacity-Building Courses for Ombudspersons and technical staff;
- Establishing a data system and a database;
- Running courses and campaigns highlighting external controls over law enforcement activities;
- Publication and dissemination of reports by the Ombudspersons' Offices;
- Technical meetings and public sessions held in the fourteen States with Ombudspersons' Offices, with the preparation and publication of materials on outside controls of law enforcement activities;

- Trip to two European countries in order to study institutions similar to the Police Internal Affairs Departments;
- Organisation of an international seminar on outside law enforcement control activities;
- Legal By-Laws for the Police Ombudspersons' Offices;
- Acquisition of bibliographical materials;
- Support for the National Forum of Police Ombudspersons;
- Support for new Police Ombudspersons' Offices that may be set up.

Community Policing Activities:

Actions to be carried out through the Public Security Institute (ISP) in Rio de Janeiro:

- Support for the ISP Police Training Unit, which consists of preparing and publishing educational materials and theme-specific items, in addition to building up the capacities of instructors at the civil and military police academies.
- Preparation of a practical guide for Community Security Councils and capacity-building courses for their members;
- Organisation of a survey on victimisation;
- Introduction of Professional Technical Intervention Measures (GTPI). This activity could well include drafting and reviewing the procedures handbooks for the civil and military police forces;
- Integration of the civil and military police force databases, with a survey of their integration with the municipal guard data;
- Capacity-Building Course on Quantitative Techniques and Crime Analysis;
- Organisation of a seminar for senior magistrates and members of the public security system.

Other Actions:

- Management Course in Public Security and Criminal Justice in Rio de Janeiro and São Paulo;
- Analysis of Surveys Investigating Public Security and Human Rights;
- Project Monitoring (Rio);
- Distance Learning and Classroom Course on Human Rights and Community Guards for the Rio de Janeiro Municipal Guards;
- Workshop and the Role of the Media in Public Security Issues (Rio).

Threatened Witnesses and Victims Assistance Programme

Under the aegis of the Under-Secretariat for the Promotion and Protection of Human Rights, the General Coordinating Unit for Witness Protection is responsible for implementing the Threatened Witnesses and Victims Assistance Programme.

The Programme is implemented through two lines of actions that basically consist of providing assistance and protection to victims, witnesses and their relatives when threatened because of their effective cooperation with the Justice System – serving as a means of evidence when prosecuting crimes with high potential for harm and combating organised crime and impunity – through the National Witnesses and Victims Assistance System, which consists of sixteen State Programmes providing assistance and protection to threatened witnesses and victims (ProVitas) in the following States: Acre, Amazonas, Bahia, Ceará, Espírito Santo, Goiás, Maranhão, Minas Gerais, Mato Grosso do Sul, Pará, Pernambuco, Rio de Janeiro, Rio Grande do Sul, Santa Catarina, São Paulo and Paraná, as well the Federal Programme Providing Assistance and Protection to Threatened Witnesses and Victims, which provides assistance in States that do not have their own Programmes, based on Law N° 9,807/99; as well as providing legal and psycho-social assistance to crime victims through fourteen Support Centres for Crime Victims (CAVCs).

Witness Protection and Assistance Service

In just over six years since it was first established with Federal Government backing, the National Witness and Victims Assistance System has achieved striking progress and results in attaining its purposes of safeguarding human lives (more than 1,200 people have already been placed under protection), combating impunity (more than 400 criminal investigations and/or proceedings have had witnesses protected by this Programme), and the protection and defence of Human Rights (the beneficiaries of the Programme are protected from the standpoint of social reintegration). This System encompasses witnesses being protected all over Brazil, with the capacity to protect simultaneously 1,020 witnesses, victims and their relatives. It is worthwhile noting that none of the beneficiaries of this Programme have suffered any attacks or been killed during the period when they were under protection.

In terms of services offered to their users, the Programmes Providing Assistance and Protection to Threatened Witnesses and Victims strive to offer protection and assistance from the standpoint of social reintegration through interdisciplinary efforts by teams consisting of lawyers, social workers and psychologists, in order to ensure the Programme users¹ access to other Government policies such as education, healthcare, employment and housing.

In addition to legal monitoring of cases requiring protection, special care is paid to psychological and social monitoring activities. When beneficiaries and their relatives enter this Programme, its technical staff works with the family to adapt the items in the basket of staples to their cultural and eating habits; they draw up a family budget; through technical interventions they streamline the links between the beneficiary and the protector; they provide information on community equipment that can be used safely; they support involvement with religious entities; they take steps to ensure that children and adolescents enter the Government-run education network, while also checking their adaptation and classroom performances; they ensure entry and monitor

¹ The target public of this Program, according to Law N° 9,807/99, are the victims and witnesses of crimes who are being coerced or are exposed to severe threats for cooperating with criminal investigations or proceedings, including the spouse, companion, parents and grandparents, children and dependents living regularly with the victim or witness.

performance in training courses and on-the-job vocational training, among other measures.

The psycho-social monitoring strives to minimise the possible traumatic effects of the violence experienced in addition to fostering the emotional balance and peace of mind for a qualified with sufficient credibility and strength that guarantees influence in the decisions taken in a Proceeding. Psychological intervention is designed to allow compliance with safety rules, minimising the pain of losses suffered while working towards family integration and mental health. This is also designed to maintain links with relatives not covered by the Programme, assisting communications through letters, video tapes and telephone calls. On special occasions, and depending on safety aspects, meetings may be arranged with relatives. On festive dates such as Christmas, Birthdays, Children's Day, Easter etc., the staff ensures that they can be celebrated by the users of this Programme, supplying the means needed to do so, such as small gifts, special dishes etc.

In order to guarantee the quality of life of persons sheltered by this Programme who have no source of income², the Programme provides the following benefits, in general: properly furnished housing, payment of electricity and water bills; food, clothing, school materials, medications, medical and dental services (preferably through the Government-run network), education, vocational training courses and psychological and social monitoring, as well as legal aid. Additionally, funds are provided (one minimum wage) supplementing the basic basket of staple foods, in order to acquire perishable items, as well as a work grant of one minimum wage for each adult and half a minimum wage for adolescents working without earning wages, as part of their vocational training or on-the-job internships.

The lawyer will be in charge of the legal monitoring of the case, striving to speed up the steps required for its solution, working with the competent authorities and keeping the victims and witnesses informed of all stages of the criminal proceedings related to them, and escorting them to make statements whenever requested to do so by the competent authorities. These tasks necessarily interface with the Courts System, the Department of Justice, the Public Defenders Office and the (Federal, Federal Highway, Civil and Military Police).

Finally, together with the protecting entity, the technical staff provides support and supplies the means available for the users to draw up and implement their autonomous life projects that will ensure their well-being when leaving the Programme for any of the reasons listed in Article 10 of Law N° 9,807/99.

Victim Assistance Units

With regard to the Victim Assistance Units, the annual average assistance rates at each Crime Victims Support Centre (CAVC) reaches some 200 people. Today, there are fourteen of these Centres in following States: Alagoas, Bahia, Espírito Santo, Goiás, Minas Gerais, Pará, Paraíba, Rio de Janeiro, Santa Catarina and São Paulo, as

² For civil servants or members of the armed forces, Law N° 9,807/99 awards the right to temporary suspension of professional activities without adversely affecting their respective wages or benefits, for the period during which they remain with the Program.

well as Belo Horizonte in Minas Gerais State and Santa Maria and Porto Alegre, both in Rio Grande do Sul State.

The purpose of the services offered by Crime Victims Support Centres is to provide an all-round service in regions where violence is expressed more latently, that can provide and articulate access to legal aid, together with psychological and social counselling for the direct and indirect victims of violence (bodily injuries, domestic violence, homicide, etc.) particularly committed against more vulnerable groups (children, women, the elderly) while also helping ensure access to Justice and combating and preventing violence and impunity.

In general lines, these Centres work with an operating methodology. The initial response to people contacting them is generally handled by psychologists and social workers who draw up an analysis of the claim on that occasion and note the information required for supporting the process monitoring the case: personal data; schooling level; profession; family structure; situation of violence that prompted the person to contact the Centre etc. As these complaints are generally related directly to important legal issues, they are then forwarded to the Legal Affairs Centre which from then on monitors the progress of the case in procedural terms. Through an interdisciplinary approach, attempts are made to counter the individual, collective and social destructuring effects of violence, working towards the moral, psychic and social restructuring of the victim. Access to Justice for these people means re-establishing the individual and family social order, which implies, on the bottom line, combating violence, exercising citizenship and redeeming their Human Rights.

In addition to investing in training public security professionals – from State, Civil and Military Police Officers to Municipal Guards, from the standpoint of education in Human Rights, as noted in the reply to Question 15, the National Public Security Bureau (SENASP) has been investing in the following aspects:

1) Internal control of police activity: on December 21, 2004, the National Public Security Bureau (SENASP) established a Working Group (Edict N° 2, published in the Federal Government Gazette N° 10, Section 2, January 14, 2005) consisting of members of the Civil Police Forces in several States, in order to table suggestions on Modernising the Civil Police Forces, including aspects related to the Police Internal Affairs Departments. These documents are still under discussion at the basic level among Civil Police Forces all over Brazil.

2) External control of police activities:

2.1) Police Ombudspersons' Offices: since 2003, the National Public Security Bureau (SENASP) has been supporting the meetings organised by the National Forum of Police Ombudspersons, proposing discussions on strengthening Police Internal Affairs Department as autonomous, independent entities for external controls on police activities. In 2003, three meetings were held, in May, October and December; in 2004, a meeting was held in June; and by June 2005, three meetings have been held, in February, April and June. From the April meeting onwards, these events are being supported by the Special Secretariat for Human Rights to which the National Forum is subordinate under Brazilian Law, with the participation of the National

Public Security Bureau (SENASP), due to the *de facto* entry into effect of an agreement drawn up in partnership with the European Union.

The National Public Security Bureau (SENASP) also supports the strengthening of the Police Complaints Bureaus, through approving projects and subsequently signing Agreements with the following States: Rio Grande do Sul, Santa Catarina, Minas Gerais, Bahia, Rio Grande do Norte, Mato Grosso, Goiás and Ceará. These proved crucial for qualifying and ensuring the working conditions of these entities, resulting in the publication of two books (for the agreement with Minas Gerais State) that are being used as references in Brazil. Moreover, another target established by the National Public Security Bureau (SENASP) is the implementation in each State of Brazil, of an autonomous and independent Police Internal Affairs Department. In 2003, Police Ombudspersons' Offices had been set up and attended the National Forum, in the following States: Rio Grande do Sul, São Paulo, Rio de Janeiro, Minas Gerais, Pará and Rio Grande do Norte, totalling six, while in May 2003, the National Meeting of Police Ombudspersons was attended by four States: Santa Catarina, Paraná, Bahia and Ceará. Prompted by the Federal Government policies, Police Ombudspersons' Offices have been set up in the following States: Goiás, Pernambuco, Mato Grosso and Espírito Santo, meaning that there are currently fourteen Police Ombudspersons' Offices in operation.

It should be stressed that the National Public Security Bureau (SENASP) signed agreements with Sergipe State in 2003 and Amapá State the following year covering the establishment of Police Ombudspersons' Offices in these States, in compliance with the principles established by the National Public Security Bureau (SENASP) and the National Forum of Ombudspersons, with both still remaining effective through to the present date. Striving to reach its target, this Coordination Unit has already contacted the Public Security Bureaus in Paraíba, Tocantins and Roraima States, which showed interest in setting up their Police Ombudspersons' Offices, particularly as they understand the need and the pertinence of this entity, as well as the possibility that the Police Ombudspersons' Offices were being set up under the project between the Secretariat for Human Rights (SDH) and the European Union.

2.2) Denunciations: the National Public Security Bureau (SENASP) monitors the denunciations received and forwarded to each State, covering unlawful and/or arbitrary acts allegedly practiced by Police Officers, and the measures or investigations undertaken by the State through their Internal Affairs Departments and the Police Internal Affairs Departments;

2.3) Distribution of financing provided by the National Public Security Fund: in addition to distributing funds for investments in public security in the States based on objective criteria (population, police force size, territory and murder rates) the National Public Security Bureau (SENASP) also established 27 qualitative criteria guiding the distribution of these funds. They include respect for Human Rights and legality, the establishment and effective support for the Police Ombudspersons' Offices, the maintenance of efficient and impartial Internal Affairs Departments and the investigation of unlawful and arbitrary acts alleged to have been committed by public security officers, assigning the necessary liability to the perpetrators of these acts.

2.4) Qualitative criteria for distributing the National Public Security Fund financing

13. According to information presented to the Committee, extrajudicial executions committed by members of the police force are often disguised as lawful actions and forensic institutions lack the independence and resources for proper investigations, which prevents prosecution of those responsible. Please comment on and provide information about the resources of Forensic Medical Institutes and their independence.

As above mentioned, on January 2005, a Working Group on the Modernisation of the Civil Police was set up within the SENASP structure, composed by representatives of the state civil police forces and unions of all parts of the country. The activities of the Working Group involve regional meetings and a national meeting recently convened in September 2005. The autonomy of the forensic activities, and, in this regard, the independence of the Forensic Medical Institutes (IMLs) is under discussion. Currently, 14 out of the 27 states that compose the Federation have IMLs independent from the Civil Police, directly under State Secretariats of Public Security or Social Defence. They are Alagoas, Amapá, Bahia, Mato Grosso, Goiás, Paraíba, Pará, Paraná, Pernambuco, Rio Grande do Sul, Rondônia, Santa Catarina, São Paulo and Sergipe. This reality signals for progress towards the independence of the IMLs.

In addition to promoting the debate on the independence of the Forensic Medical and Technical Institutes, the Brazilian Government is also seeking to further enhance the technical capabilities of forensic institutions so as to provide adequate investigation resources.

In 2003, the Public Security Applied Science and Technology Programme was launched, based on the partnership between the National Public Security Bureau (SENASP)/MJ, the Ministry of Science and Technology (MCT) and two of its entities: the Studies and Projects Financing Agency (FINEP) and the Brazilian Scientific Research Council (CNPq). This partnership is being implemented since 2004 and includes:

a) Project Establishing Regional DNA Laboratories

Equipment and consumption materials were acquired directly by the National Public Security Bureau (SENASP) to set up the regional DNA Laboratories. These acquisitions totalled approximately R\$ 4,608,954.82. Moreover, R\$ 1,000,000.00 were invested in the Genetics Laboratory at the Pará Federal University, and R\$ 1,000,000.00 in the Genetics Laboratory at the Alagoas Federal University, using funding provided by the Studies and Projects Financing Agency (FINEP) under the Ministry of Science and Technology (MCT).

In 2004 and 2005, the following training has been completed so far:

a) 23 criminalists took a Specialty Course in Forensic Genetics at the Alagoas and Pará Federal Universities, with training for a further ten criminalists scheduled through to December 2005, with another 27 by December 2006;

b) Eight criminalists took an Advanced Practical DNA Course, with training scheduled for a further twenty criminalists by December 2005, and another forty criminalists in 2006.

In the DNA area, the National Public Security Bureau (SENASP) has been meeting with a Working Group called the National Forensic Genetics Network, with studies currently under way to define the concept of a nationwide DNA database. These studies cover the technical and legal aspects. DNA Laboratories and databases have already been visited in Spain and New Zealand.

b) Scanning Electron Microscope (FEM) applied to Forensic Ballistics

The First Advanced Forensic Ballistics Seminar was held, attended by criminalists specialising in ballistics from the States and the Federal Police Department (DPF), as well as microscopists from university Laboratories and State enterprises. Microscopists and criminalists are researching the use of the Scanning Electron Microscope (SEM) for detecting gunshot residue (GSR) on the hands of possible shooters as well as rails and balustrades at crime scenes, in order to draw up an applications model for this technology to be used by official criminalistics entities.

c) National Forensic Entomology Centre

A forensic entomology Laboratory was set up at the University of Brasília (UnB), funded by the Ministry of Science and Technology (MCT)) through the National Research Council (CNPq), absorbing investments of R\$ 125,000.00. In 2004, the I and II Special Forensic Entomology Courses were held at the Fazenda Água Limpa, Federal District, for criminalists from the States, the Federal District and the Federal Police.

d) Forensic Ballistics

A project in the ballistics field is planned for 2005, which consists of setting up Training Centre for Expert Ballistic Micro-Comparison at the National Criminalistics Institute, in order to build up the capacities of these criminalists in this field. Estimates drawn up by specialists in this area indicate that there are only some sixty criminalists specialising in ballistic micro-comparisons.

Through this capacity-building drive focused on these criminalists, their numbers could be sharply increased in order to meet future demands prompted by the use of the Ballistic Identification Digital Systems. It should be noted that Brazil's Disarmament Act suggests that the systems be installed as a way of recording weapon characteristics

Investments of some R\$ 2,000,000.00 are planned for 2005.

e) Forensic Phonetics

In 2005, the initial implementation stage is planned of the Forensic Phonetics, covering:

- 1) Training official criminalists from the States, Federal District and the Federal Police to carry out speaker identification examinations;
- 2) Provide the crime scene units with the minimum equipment to carry out expert examinations in the field of Forensic Phonetics;
- 3) Integrate the official specialists in Forensic Phonetics;
- 4) Develop the Forensic Phonetics area in Brazil.

f) Forensic Toxicology and Forensic Chemistry

Diagnoses carried out by Working Groups identified the need to invest in qualifying Toxicology Laboratories that respond to demands from the **Forensic Science Institutes, Coroner's / Medical Examiner's Offices** (*Institutos de Medicina Legal*), and Chemistry Laboratories that respond to demands from the Criminalistics Institutes, adopting sophisticated gas and liquid chromatography techniques associated with mass spectrometry.

Toxicology and Chemistry Courses are being planned at the basic, intermediate and advanced levels. A Basic Toxicology Course was given at the General Crime Scene Institute in Porto Alegre, which trained 27 experts, with another course planned for 2005.

A Basic Chemistry Course is planned, which will be held at the National Criminalistics Institute.

Investments made:

DNA Laboratories

STATE	(R\$)
Amazonas	881,148.05
Bahia	881,148.05
INC	884,703.45
Rio de Janeiro	742,524.52
Rio Grande do Sul	721,111.05
Paraíba	140,445.35
Espírito Santo	357,934.35
Total	4,608,954.82

State Projects

2004

Technical Police, Acre State	1,585,407.61
Technical Police Department (DPT) Modernisation, Bahia State	876,643.56

Criminalistic Institute (IC), IML and Identification Institute (II) Federal District	991,000.00
SPTMT Modernisation	580,000.00
PI Expert Analysis	27,090.80
II, IC Roraima State	209,118.30
DPT (IC,IML,II), Sergipe State	822,649.07
IC, II and IML Tocantins, State	987,004.00
II Paraíba State	460,000.00
Total	6,456,518.34

2005

DNA Laboratory, Amazonas State	274,161.86
DPT Modernisation, Bahia State	584,115.03
Reform II Bahia State	659,258.00
Re-Equipping IPDNA & II, Federal District	718,243.77
Re-Equipping and Modernisation of ITEP, Rio Grande do Norte State	2,907,400.00
Re-Equipping Scientific Police, Piauí State	94,707.00
Modernisation, IML, Roraima State	324,800.00
Expanding II Laboratory, Roraima State	181,825.00
Modernisation of IC, Roraima State	207,570.00
IT & Re-Equipping IGP, Rio Grande do Sul State	576,412.36
Re-Equipping IGP, Santa Catarina State	125,043.72
Decentralisation of IC, II & IML, Tocantins State	333,240.00
Re-Equipping the IPC, Paraíba State	320,000.00
Re-Equipping the Forensic Investigation Centre, Alagoas State	196,500.00
Re-Equipping & Modernising Politec, Amapá State	466,294.79
Total	8,844,771.53

14. Please account for the recent increase in the number of violent deaths of rural leaders (para. 127), and provide information on prosecutions and convictions of those accused of these crimes.

During its administrations, the Secretariat for Human Rights has done its utmost to implement and ensure Human Rights to life, physical integrity and land ownership in the countryside. As its main challenges today consists of eradicating violence in rural areas, its activities are guided by dialog with the various States in which this type of offence occurs. Consequently, the Secretariat for Human Rights serves as a spokesperson before Governments, the Judiciary Branch and Departments of Justice responsible for investigating possible offences. It is responsible for requesting these entities to take the appropriate steps needed to investigate these cases and ensure that they progress properly towards judgment, with the punishment of the perpetrators of these offences.

In terms of Pará State, for example, the Secretariat for Human Rights has done its utmost to elucidate the murder of Sister Dorothy Stang at the start of the year,

requesting the Federal and State Police Forces to undertake the necessary investigations. At the moment, five people accused of involvement in this murder are being held in preventive custody, awaiting judgment by a jury of their peers.

With regard to three leaders murdered this year at Paraobebas, Pará State, the brains behind these crimes and the actual murderers have already been arrested through joint actions involving the Federal and State Police. In the case of the murder of trade union leader João Canuto at Rio Maria, the Secretariat for Human Rights intervened with the Pará Court of Justice and the Federal Supreme Court, consolidating their efforts through ordering those involved to be taken into custody, with their respective sentences.

Additionally, working jointly with the National Agrarian Ombudsperson's Office and the Federal Attorney-General's Office, the Secretariat for Human Rights (SDH) has been working closely with the Superior Court of Justice in order to set up Federal Agrarian Courts in the States in order to speed up judgments of agrarian issues. In addition to remaining in constant contact with the States, Governments, Departments of Justice and Judiciaries, as well as Municipalities, the Secretariat for Human Rights (SDH) is interacting with rural outreach movements in order to prevent, mediate and resolve agrarian conflicts and tensions so as to ensure peace in the countryside.

Since the Administration headed by President Luiz Inácio Lula da Silva took office, an increase in mass trespassing on rural properties by grassroots movements has been noted. In 2003, there were 222 trespass and settlement drives, prompting reactions among farmers and ranchers, which increased rural violence during that year. However, from 2004 onwards, rural violence has dropped considerably as shown in the following table.

	2003	2004	2005 (to September 15)
Murders in the countryside	19	60	52
Caused by agrarian conflicts	42	16	12
Not caused by agrarian conflicts	28	26	27
Under investigation	28	18	13

This consequently leads to the conclusion that the comment on this topic does no longer reflects the situation on the ground, due to the recent drop in the number of deaths effectively caused by agrarian conflicts.

Although it does not have any specific activities related to this topic, the National Public Security Bureau (SENASP) has invested in dispute mediation and crisis management training for public security professionals, in urban and rural areas. It also offered to provide training for Police Officers on how to protect the defenders of Human Rights, with the States implementing protection units for defenders of Human Rights able to present a project for the implementation of this service, underwritten by the funds that are provided to the States each year by the National Public Security Bureau (SENASP).

With regard to the cases of prosecutions and convictions for of the above-mentioned crimes, there is not yet a unified data collection system available in order to provide a precise answer. It must be pointed out, however, that the Federal Public Prosecution

Service is pushing for the necessary creation of an integrated system of information in the Judiciary Branch in co-ordination with integrated systems of the Public Prosecution Services and of Public Safety bodies. This way it will be possible to promptly supply information on pending accusations and convictions. In this regard, the Federal Public Prosecution Service is developing a project called Unified System of Information, whose initial delivery of modules is scheduled for 2007, with conclusion expected to 2008.

Also, in January of 2005, representatives of all the Public Prosecution Services, the Service of the Union and those of the States, had gathered in the I National Meeting of Public Prosecution Service and Human Rights, having proposed to the National Council of Heads of Public Prosecution Services the creation of a National Group of Human Rights, with representatives of all the Public Prosecution Services of Brazil. This proposal is under examination of the National Council of Heads of Public Prosecution Services.

15. What practical steps has the State party taken to educate police officers about their human rights obligations, in light of the persistence of a high incidence of ill-treatment by police officers of detainees and suspects (paras. 144 and 306)?

With regard to Police Officer training, the National Public Security Bureau (SENASP) has invested in training public security professionals, consisting of Civil and Military State Police Officers as well as Municipal Guards, as follows:

- 1) Basic Syllabus for training State Police Forces and Basic Syllabus for training Municipal Guards, where respect for Human Rights and legality runs completely through both these Basic Syllabuses;
- 2) Investments in setting up integrated Police Academies, including financing for construction, renovation, acquisition of equipment and paying classroom hours for specialist instruction;
- 3) Implementation of a distance learning network called Public Security and Education Within Reach of All, which currently has 63 classroom points established, scheduled to reach 200 points by December 2006; introducing the Citizenship Connection television channel that will foster discussions on matters related to Public Security and Human Rights. Investment: R\$ 18 million;
- 4) Human Rights meetings that are designed to motivate and raise awareness of public security professionals of the culture of Human Rights, helping shape a National Culture of Human Rights and Duties, grounded on active solidarity and social peace, cooperating towards building up a new Police Force, aware of its role as a cornerstone of Human Rights and peace, endowed with high esteem and dignity conferred by serving the community. In 2004 and 2005, 2,389 public security professionals were trained, consisting civil and military State police and municipal guards in the following States: Pernambuco, Bahia, Rio Grande do Norte, Sergipe, Paraná, São Paulo and Amazonas. By the end of the year, approximately 500 public security professionals should have been trained in Ceará, Mato Grosso and Goiás States. Investment: R\$ 1 million.

5) Establishment and implementation of the National Public Security Specialisation Network (RENAESP), which is currently accrediting higher education institutions that will provide specialty courses (underwritten by the National Public Security Bureau (SENASP)) for public security professionals, with the content of these courses being analysed by the National Human Rights Education Committee, under the Secretariat for Human Rights. Investment: R\$ 3.7 million.

6) Distribution of permanent collection of specific books on Human Rights. Distributed: 18,000 books.

7) Establishment and implementation of National Public Security Force, with 3,000 public security professionals graduated so far in the Military Police Forces all over Brazil, with the standardisation of operating techniques, with Human Rights running through every subject.

Prohibition of slavery or forced or compulsory labour (art. 8)

16. According to information before the Committee, forced labour persists in some regions, affecting alarming numbers of persons. Please indicate what steps have been taken, in law and in practice, to eradicate all forms of forced labour, and provide details of recent cases in which landowners have been prosecuted and convicted (para. 165). Please provide updated figures (para. 151) and comment on reports of the involvement of politicians and judges among those responsible.

The National Commission for the Eradication of Slave Labour (CONATRAE) was established in August 2003 with the basic function of monitoring the implementation of the National Plan for the Eradication of Slave Labour, launched by the President of Brazil on March 11, 2003. This Plan contains 76 actions, with the responsibility for the implementation shared entities under the Executive, Legislative and Judiciary authorities, as well as the Department of Justice, civil society entities and international organisations.

Among the measures adopted to eradicate slave labour, two initiatives are particularly noteworthy:

The first is the Employer Registry, also known as the “Black List” introduced through Edict N° 540, dated October 15, 2004 by the Ministry of Labour and Employment (MTE). The inclusion of the name of perpetrator (rural employers) on this list takes place after the final administrative decision has been handed down on the notification of violation issued as a result of inspections that identified workers subject to conditions similar to slavery. The Government and other members of the National Commission for the Eradication of Slave Labour (CONATRAE) are supporting two Draft Bills that are currently being analysed in the Senate: Draft Bill 025 dated February 2005, tabled by Senator Pedro Simon and Draft Bill 108 dated April 12, 2005, tabled by Senator Júlia Carepa – which are intended to turn the Employer Registry into law, as well as the events constituting its outcome.

Another successful initiative was the signature in May 2005 of the National Covenant Against Slave Labour. This Covenant was the outcome of a production chain study

undertaken by an NGO (*Repórter Brasil*) at the request of the Special Secretariat for Human Rights (SEDH) and supported by the International Labour Organisation (ILO). Companies signing up with this Covenant agreed not to make purchases from suppliers accused of using slave labour, as the entire production chain may not yet be aware of criminal behaviour of one of its links.

Finally, an overview is presented below of the operations carried out by the Special Mobile Inspection Group, which is one of the main Government tools for repressing the use of slave labour. Under the aegis of the Ministry of Labour and Employment, better logistical support has been achieved for the Mobile Inspection Teams, which is reflected in the acquisition of vehicles, computers, two-way radios and other items. With only three teams operating in 2003, the Ministry now has seven teams on the ground in 2005.

Special Mobile Inspection Group

1995 - 2005

Year	Nº of Operations	Nº of Ranches Inspected	Workers Freed	Compensation Paid	Notifications of Violation Issued
2005	36	62	2,537	4,159,634.66	1,052
2004	76	275	2,887	4,905,613.13	2,477
2003	69	195	5,228	6,198,025.26	1,406
2002	30	85	2,285	2,084,406.41	621
2001	26	149	1,305	957,936.46	796
2000	25	88	516	472,849.69	522
1999	19	56	725	-	411
1998	18	47	159	-	282
1997	20	95	394	-	796
1996	26	219	425	-	1,751
1995	11	77	84	-	906
TOTAL	356	1,348	16,545	18,778,465.61	11,020

Ministry of Labour and Employment (MTE)
Department of Justice

It is worth mentioning the alteration of art. 149 of the Criminal Code, through Law n.º 10,803/2003, by means of which had the criminal conducts that entail the incidence of the criminal type of “reduction to a slave-like condition” were updated and streamlined. Such alteration is considered a legislative improvement as it provides greater incidence of the criminal definition, so far considered too general, which used to make its enforcement more difficult in the legal-criminal sphere.

On impunity concerning the crime of the “reduction to a slave-like condition”, it is important to point out the efforts of the Federal Public Prosecution Service to consolidate jurisprudential understanding, within the Federal Supreme Court (STF) on the question of the power of the Federal Justice system to try and to judge this crime. Several legal opinions were offered with a view to consolidating favourable jurisprudence (Extraordinary Appeals 398041, 459510, 450317, 460772, 466428). This jurisprudential definition would stimulate the course of the accusations presented by the Federal Public Prosecution Service, once the main argument used by the defendants is the incompetence of Federal Justice regarding such crime, which entails the presentation of a series of resources in all the instances of Justice, serving as a means to slower, sometimes inefficient, judgements.

Sources of the National Coordination for the Eradication of Slave Labour (survey until dezembro/2004) indicate that 548 investigations and 135 class actions were moved by the Labour Regional Public Prosecution Services pleading compensation out of submission of workers to slave-like conditions and also claiming objective obligations of the employers to restrain the use of the human work in such degrading conditions, imposing high pecuniary fines. In 05-10-2005, the Labour Justice of Pará condemned a farmer, who kept 107 employed in slave-like conditions, in R\$ 1 million, the highest compensation ever imposed for such unlawful conduct.

17. Please elaborate on the aims, strategies and results of programmes addressing the sexual exploitation of children (paras. 106 and 108) and provide information on cases investigated and their outcome. Please also provide information about the claimed reduction in the number of trafficking victims (para. 116), considering that there are a large number of routes through which women and minors are trafficked for commercial sexual exploitation in Brazil. Please give detailed information on the investigation and prosecution of trafficking of women and minors.

Sexual Exploitation and Abuse of Children and Adolescents

With regard to dealing with the sexual exploitation of children and adolescents, through the Under-Secretariat for Promoting the Rights of Children and Adolescents under the Human Rights Bureau of the Secretary-General of the Presidency (SDH/SG/PR) the Federal Government has been carrying out a wide variety of actions. The dimensions of traffic in boys and girls, sexual tourism and commercial sexual exploitation are rated as top priority and require actions that follow the guidelines laid down in the National Plan for Dealing with Sexual Violence Against Children and Adolescents presented in Paragraph 35 of the Second Report. In addition to various actions undertaken by the Federal Government in this field, the Under-Secretariat for Promoting the Rights of Children and Adolescents is also providing financial support for projects run by Government institutions and non-Governmental entities that work with prevention, capacity-building and assistance for victims.

Additionally, the Under-Secretariat for Promoting the Rights of Children and Adolescents also supports the Programme Combating Sexual Exploitation and Abuse of Children and Adolescents presented in Paragraph 110 of the Second Report, whose actions are assigned top priority to interconnecting Government policies; strengthening the Rights Guarantee System; social mobilisation and the construction

of methodologies. It also runs awareness-raising campaigns, such as the Campaign Against Sexual Tourism that was the outcome of a partnership with an Italian NGO (*Modena Terzo Mondo*) in effect in Italy, or against the Sexual Exploitation of Children and Adolescents, run in partnership with the Banco do Brasil. Another campaign is also under way, designed to raise awareness of workers in the transportation sector.

In addition to campaigns and denunciations, several capacity-building activities have been undertaken in Brazil during the past two years, with a view to preventing the sexual exploitation of children and adolescents. A partnership with the Transportation Social Service (SEST) and the National Transportation Apprenticeship Service (SENAST) allowed a capacity-building programme to be prepared for 25,000 drivers through the operations network run by the National Transportation Confederation (CNT).

Interconnecting Government policies in order to deal with sexual violence against children and adolescents is handled at the Federal Government level through the Intersector Commission for Dealing with Sexual Violence Against Children and Adolescents, mentioned in Paragraph 35 of the Second Report, which is part of the Federal programmes and actions integration strategy. This is intended to propose integrated Government policies designed to eradicate sexual violence against children and adolescents, which is rated as a severe breach of human rights. Recently, this Commission played a leading role in the mobilisation activities for the National Day Against Sexual Exploitation and Abuse (May 18).

Through the meetings of the Intersector Commission for Dealing with the Commercial Exploitation of Children and Adolescents, the National Public Security Bureau of the Ministry of Justice (SENASP) stipulated that projects should be drawn up at the State and Municipal levels that would provide capacity-building courses for members of the Municipal Guards and State Police Forces, in parallel to running workshops for children, adolescents and young people, helping prevent this exploitation.

Projects for dealing with sexual exploitation were approved in 37 municipalities. Moreover, the National Public Security Bureau (SENASP) completed the National Basic Syllabus for Municipal Guards, whose content include not only the Children's and Adolescents' Statute, but also a gender-based approach to domestic violence and dealing with the sexual exploitation of children and adolescents. In 2003, projects were supported in Sergipe and Amapá States, with projects supported the following year in Bahia, Mato Grosso and Tocantins States, as well as the Federal District. In 2005, new projects were included for Bahia, Mato Grosso and Mato Grosso do Sul States.

The National Public Security Bureau (SENASP) is also preparing a survey of the Organisational Profile of Police Stations Providing Protection for Children and Adolescents and Felony Investigation, in order to chart the operating conditions of these Police Stations and propose the acquisition of equipment and the organisation of training course for the public security professionals working in these areas, in order to strengthen their skills for investigating crimes committed against children and adolescents, while upgrading their response/care for victims and building up the

service network in order to lessen the vulnerability of these children and adolescents. In order to provide input for Government policies designed to deal with this problem in Brazil, the Intersector Commission established the Intersector Matrix for Dealing with the Commercial Sexual Exploitation of Children and Adolescents (ESCCA). This strategy was coordinated by the Under-Secretariat for Promoting the Rights of Children and Adolescents, financed by the United Nations Children's Fund (UNICEF) with technical assistance from the Violes Institute, University of Brasília (UnB).

This Matrix contains a map of vulnerable Brazilian municipalities in this area, drawn up on the basis of data taken from earlier surveys of this issue, such as the Survey into Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation Purposes (PESTRAF) presented in Paragraph 116 of the Second Report. The annual mapping carried out by the Federal Highway Police Department (DPRF) in addition to the Report prepared by the Mixed Parliamentary Commission of Inquiry (CPMI) analysing the sexual exploitation and abuse of children and adolescents (presented in Paragraph 93 of the Second Report) as well as information from the Hotline Against the Abuse and Exploitation of Children and Adolescents - 0800 99 0500 (presented in Paragraph 113 of the Second Report).

This management tool contains information that allows analyses, guidance, organisation and formulation of Government policies. This Matrix identified some 930 municipalities and locations in Brazil where the commercial sexual exploitation of children and adolescents is occurring, while also identifying Federal Programmes that may contribute to dealing with this phenomenon.

Regarding the results in the field of repression of one of the most widespread types of sexual exploitation, namely child pornography, the Federal Police Department (DPF) advises that 336 inquiries have been undertaken during the past five years into cases involving paedophilia in Brazil, mainly in the more populous States, São Paulo and Rio de Janeiro. The Federal Police received some seven denunciations a day, and a Pornographic Matter Tracing Centre was recently inaugurated in Bahia State, particularly for children and adolescents. Administered by a non-governmental organisation, this Centre will trace and carry out a survey of all data that can be obtained through the Internet without breaching privacy, and will then forward this information to the Federal Police Department (DPF) so that applications may be filed to lift confidentiality so that the police investigations can be undertaken.

The Federal Highway Police Department (DPRF) has stepped up its ongoing control of traffic in children and adolescents and the sexual exploitation along highways, carrying out specific operations in areas more open to sexual exploitation and service stations selling fuels, in partnership with local protection networks. More than 300 children and adolescents have already been referred to the Guardianship Councils, with more than ninety enticers charged before the Courts.

In 2004, the Special Bureau for Women's Policies (SPM) provided advice for training courses held in the Teresina, Palmas, Foz do Iguaçu, Salvador and Campo Grande municipalities for professionals working for Women's Police Stations, Shelters, Reference Centres, Public Defender's Offices, Social Welfare, Healthcare and

Education Bureaus, covering some 120 practitioners providing direct assistance, based on the concept of working through networks and a humanised approach.

Through the Educational Sports Bureau, the Ministry of Sports introduced the Second Half Programme, which is designed to open up access to sports for students registered with Government-run educational establishments in Brazil at the primary and junior high school levels, particularly in areas with high levels of social vulnerability. The intention is to help reduce their exposure to situations of high social risk, working closely with other Federal Government areas, while qualifying the human resources involved. Some one million children are being assisted nationwide.

The Ministry of Health is stepping up its actions and interventions in terms of prevention, care and recovery of children and adolescents living in situations or at risk of sexual exploitation and abuse. They include the introduction of Mandatory Notification for Mistreatment of Children and Adolescents forwarded to the Guardianship Councils, defining assistance flows and protocols; establishing 47 Centres for the Prevention of Violence and Promotion of Health; introducing actions assisting children and adolescents victimised by sexual violence with emergency birth control measures at 250 reference units; ongoing training for healthcare practitioners in providing all-round care for children and adolescents (3,000 teams from the Family Health Programme (PSF) – 12,000 practitioners); introduction of mental health care activities for users of alcohol and other drugs (609 Psycho-Social Assistance Centres for Users of Alcohol and Other Drugs (CAPS AD) units); prevention and prophylaxis against STD/HIV nationwide, particularly along national borders (252 testing centres, 951 HIV assistance centres, 397 accredited hospitals, 79 day-clinics, 422 specialised care units, 53 home care/treatment units); implementation of family violence prevention activities under the Family Health Programme, run nationwide (21,232 teams from the Family Health Programme (PSF), 192.735 community agents, 5,560 municipalities).

The Ministry of Social Development and Combating Hunger has been implementing actions that directly or indirectly affect the sexual exploitation of children and adolescents. Outstanding among them are: the Child Labour Eradication Programme (stepping up its inspection activities, running awareness-heightening campaigns, granting grants to families in order to supplement their incomes, and introducing the children to longer school hours, in order to include them in educational activities that enhance their social skills outside classroom hours, assisting 930,824 children and/or adolescents in 2,786 municipalities); Family Grant Programme (fostering the social inclusion of families living in situations of poverty and utter poverty through direct income transfers, with counterpart guarantees from the families that their children and adolescents will attend school regularly, with the appropriate healthcare measures – some 20 million families assisted); all-round family assistance programme (provides social welfare assistance, and interconnects the services available at each location, making full use of the potential offered by the basic social safety-net system. This is carried out at 901 Social Welfare Reference Centres in 650 municipalities, assisting 250,000 families); Sentry Programme (set of specialised, multi-professional outreach activities addressed to children, adolescents and families involved with sexual violence – it has assisted 28,000 child and adolescent victims in 315 municipalities); Youth Agent Programme (fosters the personal, social and community development of adolescents from 15 to 17 years old, providing theoretical and practical training and a

study grant during the twelve months that these youngsters work within their communities under this Programme – assisted 57,000 youngsters in 1,077 municipalities).

During the World Forum on Sustainable Tourism and Childhood held in December 2004, the Ministry of Tourism launched a campaign combating the sexual exploitation of children and adolescents with the following slogan: “Heighten Awareness. Mobilise. Prevent the Sexual Exploitation of Children. Brazil. Love Them, Protect Them”, in order to make tourists more aware that they are agents protecting children.

Trafficking in Human Beings

Regarding the alleged reduction in the number of trafficking victims, it was not possible to locate where this claim is made in the report. Consequently, it was not possible to set forth arguments or give more detailed information in response to this specific issue.

326 inquiries were opened between 1990 and 2004 in order to investigate crimes of trafficking in human beings, according to the Federal Police Department. Successful cases include Operation *Mucuripe*, which broke up a trafficking network between Brazil and Germany, undertaken with the cooperation of the German Police. Operation *Castelo* broke up a trafficking network that was sending people to the USA and Spain, culminating with the imprisonment of a Federal Police Officer and a businesswoman in the tourism field. Operation *Andaluz* caught a trafficking gang that shipped women from Southern Brazil to Spain.

Among the more recent operations, Operation *Castanhola* was based on cooperative efforts between Brazil and Spain, breaking up a trafficking network that had already sent more than a hundred women from the heartlands of Brazil in Goiás State to Spain, while also rescuing Brazilian victims held in captivity in Spain. Last June, Operation *Babilônia* resulted in imprisonment of seven people in Brazil, and three in Spain, rescuing twenty Brazilian women in the Spanish towns of Vigo and Valencia. Between November 2004 and August 2005, 91 inquiries have been opened in Brazil on this issue.

So far, 41 people have been arrested in Brazil during the past six months, with twenty women rescued in Portugal. During the second half of 2004, three people were sentenced by the trial courts, one in Goiás State and two in Ceará State.

Additionally, a large-scale project is being launched, focused on Trafficking in Human Beings, which will be implemented in Brazil by the International Labour Organisation (ILO) and an NGO, Partners of America, financed by the US Government through USAID. Brazil was one of the five countries selected to receive funds for combating the traffic in human beings. This project will function in several Brazilian municipalities, including: São Luís, Maranhão State, Natal, Rio Grande do Norte State, Manaus, Amazonas State, Fortaleza, Ceará State, Foz do Iguaçu, Paraná State, Rio de Janeiro, Rio de Janeiro State, Salvador, Bahia State, Recife, Pernambuco State, São Paulo, São Paulo State and Belém, Pará State. Although run in parallel to

the Integrated and Reference Actions Programme for dealing with Sexual Violence against Children and Adolescents in Brazil (PAIR), this Project will focus exclusively on combating trafficking in human beings and slave labour.

Through the National Justice Bureau (SNJ) under the Ministry of Justice, the Brazilian Government is implementing the Measures Against Trafficking in Human Beings Programme in Brazil, under a technical cooperation agreement with the United Nations Office Against Drugs and Crime (UNODC), as presented in Paragraph 115 of the Second Report. This Programme works through pilot projects in four Brazilian States: São Paulo, Rio de Janeiro, Goiás and Ceará.

Between the submission date for the Second Report and the preparation date of this Reply, the National Justice Bureau (SNJ) has already completed an initial diagnosis of trafficking in human beings in the four States where this programme is being implemented. On this basis, the trafficking routes were identified, together with the profiles of the victims and the enticers. An awareness-raising and informative campaign is currently under way nationwide.

In parallel to this campaign, since March 2005 the 0800 99 0500 Hotline has been accepting denunciations of trafficking in human beings, based on an understanding between the Under-Secretariat for Promoting the Rights of Children and Adolescents under the Human Rights Bureau of the Secretary-General of the Presidency (SDH/SG/PR) and the National Justice Bureau (SNJ). These accusations are transferred directly to the Human Rights Division of the Federal Police for investigation. The operating hours (8:00 a.m. to 6:00 p.m.) of this Hotline have been extended, and it now functions until 10:00 p.m., Monday through Friday. A further expansion of this Project will allow this Hotline to operate on weekends as well, at the same times.

Training courses were held in the States covered by this Programme in order to provide guidance for the practitioners of the law on the specific characteristics of investigations and the applications of the law in these cases. Strengthening the possibilities of investigation, a start has been made on building up a database in order to obtain a profile of the victims and the crime organisations involved in this felony, as well as their *modus operandi*, identifying data from the processes and investigations into trafficking cases, while also assigning liability.

Diagnosis of trafficking in human beings and the investigations undertaken by the Mixed Parliamentary Commission of Inquiry (CPMI) on Sexual Exploitation have prompted discussions and alterations to the wording of Title VI, Chapter V of the Brazilian Criminal Law Code, redefining this crime as trafficking in human beings (instead of trafficking in women) in order to include trafficking in men as well, and including domestic trafficking as a crime (only international was rated as a crime previously). Moreover, in 2003 some provisions in the Children's and Adolescents' Statute were altered (Federal Law N° 8,069, dated July 13, 1990) in order to provide stronger protection from sexual exploitation.

In December 2004, in partnership with the International Labour Organisation (ILO) the Under-Secretariat for Promoting the Rights of Children and Adolescents, with the National Public Security Bureau (SENASP), organised a National Seminar on

Trafficking in Women, Children and Adolescents for the Purposes of Sexual Exploitation, which gathered together civil, military, federal highway and federal police officers, as well as practitioners of the law, in order to start building up the capacities of public security professionals and implement a Government policy for preventing and dealing with traffic in human beings for the purposes of sexual exploitation all over Brazil. This event was attended by some 110 public security professionals.

As a result of this event, regional update workshops were held in 2005 on trafficking in people for the purposes of sexual exploitation, in order to analyze this topic in greater depth and ensure the participation of larger numbers of public security professionals from the State, Civil and Military Police Forces, reaching approximately 375 public security professionals in every State in Brazil. Later this year, a National Seminar will be held assessing the regional workshops and planning the actions to be implemented in 2006, hosted by the National Police Academy/Federal Police Department in Brasília.

One of the courses to be given through the distance learning network for State Police Officers and Municipal Guards addresses trafficking in human beings. A round-table discussion of this topic has already been recorded and will be presented on the television channel to be inaugurated in October. The workshops will absorb investments of R\$ 400,000.

Through coordinated actions involving the Special Bureau for Women's Policies (SPM) and the National Public Security Bureau (SENASP), the Brazilian Government included topics underscoring the values of gender diversity, sexual preference, race, ethnic origin, social class and creeds at Police Academies. The syllabus is a benchmark for training activities to be undertaken by all Police Academies in Brazil, pursuant to the National Public Security Plan. This reflects progress in qualifying male and female public security professionals, in order to ensure proper care and attention for women in situations of violence. This is also a significant accomplishment for feminist and women's movements that have been discussing these issues since the 1980s.

By December 2005, 1,200 professionals will have been trained in São Paulo, Minas Gerais and Tocantins States, through a process that is currently under way with 100% implementation. These capacity-building classes are run through a partnership with a non-governmental entity, *Cidadania, Estudo, Informação e Ação* (CEPIA) and other institutions guaranteeing open and democratic proceedings while firming up the participation policy and helping construct the assistance and services network.

Liberty and security of the person; treatment of prisoners (arts. 9 and 10)

18. Please elaborate on the plan of action addressing inadequate prison conditions and inadequate prison capacity, including criteria for the allocation of funds to state prisons (paras. 78 and 79). To what extent have prison conditions and capacity improved? Please provide examples. Please comment on the plan to establish guidelines for prison management in line with the Covenant (para. 184).

The National Penitentiary Department (DEPEN) is in charge of the administration of the National Penitentiary System Modernisation Programme covered in the 2004 – 2007 Pluri-Annual Plan. This Programme consists of projects and activities designed to generate vacancies and places; underpinning the technological upgrades of penal establishments; proper, decent prison treatment of prisoners convicted, held in custody and ex-convicts released from the system, and their subsequent reinstatement in society.

This Department does not work directly with prison management (except for the Federal prisons mentioned below) which is the prerogative of each of the States, due to the structure of the Brazilian State system, endowed with administrative autonomy. Consequently, the actions under this Programme are implemented in a decentralised manner through voluntary transfers of funds from the National Penitentiary Fund (FUNPEN) mainly to the States and non-profit private entities. It should be made quite clear that the criteria used for allocating the FUNPEN funds are based on the size of the prison population in each State.

Outstanding among the activities covered by the Penitentiary System Modernisation Programme are:

(a) Construction and Expansion of State Penal Establishments – works directly to shrink the shortfalls in local penitentiary systems by opening up vacancies and places through constructing and expanding buildings designed to hold in custody people convicted, imprisoned or held on remand. Between 1995 and 2005, 61,500 places were created, 12,760 of them between 2003 and 2005.

(b) Construction and Expansion of Federal Penal Establishments – consolidating the Federal Penitentiary System, which consists of five Maximum Security Prisons, each with two hundred individual cells.

The Federal Prisons will be built at the following locations: Campo Grande, Mato Grosso do Sul State; Catanduvas, Paraná State; Viana, Espírito Santo State; Porto Velho, Rondônia State; and Mossoró, Rio Grande do Norte State. Additionally, this System also includes the Federal Wing at the Pascoal Ramos Prison in Cuiabá, Mato Grosso State.

These prisons will hold prisoners rated as highly dangerous, in order to reduce the number of prison revolts in the States, while breaking up the structure of organised crime.

(c) Reform of State Penal Establishments – designed to repair or adapt the physical structure of State Penal establishments.

(d) Equipping and Re-Equipping Penal Establishments – intended to acquire special vehicles, machinery, equipment and facilities designed solely for essential services at penal establishments.

(e) Assistance for Prisoners, Persons held in Custody, Ex-Convicts and their Dependents – strives to build up links that include Government policies in the prison system with support for public and private institutions assisting the prison population.

This Programme also includes the implementation of the National Health Plan for the Prison System, in partnership with the Ministry of Health, as stipulated by Interministerial Edict N° 1,777, issued by the Ministry of Health and the Ministry of Justice on September 9, 2003. At the moment, Rio de Janeiro, Pernambuco, Minas Gerais, Mato Grosso, Federal District, São Paulo and Bahia States have already been qualified by the Ministry of Health and are receiving healthcare funding.

The National Penitentiary Department (DEPEN) has also been working in partnership with the Ministry of Education (MEC) through the Programme to Eradicate Illiteracy.

Between 1999 and 2004, more than 120,000 ex-convicts benefited from assistance or capacity-building programmes, financed by the Federal Government and implemented through agreements with other entities.

(f) Vocational Training for Civil Servants at Penal Establishments – promotion of education, training and qualifications for Civil Servants working for the Brazilian Penitentiary System. Capacity-building courses are given in the States as well as graduate courses in prison management. Between 1997 and 2004, 17,300 people were trained, with specific training modules on Human Rights included since 2002, through agreements with other entities. In all, direct capacity-building activities undertaken by the Brazilian Government have benefited 13,750 people between 2001 and 2004.

(g) Establishing Prison Schools – acquisition of library collections, information technology equipment and furniture to be used for educational, training and capacity-building activities that address prison staff, benefiting some 2,500 in 2002 and 2003.

(h) Support for Alternative Measures and Penalties Monitoring Units – underwriting the implementation of units monitoring compliance with penalties and alternative measures, helping reduce the inflow of prisoners into penal establishments (shrinking the place shortfall) while avoiding the social contamination of first offenders by the environment found today in these penitentiaries. Under agreements signed by the Government, more than 70,000 convicts benefited from alternative penalty programmes between 1999 and 2004.

(i) Vocational Training and Education for Convicts, Persons Held in Custody and Ex-Convicts Released from the National Penitentiary System – improving the schooling levels and vocational training capacities of convicts and ex-convicts leaving the penitentiary system, in order to enhance their conditions for re-entering society and the labour market. A good performance by these activities plays a decisive role in reducing the number of repeat offences.

(j) Integration of the Penitentiary Information Systems into a National Database (INFOPEN) - implementation of a computerised prison administration system at each penal establishment, with a centralised database, seamlessly integrated

into a nationwide management platform, providing administrative information at all levels, using computers and the Internet.

Additionally, the National Penitentiary Department (DEPEN) is striving to modify the culture through which Criminal Law is applied in Brazil. In order to underpin the efforts of the schools, for instance, this Department intends to establish a series of management tools, beginning with a National Syllabus Matrix which should include education and Human Rights and the main tools for its protection, including Brazilian and international rules against torture.

Another tool is the Prison Administration Handbook: An Approach to Human Rights published under a partnership between the Brazilian and the British Governments, which systematically brings together a series of guidelines for handling prison tasks, for performing prison-related tasks, taken from the main international instruments ruling on this issue.

Also is the outcome of a partnership between the Brazilian and the British Governments, the Prison Management Improvement Project is currently under way in three States: São Paulo, Rondônia and Espírito Santo. Backed by British consultants connected to the International Centre for Prison Studies (ICPS) the purpose of this Project is to train local leaders in adapting prison management routines so that they comply with the international Human Rights criteria enshrined in the handbook. Now in its second phase, this Project is currently focused on firming up a group of people in Brazil who can replicate its methodology within the National Penitentiary Department (DEPEN) and the States where this Project is being implemented.

Another important aspect of the Federal Executive actions in this field is the initiative of stipulating technical elements in the fields of engineering and architecture that guide the activities of the States and the Department itself, in order to ensure compliance with conditions that preserve the physical and psychic dignity of convicts when opening up new places in prisons.

This is applicable to the construction designs for Federal penal establishments, all implemented in compliance with the provisions of the Penal Execution Act and the Minimum Rules established by the United Nations for the Treatment of Prisoners and Persons deprived of their freedom.

Moreover, the National Penitentiary Department (DEPEN) has been producing standard project designs that are assigned to the States, which also strive to comply with domestic and international laws: Standard Project Designs for Men's and Women's Penitentiaries for the States, and the Federal Penal Establishments Project.

19. Is the State party envisaging any measures to simplify and accelerate procedures on prisoner release, and compensation for arbitrary prolonged confinement (para. 179)? What accounts for the extraordinary phenomenon of arbitrary prolonged confinement? In how many cases has compensation been granted, and in what form? Please provide statistics, disaggregated by gender, age, race and ethnic origin and type of crime committed, about detainees who were victims of arbitrary prolongation of their prison sentence (para. 178).

One of the actions being implemented is the Penitentiary Information System (INFOPEN) which is a computer programme linked to a support network and an information technology infrastructure that is designed to provide an updated overview of the prison and procedural status of prisoners and detainees in the State and Federal Systems. The possibility of prisoners and detainees to periodically review their legal status may serve as a means to accelerate prisoner release and avoid the phenomenon of prolonged confinement.

Another factor that can contribute to reduction in the number of cases of prolonged arbitrary confinement is the functioning of the State Public Defenders' Offices, which were strengthened by being granted administrative and financial autonomy through the Constitutional Amendment nº 45.

It is stressed that item LXXV of Article 5 of Brazil's 1988 Constitution stipulates that "the State will compensate prisoners for Court errors, in addition to anyone remaining in prison beyond the period stipulated in the sentence". Consequently, any person imprisoned under a sentence who may be adversely affected by arbitrary prolonged confinement has the constitutional prerogative of suing the State. Nonetheless, there are not available statistics at the moment on the subject, which may be addressed by the functioning of the recently created National Council of Justice, in the performance of its planning, data collection and standardisation functions for all the bodies of the Judiciary Branch.

20. Please elaborate on the availability and effectiveness of complaint mechanisms for any abuses committed against detainees in prisons, jails and other forms of custody.

Established under the aegis of the National Penitentiary Department, the Penitentiary System Complaints Office is the main channel of communication for society. Its primary duties and responsibilities are to issue opinions and ensure that the pardon proceedings are kept in good order, as well as transfers and removal due to life-threatening risks; investigating claims, complaints, allegations and denunciations, providing input for the respective proceedings and keeping the stakeholders advised of the outcome and the legal procedures adopted.

Denunciations may be sent in by letter, fax or even e-mail. However, this must take place in writing in order to open an administrative proceeding through which the authorities are ordered to express their views on the topics in question.

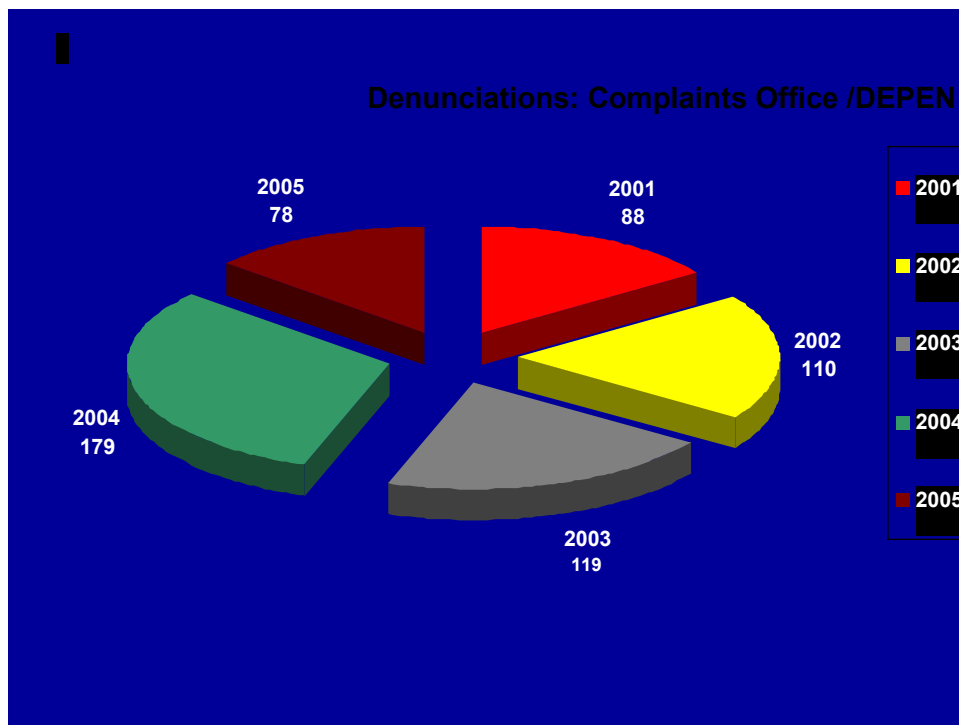
Additionally, the activities of non-profit institutions linked to this matter are also significant, becoming aware of the situation of prisoners and filing claims on their behalf, performing an activity that is very important for society.

The Complaints Office is basically divided into the following entities:

- State Bureaus of Justice – in charge of the Penitentiary Systems in their States
- Public Security Bureaus – in charge of Public Jails, as well as the acts of their subordinates (Police Officer).

- State Courts of Justice (Chief Justices and Internal Affairs Departments) – in charge of the activities of their subordinates (Magistrates).
- Criminal Execution Courts – in charge of executing sentences, meaning the application of the Law.
- Court Prosecutor-General Offices – Department of Justice – in charge of overseeing compliance with the Law.
- State Penitentiary Councils – in charge of ex-convicts.

Graph 1 – Denunciations Chart



Reference Period: January 1, 2001 – September 14, 2005

Total Denunciations under way: 490
 Denunciations shelved/resolved: 84
 Total: 574

Information was gathered from the States on the entities in charge of receiving denunciations filed against the Penitentiary System. It was found that ten States have a Civil Service entity set up solely to receive denunciations:

- a) Citizen and the Penitentiary System Complaints Office, Rio Grande do Norte State
- b) Goiânia Agency Prison System Complaints Office, Goiás State
- c) State Penitentiary Administration Bureau Complaints Office, Rio de Janeiro State

- d) Re-Socialisation and Executive Bureau Complaints Office,
Pernambuco State
- e) Penitentiary Complaints Office, Executive Re-Socialisation Bureau,
Alagoas State
- f) Criminal Affairs Superintendency Complaints Office ,
Bahia State
- g) Public Security System Complaints Office,
Pará State
- h) Penitentiary Administration Bureau Complaints Office,
São Paulo State
- i) Penitentiary System Complaints Office,
Paraná State
- j) Citizenship and Penitentiary Administration Complaints Office,
Ceará State

Moreover, an Edict was recently issued by the Director's Office of National Penitentiary Department (DEPEN), setting up the Intersector Penitentiary System Inspection Commission, with representatives from all units of this Department.

The main purpose of this Commission is to survey the situation of local systems, as well as the future Federal System, proposing and discussing with the competent authorities the measures needed to resolve the problems encountered.

The National Penitentiary Department (DEPEN) approved the integration of the activities of this Commission with those of the National Crime and Penitentiary Policy Council (CNPCP) in order to share jurisdictions and experiences while consolidating a specific inspection methodology for the Federal Executive. These two entities will shortly be starting up activities and holding joint meetings in order to move ahead along these lines.

Right to a fair trial (art. 14)

21. What steps has the State party taken to transfer jurisdiction from military to civilian courts for human rights violations committed by police officers? In the transfer of jurisdiction over "intentional crimes against human life" to civilian courts by Law No. 9.299 (para. 77), how can one assure impartial investigation as to the "intentional" nature of the crime?

First of all, it is worth clarifying that the jurisdiction of military courts for crimes committed by police officers comprises only crimes committed by military police officers. The military police is the police force responsible for preventive, public policing activities and the preservation of the public order according to article 144, §5º of the Federal Constitution. Crimes committed by police officers of the state civilian police forces and the federal police forces were always outside the jurisdiction of military courts.

In addition to the provisions of Law N° 9,299, Constitutional Amendment N° 45, on the reform of the Judiciary Branch, determined the following change to the constitutional text: "Article 125, § 4. The State Military Court is responsible for trying and judging members of the armed forces of the States for military crimes as defined by law and Court actions against military disciplinary acts, other than the jurisdiction of the jury when the victim is a civilian, with the competent Court deciding on the loss of position and rank for officers, and the promotions of privates." Thus, since Constitutional Amendment N° 45 was enacted in December 2004, the changes in the powers of the State Military Justice systems introduced by Law n° 9,299 were given constitutional status, in recognition of their fundamental role for the protection of human rights and the fight against impunity.

Regarding the functioning of the Military Justice, another recent constitutional alteration promoted by Constitutional Amendment n° 45 (Art. 125, § 5°) conferred greater impartiality to the judgements of 1st instance in state Military Justice systems, by having only the civilian judge of the military courts with power to judge crimes committed by the military against civilians other than intentional crimes against life (already outside the Military Justice system), thereby excluding the participation of the other (military) judges of the military courts:

"Art. 125,

§ 5°. It is the power of the judges of law of the military courts to try and to judge, singularly, the military offences committed against civilians and the legal actions against military disciplinary acts, being the power of the Council of Justice, under the chairmanship of the judge of law, to try and to judge the remaining military offences." (Included by the Constitutional Amendment n° 45, of 2004)

Therefore, with the constitutional changes, even though crimes against civilians committed by military police officers other than intentional crimes against life still fall under the jurisdiction of the military courts, they are tried and judged in the first degree of jurisdiction solely by the civilian, career judges of the military courts.

As for the impartiality of the investigations regarding the intentional nature of the crime, the investigations of allegations of a crime by a military police officer against the life of a civilian can be initiated and carried out in parallel and independently both the military police and the civilian police, meaning a military police officer suspect of a crime against life would not necessarily be investigated only by other military police officers. Moreover, the Public Prosecution Service, which is given by the Constitution the powers both to exert external control over police activities and to initiate criminal judicial actions, can request the police forces to perform further investigations considered essential to the presentation of criminal charges. In this regard, in cases of doubts regarding the intentional or unintentional nature of a crime against life, the Public Prosecution Service can also ensure impartiality by ordering additional investigation to clarify possible obscure elements.

22. Corruption has been reported to permeate all branches of the judiciary and the law enforcement system, contributing to impunity for serious crimes and human rights violations. What measures is the State party taking to enforce transparency, impartiality and accountability throughout its public institutions, especially regarding the judiciary and its independence? Please provide

information on numbers of prosecutions and convictions in cases of corruption and the sentences pronounced.

In order to strengthen the transparency and credibility of the Judiciary Branch, the Constitutional Reform (Amendment N° 45) introduced several essential innovations:

(a) Establishment of the National Justice Council

External control of the Judiciary is important for establishing yet another link among the entities in the Judicial System and Society. This is why this Council includes representatives of the Judiciary, the Department of Justice, as well as lawyers and jurists appointed by the Lower House and the Senate. It is stressed that the Executive Branch does not sit on the National Justice Council, maintaining the constitutional principle of separation of powers and maintaining the checks and balances system.

Its sphere of competence includes:

- **Planning:** planning and standardisation of the activities of the Judiciary nationwide, and administration of the statistics database;
- **Monitoring acts:** analysing the lawfulness of administrative acts undertaken by members or entities of the Judiciary, being empowered to annul or review them, or set a deadline for taking the steps required to ensure precise compliance with the law, without adversely affecting the jurisdiction of the Federal Audit Court;
- **Disciplinary control:** receive and analyze complaints filed against members or entities of the Judiciary, including its ancillary services, employees and entities rendering notary and registry services, without adversely affecting the disciplinary and correctional jurisdiction of the Courts, being empowered to analyze disciplinary proceedings under way and determine the removal, availability or withdrawal of subsidies or earnings proportional to the length of service and impose other administrative sanctions, with the right of full defence being ensured.

(b) Disclosure of administrative decisions

The administrative decisions handed down by the Courts will be justified at public sessions, with disciplinary decisions taken through an absolute majority opinion of their members (Article 93, X).

(c) Quarantine for members of the Judiciary

In order to ensure the isonomy of the parties in procedural relationships, a period has been established during which former magistrates may not practice law under the aegis of their previous field of action. This is because the familiarity with the juridical practices and authorities of the judiciary entities by persons leaving the bench might constitute an advantage or privilege compared to other practitioners of law that have never held the Civil Service positions in question. This measure enhances the value of advocacy and the magistrature itself, avoiding unnecessary embarrassments (Article 95, Sole Paragraph, V).

In terms of statistical data, diagnoses and surveys are currently being carried out, designed to collect and analyze information on the judiciary. The first Diagnosis of the Judiciary was completed in 2004, offering an innovative overview of the

Judiciary, systematising relevant data such as the number of proceedings being heard by each judiciary entity and the amount of public outlays by this sector. The figures on the number of proceedings and sentences handed down in cases of corruption and the penalties imposed are not covered by this study, but could be analysed through other diagnosis carried out in the future.

Rights to freedom of expression, assembly and association (arts. 19 and 21)

23. Is there a policy to protect human rights defenders, rural leaders and trade union leaders? How does the Government envisage improving their freedoms of expression, assembly and association? What results has the "Peace in the Countryside Programme" (para. 129) produced?

In order to convert the Declaration on Human Rights Defenders into feasible specific actions, in 2003 the Brazilian State established the National Coordination Unit for the Protection of Human Rights Defenders, through the Secretariat of Human Rights, established in 2003 under the aegis of the Council for the Protection of the Rights of the Human Person, in order to implement the National Programme for the Protection of Human Rights Defenders in High-Risk Situations. This Programme was designed on a participatory basis, with the direct cooperation of Government players and representatives of organised civil society. Absorbing the experiences built up through the "Support and Protection Programme for Victims of Violence" it is structured along the following backbones:

- I. Establishment of an open and decentralised organisational architecture consisting of National Coordination Unit, State Coordination Units and Networks of Civil Entities. It is stressed that, at this initial phase of the Programme, high priority was assigned to establishing the State Coordination Units in Pará, Espírito Santo and Pernambuco States, where serious situations of defenders in high-risk situations were identified.
- II. Drafting and submitting proposals for altering and fine-tuning the law, in order to confer greater efficiency to the procedures and expedients of the Courts and Police Forces when investigating violations of Human Rights.
- III. Building up a national database for registration purposes, monitoring cases and overseeing cases involving threatened defenders and monitoring the guidance, support and protection activities undertaken through the Programme.
- IV. Cooperation with Federal and State Police forces in activities designed to protect defenders, defining their shared responsibilities.
- V. Qualified capacity-building for professionals involved in this Programme, particularly Police Officers providing protection services.
- VI. Cooperation with networks set up by non-governmental organisations and entities providing guidance, assistance and protection for defenders.

VII. Reduction in the risk factors through strategies encouraging and demanding investigations of denunciation of violation of Human Rights and threats to their defenders.

VIII. Development of social communications strategies in order to clarify and raise the awareness of the population of the role and the importance of the human rights defenders.

The target public for this programme consists of Human Rights defenders, whose definition includes, in compliance with United Nations standards, all individuals, groups and entities in society that promote and protect the rights to the universally acknowledged fundamental freedoms. Explaining this broad-based concept in detail, Human Rights defenders are all men, women or entities involved in promoting and/or denouncing violations against the rights and fundamental freedoms of all people. Through this approach, defenders may belong to trade unions, civil religious or community organisations, grassroots movements, Human Rights defence entities, police forces, environmental protection entities, associations combating corruption, the Department of Justice, the Magistrature, State Inspection sectors etc. It should be stressed that defenders not belonging to Government institutions are rated as high priority for this Programme, because they tend to be more exposed and vulnerable, such as people working through grassroots movements and social activists.

Also concerned with ensuring the rights of people involved in land ownership disputes, the Federal Government set up the Agrarian Ombudsperson's Office and Conflict Mediation Office under the Ministry for Agrarian Development (DOAMC), on April 5, 2004 through Federal Decree N° 5,033, whose main duties and responsibilities include guaranteeing the human and social rights of people involved in social clashes and conflicts in the countryside, pursuant to item V, of Article 5, of the above-mentioned Decree.

In terms of greater freedom of expression, meeting and association, the Agrarian Complaints Office, supported by item I of Article 5 of the above-mentioned Decree, stipulates that it shall "foster activities among the representatives of the Judiciary Branch, the Ministry of Justice, the National Institute for Agrarian Reform and Settlement (INCRA) and other entities related to this topic in order to help settle disputes and soothe social conflicts in the countryside" in coordination with the Regional Agrarian Ombudspersons' Offices, fostering ongoing dialog through public hearings with its target publics that include landless rural workers, residents living in settlements established by runaway slaves known as *quilombolas*, riverbank dwellers, rural gypsies, ranchers and farmers, rural property-holders, people affected by dams, extractivists, indigenous tribespeople and other victims of violence in rural areas, who have made use of the Agrarian Complaints Office and Conflict Mediation Office under the Ministry for Agrarian Development (DOAMC) in an organised manner in order to report problems and find peaceful solutions to these difficulties.

Finally, it should be stressed that the Agrarian Complaints Office and Conflict Mediation Office under the Ministry for Agrarian Development (DOAMC)

established the prevention of the agrarian conflicts as the core action for the Peace in the Countryside Programme, which is designed to prevent possible misunderstandings from flaring up into real conflicts. To do so, this Programme works through six actions, defined as follows:

- 1 Prevention of social tension in the countryside;
- 2 Capacity-building for conflict mediators;
- 3 Acceptance of and response to denunciations;
- 4 Establishing Agrarian Ombudsperson's Offices;
- 5 Mediating Agrarian Conflicts; and
- 6 Social, Technical and Juridical Assistance to Families Camped on Disputed Lands.

These activities have been undertaken with the utmost effort and zeal, as shown by the outcome presented in the following Table:

PEACE IN THE COUNTRYSIDE PROGRAMME - 2004

ACTION	TARGETS	ACCOMPLISHED
1. Prevention of social tension in the countryside	Assisted Families: 112,719	128,716
2. Capacity-building for conflict mediators	Trained Mediators: 86	94
3. Acceptance and response to denunciations	Denunciations Responded: 828	3,272
4. Establishing Agrarian Complaints Offices	Families Assisted: 17,252	60,530
5. Mediating Agrarian Conflicts	Facilities Established: 2	3
6. Social, Technical and Juridical Assistance to Families Camped on Disputed Lands	Families Assisted: 16,000	219,786

Protection for women and children (Articles 23 and 24)

24. Please account for the disproportionate rate of infant mortality among black children, due apparently to conditions of severe poverty (para. 71). What actions has the State party taken or envisaged to reduce the exposure of children of vulnerable groups to dire conditions? What recent initiatives has the State party taken with regard to the situation of children living in the street (para. 82)? What objective measures of progress are available?

The Statute of the Child and the Adolescent establishes in its Art. 98 that "The measures of protection to the child and the adolescent are applicable whenever the recognized rights in this Law are threatened or violated:

- I - for action or omission of the society or the State;
- II - for lack, omission or abuse of the parents or responsible;
- III - in reason of its behavior.

Children and adolescents living in the streets fit, simultaneously, in the three described conditions for the Law that justify the application of measures of protection, which can be:

- I - guidance to the parents or responsible, by means of responsibility term;
- II - temporary orientation, support and accompaniment;
- III - obligatory school registration and attendance in an official establishment of education;
- IV - inclusion in official or community program of aid to the family, the child and the adolescent;
- V - request of medical, psychological or psychiatric treatment, in hospitals or ambulatory regime;
- VI - inclusion in official or community program of aid, orientation and treatment of alcoholics and drug addicts;
- VII - shelter in entity;
- VIII - placement in substitute family.

Before commenting the application of each one of the measures of protection in the situation of the so-called "street boys and girls", it is important to observe that this is certainly one of the social problems that afflicts the most the Brazilian society and State and one of the most complex in terms of a human rights approach and the availability of efficient solutions that ensure the rights to which these children are entitled. It is also useful to differentiate between children and adolescents who use the streets as space of income generation - and for which the policies of conditional income transfer to the poor families have had a very positive impact, in the sense of ensuring school education and enrolment in cultural and sports activities (Family Grant Programme and Programme for the Eradication of Child Labour) - and those children and adolescents that effectively live in the streets, having severed partially or totally family ties and banded together with groups of other children and adolescents in similar situation, usually in states of anomy and serious chemical dependence, with very low or no education and without any professional qualification, therefore in extremely more vulnerable risks to violence of all sorts. For this last segment, which corresponds numerically to about 10% of the total of the children and adolescents in street situations, it can be said that the State and the society, through its non-governmental organisations, have expended considerable energy, however with modest results. Possibly there are not any child or adolescent in this condition in Brazil who never was approached by some type of public or society entity that tried "to remove them" of the streets. The problems are much more related to the methodological inadequacy of the actions to address such a complex issue and to the fact that children and adolescents in this situation tend to be, in varied degrees, resistant to the social policies that are directed to them.

Considering the "measures of protection" set forth by Law:

I - It is very common among the group of children and adolescents who live in the streets that they do not know their correct identity, date and birth place, parenthood and addresses of their families. Many times, when they do know them, they omit such data, and/or they use false identities, to prevent that their families are contacted. It is common also that they even transit through some cities and between states, what makes more difficult the location of relatives. When it is possible to locate their families, it is very common they reject these children completely or, when not, that the parents have lost any ascendance on them. Relationships of dependence to the family do not exist and, consequently, there is no familial power, let alone the difficult social and economic conditions of the majority of the origin families.

Conditions of chemical dependence of the parents, serious domestic violence, abuse and disqualification are also present. Left in house, quickly these children return to the streets. The guidance to the responsible parents, in isolation, is ineffective, with the need to a combination with additional measures.

II – Brazil has long realised that the obligatory withdrawal of children and adolescents of the streets, besides being a form of violence, is also inefficient. Taken to shelters that they reject, these children run away right after they arrive, or use the shelters as points of "restocking" of energies and reestablishment of the health, for then returning to the streets. It is equally improbable to find in the Brazilian streets a child or adolescent who lives there without never having passed for a shelter. This realisation led to advances in methodology and to the sprouting of the figure of the call "street educator", whose function is to establish contact with the children and adolescents in the environment where they live, developing a reliable relationship and making the gradual approach of these children with the shelter institutions. This type of action produced better results in terms of adequacy of the institutions to the necessities of the children and adolescents. Generally they function well while they admit the transit between the street and the institution, but are less efficient in the moment to produce a breach with the life on the streets. Due limited resources, technical fragility, or both situations, the programs usually tend to be weak in the proposition of stages of training for the organisation of an independent life, as for example the structuring of "republics", still with the support of the public entities in its maintenance and technical assistance, that serve as an alternative to the traditional shelters, rejected by this population.

III - the so-called "street boys and girls" have, very frequently, a record of school failure that lead them to reject the traditional schools and to be rejected by them. In the behaviour standpoint, these children and adolescents, saved rare exceptions, do not possess the concentration, the attention and the discipline necessary to the attendance in classes of traditional schools, letting alone habits and behaviours acquired in the street and that are socially rejected in the traditional school environment. There are some experiences under way for the development of special schools, which deal better with these specific characteristics of the groups of children coming the streets and aim at fulfilling a transitional stage in the effective school reintegration. It occurs that such schools tend to be more attractive and permissive, finishing in many cases for favouring a segregation situation.

IV - Generally, the attempts of reintegration of children and adolescents in street situation are followed by social assistants and social psychologists and aid is offered to the family, but in a episodic way, without a time sustainability and, mainly, without developing the autonomy of the families, through the professional qualification. In many cases, these families become customers of the State, developing a dependence relationship, where the permanence of the child or adolescent in the risk situation becomes a species of guarantee of attention of the State.

V - The requests of medical, psychological and psychiatric treatment occur and are generally attended to, but they face the problems of interruption of the treatments for refusal of the patients or the simple abandonment of the treatment.

VI - Practically all the programmes of treatment of chemical dependences imply the voluntary commitment of the patient, which is not easily obtained from the group of children and adolescents who live in the streets. These programmes are generally aimed at adults and rarely do the adolescents trust them. Seldom do the adolescents remain until the end of the treatment, usually quitting the programme and returning to the streets.

VII - The traditional shelters reject and are rejected by the children and adolescents who live in the streets, given to the non-observance of these institutions to the peculiarities of this type of user. Some methodology proposals are already being tested in the country, with prominence for the "open houses", "passage houses", that at least manage to establish positive relations with the children and adolescents. The limits of these proposals generally are related to inadequacies of the alternatives available after the shelter phase, when it would be necessary to produce a rupture with the life in the streets. It is also worth mentioning that proposals based on the creation of super stimulants environment that are capable to challenge to the street "attractions" had many times produced the undesirable effect of attracting the street children that still kept some weakened family ties.

Activities of non-governmental organisations combining art, culture, professionalisation and income generation presented better results, but they açsp possess limits and they do not manage to reach all the gamma of the children and the adolescents who live in the streets, especially those most affected of the psychosocial point of view.

The issue of the children and adolescents in street situation was object of the attention of the Intersector Commission created by the Decree of 19/10/04 for the Promotion, Defence and Guarantee of the Right of Children and Adolescents to Family and Community Living. The proposals of this Commission are being discussed by the National Council of the Rights of the Child and Adolescent (CONANDA) and the National Council of Social Assistance (CNAS), which are expected to decide on the matter by November of 2005.

On the other hand, one strong reorganisation of the programmes of basic social attention, centred in the families, as the current National Policy of Social Assistance, launched in 2004, and the increase of the coverage of the child education in the age group of 0 to 6 years old, considered in the draft bill that will create the National Fund for Basic Education, being considered in the National Congress, together with the sustained development of the country, with generation of jobs and better income distribution, are essential elements to one preventive policy that prevents family abandonment and promotes the right to the family and community living. To the complexity and the overestimation of the phenomenon of the children and adolescents living in the streets of the great Brazilian cities, there is the opposed complexity of the response to be implemented by the State and the Brazilian society, in the macroeconomic field and the field of the social policies to modify this sad reality.

Brazil has also adopted a stance combating another type of violation of children's rights, which is child labour. In Brazil, out of the universe of 78 million people that constitute its labour force, some 4.5 million are working children and adolescents: 47% are 14 to 15 years old; 44% are 10 to 13 years old; and 9% are 5 to 9 years old.

Studies show a large number of rural establishments making use of child labour, showing for instance that 30% of the labour force on small farms and ranches in five Brazilian States consists of juveniles under 14 years old.

According to data produced by the International Labour Organisation (ILO) male and female domestic workers in Brazil include more than 500,000 children and adolescents, mainly female and half of them afro-Brazilian. Of this total, 30% started work at 5 to 11 years old; 26% are not in school; 53% work more than 40 hours a week; 56% do not take vacations; 2.5% receive no type of remuneration and 64% receive less than half the minimum wage; most of them unaware of their rights.

Brazil is implementing the Child Labour Eradication Programme (PETI) which is today assisting almost one million children and adolescents who used to work and did not attend school. This Programme is run by almost 2,800 Brazilian municipalities and has absorbed some R\$ 634 million during the past fifteen months.

The Child Labour Eradication Programme (PETI) is designed to assist families with children under 16 years old involved in child labour. At the moment, its actions consist of two specific activities: awarding the Citizen Child Grant to families in order to supplement their income and help remove children and adolescents from the labour market, at a *per capita* rate of R\$ 40.00 in urban areas and R\$ 25.00 for rural areas; the inclusion of these children in educational activities that develop their social skills at schools outside normal classroom hours, through transferring R\$ 10.00 *per capita* in urban areas and R\$ 20.00 *per capita* in rural areas to local Governments.

In 2003, the Government assisted 810,823 children and adolescents (314,316 in urban areas and 496,507 in rural areas), in 2,606 municipalities in every State in Brazil as well as the Federal District, assigning high priority to children involved in work situations rated as more harmful to their development; the Northeast States and youngsters living in rural areas. The 2003 budget of R\$ 487.6 million was assigned mainly to underwriting costs incurred through transferring income as well as educational activities and the development of social skills outside normal classroom hours.

Compared to 2004, by May 814,050 children were being assisted by this Programme in over 2,619 municipalities in every State in Brazil and the Federal District. Comparing these services with data drawn from the 2002 National Household Sampling Survey (PNAD) the public assisted by the Child Labour Eradication Programme (PETI) would account for 27.23% of working children and adolescents from 5 to 15 years old, with 60% of this public living in rural areas. From June 2004 onwards, this Programme will assist a further 116,774 working children and adolescents living 2,788 municipalities.

A survey carried out in September 2002 showed that 220,000 children and adolescents from 5 to 15 years old were involved in domestic work on illegal bases, mainly girls and young women. However, in 2003, domestic work was targeted for intervention by the Child Labour Eradication Programme (PETI) which assisted 13,000 children and adolescents in this position, among the various types of child labour identified in Brazil.

Fine-tuning this Programme and adapting it to the National Social Welfare Policy requires its categorisation as a special protection measure for people whose basic rights are being violated, making them users of the other services of the Single Social Welfare Service.

The criteria for expanding this Programme in 2004 ranked the States by child labour percentages in the 5 to 15 years age group, based on the latest data from the 2002 National Household Sampling Survey (PNAD), compared to the percentage coverage of this Programme in the respective State. The idea behind this approach was to assign more weight to States with higher child labour ratings and less coverage. Additionally, situations of child labour in urban areas were rated as high priority, such as children and adolescents working in the street, and domestic work.

It is important to stress that this is the first time since it was established that this Programme has expanded on the basis of criteria grounded on social indicators supplied by nationwide surveys carried out by the Brazilian Statistics Bureau (IBGE) and based on a study carried out by the International Labour Organisation (ILO), to facilitate the identification of a target public of this Programme.

Another action of extreme relevance for the reduction of the exposition of children of vulnerable groups the serious conditions is the Family Grant Programme, today present in 100% of the Brazilian cities.

The Family Grant Programme has as main objective the social inclusion of the families in poverty and extreme poverty situations, from the conjunction of three elements: a) the conditional transfer of income; b) the promotion of basic access to social rights with the definition of a set of commitments associated to the fulfillment of the conditions of the grants in the fields of health and education and c) the prioritisation of the beneficiary public in intersector policies and programmes offered by the Government aiming at the development of the families and the promotion of their autonomy and full social inclusion.

According to the profile of the families in the Single Registration, in March of 2005, the age group more present in the population benefited by the Family Grant Programme is that of 7-14 years old, being 24.41% of total of beneficiaries, followed by the age group of up to 6 years old, that account for 13,44% of the beneficiaries. Such data point that to great number of children in the poorest sectors of Brazilian population, indicating to the State the need to adopt specific measures to breach with the intergenerational cycle of poverty that affects children and adolescents.

In this regard, the Family Grant Programme represents an effort of the Federal Government, in partnership with the states and cities, to reduce the vulnerability of children and adolescents in poverty and extreme poverty situations, strengthening the commitment of the families in guaranteeing the permanence in school and proper health care of the children up to 7 years.

In 2003, the total funds transferred through federal programs of income transfer was of R\$ 3,36 billion. Already in 2004, with the implementation of the Family Grant Programme, this sum went up for R\$ 5.31 billion, representing an expansion of about 60%. The budget for 2005 is of R\$ 6,54 billion, being the goal of covering 8,7 million

families. For 2006 the covering goal is of 11,2 million families, enclosing the total of the eligible families for the Programme.

Right to participate in public life (art. 25)

25. Please provide data, disaggregated by gender, age, race and ethnic origin and state, about the incidence and role of illiteracy in barring persons from holding public office (para. 312). What percentage of the illiterate population makes use of voluntary voter registration (para. 311)

The following tables, based on the National Household Sampling Survey of the National Institute of Geography and Statistics (IBGE) provide information, disaggregated by gender, age and region, on the illiteracy rates and number of illiterate people in Brazil. It is important to emphasize the consistent reduction of the illiteracy rates in Brazil in recent years, as a result of a series of public policies aimed at ensuring the right of every Brazilian to education, above all the literacy programmes.

The continued drops in the illiteracy rates also indicate the continued reduction in the rates of Brazilians subject to the constitutional provisions regarding the political rights of illiterate people.

ILLITERACY RATES 1998-2003

Illiteracy Rates	1998	1999	2000	2001	2002	2003
People of 15 years or older	13,8	13,3	12,9	12,4	11,8	11,6

Source: Brazilian Institute of Geography and Statistics (IBGE), National Household Sampling Survey (PNAD) 1998/2003.

Illiteracy rate of people of 7 years old or older, according to Great Regions, age groups and gender - 2002-2003

Age groups and Gender	Illiteracy rate of people of 7 years old or older (%)					
	Brazil (1)	Great Regions				
		Urban North	Northeast	Southeast	South	Centre- West
2002						
Total (2)	11,5	10,3	22,4	6,9	6,2	9,1
Male (2)	12,0	10,7	24,8	6,4	5,7	9,2
Female (2)	11,1	9,9	20,1	7,3	6,7	8,9
10 years or older	10,9	9,1	21,4	6,5	6,1	8,7
Male	11,2	9,2	23,6	6,0	5,4	8,7
Female	10,6	9,0	19,3	7,1	6,7	8,6
10 to 14 years	3,8	4,7	8,6	1,2	1,0	1,5
Male	5,1	5,7	11,9	1,6	1,0	2,1
Female	2,5	3,6	5,4	0,8	1,0	0,9

15 years or older	11,8	9,8	23,4	7,2	6,7	9,6
Male	12,0	9,8	25,5	6,5	6,0	9,6
Female	11,7	9,9	21,4	7,8	7,4	9,7
15 to 17 years	2,6	2,1	5,5	1,1	0,8	1,5
Male	3,4	3,0	7,5	1,2	0,6	1,7
Female	1,8	1,2	3,5	0,9	1,0	1,3
18 years or older	12,7	10,7	25,4	7,6	7,2	10,4
Male	12,9	10,6	27,6	7,0	6,4	10,4
Female	12,5	10,9	23,4	8,3	7,9	10,4
2003						
Total (2)	11,2	10,4	22,2	6,5	5,9	8,7
Male (2)	11,6	11,0	24,4	5,9	5,4	9,1
Female (2)	10,9	9,7	20,1	7,1	6,3	8,3
10 years or older	10,6	9,3	21,2	6,2	5,8	8,5
Male	10,8	9,5	23,2	5,4	5,2	8,8
Female	10,5	9,0	19,2	7,0	6,3	8,3
10 to 14 years	3,5	4,4	8,1	1,0	0,8	1,3
Male	4,7	5,4	11,3	1,3	0,9	1,7
Female	2,2	3,4	4,9	0,7	0,7	1,0
15 years or older	11,6	10,1	23,2	6,8	6,4	9,5
Male	11,7	10,3	25,1	5,9	5,8	9,7
Female	11,5	9,9	21,3	7,6	6,9	9,2
15 to 17 years	2,3	2,2	5,2	0,9	0,8	0,7
Male	3,2	2,8	7,3	1,2	1,0	0,8
Female	1,4	1,7	3,0	0,6	0,5	0,6
18 years or older	12,4	11,0	25,1	7,3	6,8	10,3
Male	12,5	11,1	27,2	6,3	6,1	10,6
Female	12,3	10,8	23,2	8,1	7,4	10,0

Source: IBGE, Direction of Surveys, Labour Coordination and Income, National Household Sampling Survey (PNAD) 2002-2003.

(1) Excluding people living in the rural areas of Rondônia, Acre, Amazonas, Roraima, Pará and Amapá.

(2) Including people with unknown age.

**People of 7 years old or older,
according to literacy condition, Great Regions, age groups and gender – 2002-2003**

Literacy condition, age groups and gender	People of 7 years old or older					
	Brazil (1)	Great regions				
		Urban North	Northeast	Southeast	South	Centre- West
2002						
Total (2)	150 195 166	8 266 188	42 010 372	66 217 950	22 896 273	10 578 271
Male (2)	72 669 932	4 005 220	20 412 342	31 763 973	11 156 174	5 201 950
Female (2)	77 525 234	4 260 968	21 598 030	34 453 977	11 740 099	5 376 321
7 to 9 years	9 842 165	708 519	3 130 791	3 841 893	1 422 995	720 459
Male	4 985 536	349 387	1 570 741	1 943 835	732 816	377 740
Female	4 856 629	359 132	1 560 050	1 898 058	690 179	342 719
10 a 14 years	16 572 234	1 085 138	5 297 961	6 563 294	2 403 866	1 185 828
Male	8 340 817	549 970	2 642 500	3 288 878	1 240 676	600 666
Female	8 231 417	535 168	2 655 461	3 274 416	1 163 190	585 162
15 a 17 years	10 357 443	669 311	3 398 803	4 099 802	1 432 906	738 583
Male	5 218 903	327 141	1 715 360	2 078 797	721 642	363 872
Female	5 138 540	342 170	1 683 443	2 021 005	711 264	374 711
18 years or older	113 408 867	5 801 243	30 180 929	51 706 316	17 633 076	7 932 869
Male	54 116 213	2 777 896	14 483 111	24 447 942	8 458 742	3 859 469
Female	59 292 654	3 023 347	15 697 818	27 258 374	9 174 334	4 073 400
Illiterate (2)	17 270 808	852 773	9 417 596	4 553 044	1 421 036	959 431
Male (2)	8 687 923	429 226	5 066 639	2 041 790	632 212	478 952
Female (2)	8 582 885	423 547	4 350 957	2 511 254	788 824	480 479
7 to 9 years	1 979 301	165 366	1 110 033	475 828	112 940	104 990
Male	1 123 014	94 079	627 635	264 458	69 800	59 427
Female	856 287	71 287	482 398	211 370	43 140	45 563
10 to 14 years	635 902	50 630	458 053	80 334	24 706	17 745
Male	428 439	31 237	315 458	53 163	12 939	12 738
Female	207 463	19 393	142 595	27 171	11 767	5 007
15 to 17 years	268 372	13 988	187 874	43 183	11 328	10 962
Male	175 241	9 844	129 411	24 611	4 131	6 176
Female	93 131	4 144	58 463	18 572	7 197	4 786
18 years or older	14 384 386	622 022	7 661 212	3 952 043	1 272 062	825 734
Male	6 960 460	293 874	3 993 922	1 699 194	545 342	400 611
Female	7 423 926	328 148	3 667 290	2 252 849	726 720	425 123
2003						
Total (2)	152 960 197	8 574 748	42 673 702	67 457 350	23 237 608	10 802 131
Male (2)	74 165 062	4 190 403	20 784 039	32 446 593	11 315 507	5 299 377
Female (2)	78 795 135	4 384 345	21 889 663	35 010 757	11 922 101	5 502 754
7 to 9 years	9 979 873	701 557	3 178 628	3 932 280	1 419 942	733 225
Male	5 084 196	361 503	1 593 520	2 029 045	720 159	370 798
Female	4 895 677	340 054	1 585 108	1 903 235	699 783	362 427
10 to 14 years	16 286 941	1 116 202	5 222 547	6 381 413	2 361 242	1 176 403
Male	8 306 349	556 630	2 641 265	3 264 419	1 223 821	602 146
Female	7 980 592	559 572	2 581 282	3 116 994	1 137 421	574 257
15 to 17 years	10 481 393	695 111	3 354 219	4 236 937	1 438 448	740 385
Male	5 312 288	348 940	1 734 080	2 144 650	710 893	363 647
Female	5 169 105	346 171	1 620 139	2 092 287	727 555	376 738
18 years or older	116 182 220	6 060 069	30 911 638	52 890 686	18 016 246	8 148 591
Male	55 447 256	2 922 104	14 813 443	24 998 944	8 660 069	3 960 870
Female	60 734 964	3 137 965	16 098 195	27 891 742	9 356 177	4 187 721
Illiterate (2)	17 129 873	888 606	9 464 417	4 409 700	1 363 065	941 960
Male (2)	8 577 309	462 679	5 073 553	1 908 618	610 371	483 497
Female (2)	8 552 564	425 927	4 390 864	2 501 082	752 694	458 463
7 to 9 years	1 913 402	158 536	1 099 616	457 054	104 667	84 278
Male	1 089 568	97 057	616 417	258 185	59 495	51 860
Female	823 834	61 479	483 199	198 869	45 172	32 418

10 to 14 years	571 970	49 089	422 873	62 445	19 346	15 868
Male	392 603	30 110	297 257	42 042	11 560	10 075
Female	179 367	18 979	125 616	20 403	7 786	5 793
15 to 17 years	245 137	15 491	174 561	38 523	10 940	5 049
Male	172 386	9 739	126 199	25 695	7 453	2 884
Female	72 751	5 752	48 362	12 828	3 487	2 165
18 years or older	14 390 382	665 064	7 764 279	3 847 770	1 227 511	835 806
Male	6 917 876	325 558	4 032 774	1 579 359	531 863	418 260
Female	7 472 506	339 506	3 731 505	2 268 411	695 648	417 546

(1) Excluding people living in the rural areas of Rondônia, Acre, Amazonas, Roraima, Pará and Amapá.

(2) Including people with unknown age.

Outstanding among the efforts to deal with high illiteracy and functional illiteracy rates among young people and adults, the projects implemented by the Ministry of Education (MEC) are particularly noteworthy. Since 2004, the Ministry of Education fine-tuned and upgraded two broad-ranging programmes: the **Literate Brazil Programme (PBA)** and the **Making School Programme (PFE)**. Through this approach, the Literacy Training Programme is no longer a campaign but has rather developed into a Government policy integrated with the Making School Programme that encourages ongoing education for young people and adults, seeking greater efficiency, relevance and effectiveness through integrating the State and municipal education systems, linked to Federal Government efforts.

Along these lines, the success of the Literate Brazil Programme cannot be measured only through the number of people completing their literacy training, but above all through the transition rates to formal and non-formal education (reading clubs, culture groups, associations, etc.) and higher schooling rates, with repercussions on social inclusion through preparation for the labour market and the promotion of citizenship.

Distribution of Literacy Training Students in the Literate Brazil System – 2004

Gender			
Colour/Race	Female	Male	Total
White	247,964	160,953	408,919
Black	113,246	73,896	187,142
Yellow	15,566	10,459	26,025
Brown	581,854	410,965	992,821
Indigenous	24,995	7,613	32,608
Total	983,625	663,886	1,647,515

Gender			
Colour/Race	Female	Male	Total
White	15.1%	9.8%	24.8%
Black	6.9%	4.5%	11.4%
Yellow	0.9%	0.6%	1.6%
Brown	35.3%	24.9%	60.3%
Indigenous	1.5%	0.5%	2.0%
Total	59,7%	40,3%	100%

Source: Literate Brazil System 2004

As mentioned in the report, the Federal Constitution determines that voter registration and voting are optional to illiterate people and that illiterate people can not be elected to hold public offices.

Regarding the voluntary registration of illiterate voters, the following table represents the data available in July 2005 to the Electoral Superior Court, disaggregated by gender and electoral domicile of voters. These figures, nonetheless, may be actually smaller, since information on the degree of education is provided by electors themselves in the moment of registration and can become outdated after a possible subsequent inclusion in a literacy programme. According to the Electoral Superior Court, voters do not usually return to update such data before electoral courts.

It must be highlighted that the internationally recognised system of “electronic ballots boxes” adopted in Brazilian elections also serves as an incentive to the voluntary registration and vote of illiterate people. Despite their condition, illiterate voters usually recognise numbers, which they use for example in public phones or ATM machines whose keyboards are similar to those of the electronic ballots boxes. They can also double check the candidates they are voting for by photo recognition, as once they type their candidate’s electoral numbers, their respective photographs are shown in the ballot computer. Finally they can correct or confirm their votes by colour recognition of the corresponding keys.

Illiterate Electorate by Gender and Electoral Domicile – July/2005

Electoral Domicile	Male	Female	Not informed	Total
Centre-West	190.302	225.759	304	416.365
Northeast	2.153.531	2.111.890	8.500	4.273.921
North	385.122	373.428	567	759.117
Southeast	851.854	1.245.682	5.240	2.102.776
South	266.851	410.531	837	678.219
Brazilians abroad	43	46	0	89
Brazil	3.847.703	4.367.336	15.448	8.230.487

Source: Electoral Superior Court

Information on degree of education is provided by the electors themselves and can be outdated, since electors usually only provide such information in the moment of voter registration and tend to not update it afterwards.

Dissemination of information relating to the Covenant (art. 2)

26. Please provide detailed information on human rights training for public officials, including all law enforcement officers (paras. 144 and 306) and members of the judiciary, as well as on programmes to promote general public awareness of human rights. Please comment on efforts to support the public's awareness of the Covenants and their rights. Please describe the steps taken to disseminate information to the public and to NGOs on the submission of the State party's report, on its consideration by the Committee and on the Committee's concluding observations that will follow.

Through the areas in charge of Human Rights, the Federal Government has invested systematically and to a steadily increasing extent in capacity-building activities. The activities in this field follow many different formats, ranging from awareness-raising events (such as lectures and short-duration seminars) through to courses designed to train specialists in this field.

Among these capacity-building activities, many are specifically addressed to the practitioners of the Judiciary System. Lawyers, members of the Department of Justice and Magistrates have participated in capacity-building activities carried out in the field of Human Rights by the Executive Branch. It is also possible to analyze the specific activities carried out by the Judiciary itself, or by the Superior Colleges of the Department of Justice.

Some of these activities have been implemented through partnerships with the three Branches of Government, the Ministry of Justice and organised civil society. Particularly noteworthy for example, is the National Covenant Against Torture, which involved a series of capacity-building activities in this field.

Along the same lines, the Human Rights education area has benefited from important partnerships with foreign and international entities. For instance, the Brazilian Government and the British Government are negotiating a cooperation instrument for the training of Magistrates and members of the Public Prosecution Service for combating torture, expanding the joint work already under way in the field of prison management above mentioned.

As for the dissemination to the general public of information on the report, it is important to clarify that it was drafted by an independent consultant, specifically hired to this purpose. The consultant met with several civil servants with attributions related to the topics covered in the report and had wide autonomy in its elaboration, the Secretariat on Human Rights and the Ministry of Foreign Affairs having only revised and edited the text, bearing in mind the guidelines of reporting issued by this Committee. Once the draft report was finished, before submission to the HRC, the text was made available in the web site of the Secretariat on Human Rights to public consultation, having been complemented and changed to reflect the feedback received.

Regarding this Committee's concluding observations, the Brazilian State stresses the importance it attaches to the recommendation that will be issued and that will serve as additional tools to human rights policy making. In this sense, with a view to ensuring effective implementation of this Committee's recommendations, the Secretariat on Human Rights will forward them to the several public authorities in all the levels and branches of the Brazilian State, as well as it will disseminate information through the internet on the consideration of the report by the HRC and on its concluding observations.