



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

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**Consideration of reports submitted by States parties  
under article 35 of the Convention**

## List of issues in relation to the initial report of Brazil

### Addendum

## Replies of Brazil to the list of issues\*

[Date received: 14 July 2015]

### Replies to the issues raised in paragraph 1 of the list of issues (CRPD/C/BRA/Q/1)

1. In Brazil, the Convention on the Rights of Persons with Disabilities has constitutional status. As a result, its provisions permeate State structures, requiring the State to fulfil its obligations under the Convention, from both a regulatory and an administrative standpoint, through public policies. Brazil has various preventive and enforcement mechanisms for providing constitutional oversight. These mechanisms can be fully deployed to ensure that the text of the Convention is effectively and faithfully followed throughout the country.
2. As regards the preventive constitutional oversight exercised by the National Congress, all bills pass through constitutional committees, so the contents of the Convention come under scrutiny in both the Chamber of Deputies and the Senate. The decisions of the parliamentary members of these committees are based on the opinions of the legal advisory bodies of the Chamber and the Senate.
3. Preventive constitutional oversight is also exercised within the executive branch, by means of the presidential power of veto, and through the intervention of the judiciary, by way of the constitutional writ used by members of the National Congress, in exercise of their individual rights, to challenge the constitutionality of a matter raised during the legislative process.
4. Furthermore, the Standing Committee on the Rights of Persons with Disabilities was established by the Chamber of Deputies on 25 February 2015. The Committee is

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



composed of 20 deputies, with a mandate to analyse, propose and review bills that are relevant to the rights of persons with disabilities.

5. As for the adequacy of pre-existing national legislation, the policy has been — apart from considering unconstitutional any provisions that are not in line with the Convention — to introduce individual legislative amendments. The most recent and relevant is the publication of the Status of Persons with Disabilities/Brazilian Inclusion Act, unanimously adopted by the National Congress on 10 June 2015 and approved by the President on 6 July 2015.

6. The Act, which has over 100 articles, follows the guidelines of the Convention, reconciles inconsistencies in ordinary legislation and makes improvements in specific areas. One such improvement is the obligation laid on the State to ensure that a disability assessment is carried out by a multiprofessional and interdisciplinary team, on the basis of the International Classification of Functioning, Disability and Health and not solely on the basis of a medical assessment.

7. In the same way that racist acts were criminalized, discrimination against persons with disabilities is now also considered an offence, carrying a sentence of 1 to 3 years' imprisonment. The rights to sexuality, reproductive rights and marriage are also guaranteed.

8. In the area of work and employment, companies with between 50 and 99 employees are now required to have a person with disabilities on their staff. Previously, only companies with more than 100 employees were required to do so under the Quota Act.

9. Other features worth mentioning are the right to use the Guaranteed Employee Severance Fund, a work-related benefit, for the purchase of orthotics and prosthetics and the right of a person with moderate to severe disabilities who already receives the Continuous Social Benefit provided for under the Unified Social Assistance System and who is in paid work and therefore covered by compulsory social security to receive the “*auxílio-inclusão*” (inclusive assistance) allowance.

## **Replies to the issues raised in paragraph 2 of the list of issues**

10. The National Council on the Rights of Persons with Disabilities (CONADE), which comprises an equal number of representatives from the Government and civil society, is an advisory and consultative body and forms part of the structure of the Secretariat for Human Rights of the Office of the President. In 2013 and 2014, 12 regular meetings were held to discuss guidelines on the rights of persons with disabilities in the light of the Convention on the Rights of Persons with Disabilities. These include the regulations of Act No. 12764 of 27 December 2012, which deals with the national policy on protecting the rights of persons with autism spectrum disorders and the accessibility of telecommunications media, in connection with which the relevant concession holder, the National Telecommunications Agency, was urged to set targets for the provision of universal access to these services and thus ensure equal treatment for persons with disabilities. Similar advisory structures have been established at the municipal, state and Federal District level.

11. In 2012, following a series of municipal and state conferences in each of the country's states, the Third National Conference on the Rights of Persons with Disabilities was held in Brasília, with the theme “A gaze upon the UN Convention on the Rights of Persons with Disabilities: new perspectives and challenges”. The Conference was a historic moment for social movements dealing with persons with disabilities, as civil society and the Government, in their different fields, were able to

conduct a joint evaluation of the implementation of public policies by municipal, state and federal authorities.

12. It is also worth noting that action to promote the rights of persons with disabilities is reflected in the increased number of advisory boards in that regard. At state level, the number of such bodies rose from 12 to 27 (in all the states of the Federation), while at the municipal level it increased from 75 to 572 between 2003 and 2014.

### **Replies to the issues raised in paragraph 3 of the list of issues**

13. Brazilian public policies and laws are applied without distinction to all persons within the national jurisdiction or, in the case in question, to persons who are expressly provided for in those policies and laws. In other words, provisions relating to persons with disabilities are accessible to all who fall into that category, irrespective of their ethnicity.

14. Nonetheless, there are Afro-Brazilian and indigenous peoples that could benefit more from State actions and protection. In both cases, the isolation of small, far-flung indigenous tribes and the sporadic clusters of Afro-descendants (*“quilombolas”* in Portuguese) dotted around the country are factors that hinder the coverage of these rights.

15. Specifically in the case of the *“quilombola”* communities, the Secretariat for Human Rights, in collaboration with the Secretariat for the Promotion of Racial Equality, is currently promoting a study aimed at getting a better understanding of the real situation of persons with disabilities in those communities.

16. With regard to indigenous communities, it is important to note the huge variety of ethnic groups in the country, some of which live in complete isolation. Their relationship with the Brazilian State differs from one indigenous tribe to another. The indigenous communities with a greater degree of interaction, especially through the National Foundation for Indigenous Peoples, have access to the services provided to other persons with disabilities, including social services and social security, where applicable.

### **Replies to the issues raised in paragraph 4 of the list of issues**

17. There are various types of action pending in the Brazilian judicial system, including public civil actions and writs of mandamus, which have been instigated with a view to guaranteeing the rights of persons with disabilities in Brazil. One example is the request addressed by the National Organization for the Blind in Brazil to the Federal Public Prosecution Service for investigation and action, which led to the formation of a working group to discuss promoting accessibility and removing barriers in selection processes. This group was set up on 2 July 2013 at a meeting of the Working Group on the Inclusion of Persons with Disabilities of the Federal Public Prosecution Service/Office of the Federal Attorney for Citizens' Rights. Its aim is to prepare a guide on good practices to ensure that persons with disabilities are able to register in selection processes, sit tests and, once successful in a contest, enjoy proper access to venues.

18. In 2008, the Federal Public Prosecution Service, the Brazilian Federation of Banks and the Secretariat for Human Rights of the Office of the President signed an agreement to observe the Conduct Adjustment Terms. The agreement commits all federal bank branches and, once they have acceded to the Conduct Adjustment Terms, state and private banks, financial institutions and other similar institutions to gradually

adapting their branches and customer service points to cater for persons with disabilities. In accordance with clause 5 of the Terms, which relates to accessibility, such adaptations include provision of access ramps or electromechanical lift devices; adaptation of furniture in line with technical standards; installation of seating reserved for persons with disabilities, properly indicated; designation and marking of reserved parking spaces in car parks, where a car park is available for customers in general; installation of toilets adapted for wheelchair users; issue of documents, cards and information in Braille; installation in telephone call centres of receiving devices adapted for use by persons with hearing disabilities; and staff trained to provide customer service in Brazilian Sign Language.

19. Many other measures have been introduced in accordance with the law by the Federal Public Prosecution Service, by the Brazilian Bar Association and by organizations representing the rights of persons with disabilities. Since 1989, associations established for over a year have the right under civil law to instigate public civil actions to protect the collective and individual rights of persons with disabilities (Act No. 7853, art. 3). Since 2004, organizations representing persons with disabilities also have the right to monitor compliance with the accessibility requirements established by law (Act No. 10098, art. 26).

### **Replies to the issues raised in paragraph 5 of the list of issues**

20. Act No. 7853/1989, which predates the Convention, already defined as an offence, punishable by imprisonment and a fine, the refusal, termination, delay, cancellation or prevention, without just cause, of the enrolment of students in any public or private educational establishment, on any course or at any grade, on the grounds of their disability; the prevention, without just cause, of access to public office on the grounds of their disability; and the refusal to employ or give work to a person, without just cause, on the grounds of their disability.

21. It is also worth mentioning here the Status of Persons with Disabilities/Brazilian Inclusion Act, which criminalizes the practice of any discriminatory action and/or omission because of disability, including the possibility of segregation in the education system.

22. Under federal law, it is considered discriminatory not to integrate persons with special education needs into the mainstream.

23. In Brazil, there are some institutions that offer special education in groups including only students with disabilities. This is a historical issue and has its roots in the institutionalization of and welfare-based approach to persons with disabilities in Brazil and around the world. The Brazilian Constitution of 1988, however, stipulates that students with disabilities must be given preferential treatment with enrolment in the mainstream school network, thus setting out the principle that they have the right to education side by side with other students. While expressing a preference for mainstream education, educational legislation also provides for special schooling. Thus special classes, schools and services are available, depending on learner needs, to complement mainstream education.

### **Replies to the issues raised in paragraph 6 of the list of issues**

24. Since the Convention has been incorporated into Brazilian domestic law with the same legal effect as a constitutional amendment, denial of reasonable accommodation is considered a form of discrimination.

25. The Brazilian Inclusion Act likewise considers denial of reasonable accommodation to be a form of discrimination.

### **Replies to the issues raised in paragraph 7 of the list of issues**

26. The Secretariat for Women's Policies of the Office of the President is the competent authority for the development and coordination of public policies at the national level. Its mandate is to encourage other bodies to include a gender perspective in their activities, thereby ensuring the mainstreaming of gender issues in all public policies. Accordingly, the National Plan for Women's Policies (2013-2015) includes measures to meet the needs of women with disabilities.

27. In 2013, the Secretariat for Human Rights, in cooperation with the Secretariat for Women's Policies, organized the First National Seminar on Public Policies and Women with Disabilities to highlight the cross-cutting nature of policies on women and policies on persons with disabilities; discuss public policies aimed at women with disabilities; promote the empowerment of such women; and encourage the development of a national network of women with disabilities tasked with promoting their inclusion and participation in society. One outcome of the seminar was a list of proposals for strengthening public policies aimed at disabled women and making their rights more effective, sharing experiences and ensuring that other bodies address women's issues in their respective areas of responsibility.

### **Replies to the issues raised in paragraph 8 of the list of issues**

28. The Second National Plan for Women's Policies includes measures to combat discrimination and violence against women, with some aimed specifically at women with disabilities. For example, Priority 1.1, "Increasing women's access to the labour market", proposes activities and awareness-raising efforts to encourage the participation of women with disabilities in the labour market by including them among the women hired under the quotas for businesses with more than 100 employees, as set out in Act No. 8213/91. The following priorities likewise take into account the needs of women with disabilities: 1.6, "Promotion of a workplace without discrimination on the basis of sex, race, ethnicity, sexual orientation, age or disability, and of pay equity and equal access to management positions"; 3.8, on "Promoting comprehensive health care for women through the elimination of discrimination and meeting the ethnic or racial, age-related, regional and sexual orientation needs of women with disabilities, rural women, tropical forest women and street women."

29. With regard to combating violence, the Second National Plan for Women's Policies has as its general objective "reducing the incidence of all forms of violence" against women, including domestic violence, violence in the community or institutional violence. Its specific objectives include a commitment to protecting the rights of women living in violent situations, taking into account the relevant ethnic or racial, age-related, sexual orientation and disability factors and social, economic and regional integration issues.

30. In addition to the Second National Plan for Women's Policies, in November 2005 the Special Secretariat for Women's Policies established the Women's Assistance Hotline — Dial 180, which has facilitated the gathering of comprehensive data and information on violence against women. Since its establishment, the Hotline has handled more than 270,000 calls, with enquiries about women's rights, access to women's services across the country, the registering of reports or complaints about violence but also suggestions and compliments.

**Replies to the issues raised in paragraph 9 of the list of issues**

31. There are no specific mechanisms in Brazil for the protection of children with disabilities in marginalized areas. Protection for such children is provided by the *conselhos tutelares* (Child protection councils), numbering 5,956 across the country, which are responsible for protecting the rights of children and adolescents in general.

32. In addition, the Human Rights Ombudsman's Office, which is attached to the Office of the President, is empowered to receive, consider and process reports and complaints and act to resolve social tensions and conflicts involving human rights violations. It can also provide guidance and take decisions on how to deal with human rights violations. The Office can act directly on its own or in coordination with other public bodies and civil society organizations. Complaints may be made anonymously or the identity of the complainant may be kept confidential, upon request.

33. The main channel for contacting the Office is the Dial Human Rights, Dial 100 Hotline, a free telephone service available 24 hours a day, 7 days a week. Reports made to the Office and/or the hotline are analysed, processed and transmitted to the competent bodies across the country at the federal, state, district and local levels and to the network of human rights non-governmental organizations (NGOs). The Hotline, being a mechanism for dialogue and the registering of complaints from the public, has become a major source of statistics on human rights violations.

34. The Public Prosecution Service is the federal authority responsible for defending the rights of children and of persons with disabilities, in particular with regard to general and collective rights. Prosecutors may also initiate or associate themselves with proceedings, in accordance with their fundamental duty to uphold the law.

35. By law, the Public Prosecution Service has a range of powers: it can issue notices; hear testimony; decide on issues of coercion; request police intervention; require public or private bodies to submit certificates, documentation or reports or to conduct tests or expert analysis; require the cooperation of medical, hospital, educational or welfare staff; inspect public or private entities; and make recommendations aimed at improving public services or services of public importance. Complaints may be filed with the Service in a number of ways and anywhere in the country.

**Replies to the issues raised in paragraph 10 of the list of issues**

36. The federal Government has undertaken a number of campaigns recently to promote awareness of the human rights model of disability. In the second half of 2013, two campaigns were run for more than 30 days, one on television and one in the print media, promoting the special "BB Accessibility" line of credit, which offered lower interest rates for the acquisition of technology-based assistance products and on the Continuous Social Benefit work initiative that facilitates access to employment, educational programmes and vocational qualifications for persons with disabilities aged between 16 and 49 with a view to guaranteeing them equality of opportunity.

37. On 3 December 2013, on the occasion of the International Day of Persons with Disabilities, the federal Government broadcast an information video during an intermission of the most watched news programme on the policies and achievements of the National Plan for the Rights of Persons with Disabilities Living without Limits that listed all resources relating to accessibility.

38. In July 2011, a campaign was launched in the context of the My Home, My Life 2 programme, which offered more than 2 million families requiring assistance new

homes adapted to their needs, based on a standard design, that included a larger living space and accessibility kits for older adults and adults with disabilities.

39. In 2009, the Media Secretariat of the Office of the President, in cooperation with the Secretariat for Human Rights, launched the campaign entitled “The Same in our Differences” to promote harmonious coexistence between disabled and non-disabled persons. The campaign’s publicity film was the first broadcast on Brazilian TV to include Brazilian Sign Language, captions and audio description.

40. There are other initiatives that, while not considered mass campaigns, have been developed in cooperation with civil society and target wide audiences with a view to raising public awareness of the rights of persons with disabilities. They include the monthly print and virtual newsletter “CONADE News”; the printing and distribution of publications on the rights of persons with disabilities, for example copies of the Convention, with commentary; a version of the Convention in *cordel*, a literary form typical of north-eastern Brazil that uses recorded short texts in verse; and social networking profiles on Twitter and Instagram and fan pages on Facebook.

41. Civil society also has its own communication channels and instruments to increase public awareness about the human rights model of disability.

### **Replies to the issues raised in paragraph 11 of the list of issues**

42. The National Plan for the Rights of Persons with Disabilities Living without Limits includes a series of coordinated public policies for the implementation of the Convention. The Plan’s priorities include accessibility, which, because of its cross-cutting nature, likewise informs actions undertaken in the context of other initiatives. Those actions include the My Home, My Life housing programme, which guarantees disabled persons the right to housing adapted to their needs. There are 1.2 million homes built to a standard design, of which at least 3 per cent have disability-specific adaptations. Other significant measures are the establishment of a line of credit with subsidized interest rates for the purchase of technology-based assistance products and home modifications, the establishment of the National Centre for Excellence in Adaptive Technology and support for 91 interdisciplinary units in federal universities.

43. All the Plan’s activities are monitored and evaluated by the internal services of the ministries concerned and may likewise be audited by the Federal Auditor General, the Office of the Federal Inspector General and the Federal Court of Audit. In addition, the Plan includes monitoring by the councils on the rights of persons with disabilities, social movements and society in general. Information on the Plan, disaggregated by policy and by federal body that has received equipment or resources from the Government, is available on the website of the Living without Limits Monitoring Centre.

44. The Plan did not require any new legislation or the establishment of a new standard in the area of accessibility; accordingly, it does not provide for any sanctions.

### **Replies to the issues raised in paragraph 12 of the list of issues**

45. Brazil has guaranteed free universal access to antiretroviral therapy for all persons living with HIV/AIDS since 1996 but has no specific policies that target HIV/AIDS affecting persons with disabilities.

46. In 2014, Brazil continues to be in the front line for the adoption of innovative screening technologies, prevention and care with a view to meeting the challenges posed by HIV/AIDS. Recent action includes extending the availability of treatment for

HIV-positive individuals, even those whose immune system has not yet been affected by cluster of differentiation (CD) 4. This is known as the “test and supply” strategy, in which treatment is also used as a form of prevention.

47. On World AIDS Day 2014, the National Social Security Institute published new guidelines on the granting of social security benefits for persons living with HIV/AIDS, in a publication entitled “Support guidelines for specialized technical medical decisions”. The new recommendations broaden the definition of a person showing symptoms and now take into account not only the presence of opportunistic infections but also chronic and degenerative complications, the side effects and adverse effects of medications for multiple illnesses and antiretroviral medications, such as anatomical changes resulting from lipodystrophy, and the need to pay special attention to psychosocial factors, in particular those related to stigmatization and discrimination, any of which could lead to temporary or permanent disability.

48. The most recent advance in the area of the rights of persons affected by the AIDS epidemic in Brazil is the adoption of Act No. 12984 of 2 June 2014, which criminalizes, with the possibility of imprisonment, any discriminatory behaviour toward an individual living with HIV/AIDS.

49. Brazil has contributed to the improving world situation and participated in discussion of proposals and policies reflecting a commitment to the right of all persons to live a full and productive life in dignity. Accordingly, the country has implemented measures relating to the human rights of persons living with HIV/AIDS and key groups; it has also joined international initiatives, including the UNAIDS Zero Discrimination campaign.

### **Replies to the issues raised in paragraph 13 of the list of issues**

50. The Status of Persons with Disabilities/Brazilian Inclusion Act, as mentioned in the replies to paragraph 1 of the list of issues, was adopted on 10 June 2015.

51. With regard to the restriction of legal capacity, the Act specifically amends the Civil Code to make guardianship an exceptional measure restricted to rights relating to inheritance and commercial rights, as determined by a court.

52. The Act underscores that persons with disabilities are free to marry and have labour rights, sexual rights, including control over their own bodies, and the right to privacy, education and health. It repeals previous discriminatory provisions, for example regarding the need for corroboration of a disabled person’s wishes.

53. The Act establishes a system of supported decision-making, in which a disabled person chooses at least two persons close to him and whom he trusts to assist him or her in making decisions relating to his or her life in society.

54. National legislation is therefore in conformity with the principles relating to legal capacity set out in the Convention.

### **Replies to the issues raised in paragraph 14 of the list of issues**

55. The competencies and territorial jurisdiction of the judicial and penitentiary systems are divided along state and federal lines. The central body of the judicial system is the National Justice Council, which supervises all courts and also provides guidance on administrative matters.

56. The Council cooperates with the Ministry of Justice and the Secretariat for Human Rights to improve the level of awareness of issues affecting persons with



disabilities. As a result of that collaboration and the Council's strong commitment to the Convention many orientation and awareness-raising initiatives have been adopted.

57. In April of this year, the Council organized a workshop that brought together civil servants from the information technology sector with a view to discussing measures to make electronic justice more accessible to disabled persons across the country.

58. The Council also promotes and designs training measures for magistrates and civil servants in the various branches of the judicial system. One is the programme "Social inclusion of persons with disabilities" run by the Federal Supreme Court (STF), or "STF without Barriers", which has served as a model for other courts. It takes account of both the exterior and the interior of buildings, with a view to ensuring that there is adequate physical and social space for disabled persons in Supreme Court premises. The programme also includes a series of seminars, workshops and lectures on the topic, provides training to civil servants with disabilities and seeks to increase the number of civil servants with disabilities.

59. In 2012, the National Council of the Public Prosecution Service established an accessibility committee and appointed a focal point for special accessibility measures. Pursuant to a 2014 Council decision, all examinations for People's Court candidates and professional development and training courses must include questions relating to the Convention.

### **Replies to the issues raised in paragraph 15 of the list of issues**

60. Measures in National Justice Council Recommendation No. 27/2009, amended in 2014 to broaden its scope, include installation of ramps; accessible washrooms and elevators; reserved parking spaces; tactile flooring for orientation and warning; audio signals for the visually impaired; visual aids for the hearing impaired, persons with poor vision or persons having an intellectual disability; and furniture, including witness boxes, doors and hallways, adapted to the needs of disabled people in all premises and grounds.

61. The Recommendation also states that facilities, whether rented, owned or newly constructed, must be accessible and that guide dogs must be allowed to enter and remain in all court premises. Braille printers must be available and accessible communication material must be purchased and maintained, in particular with regard to the website, which must be compatible with most open-source and free software to facilitate reading of computer screens by the visually impaired. There must be sign-language interpreters, subtitles, audio description and communication in an accessible language in all public forums, including advertising, official announcements, educational videos, events and meetings. Accessible easy-to-use equipment for procedural consultations with audio description or screen-reading capabilities for the visually impaired, placed at a height compatible with persons in wheelchairs, must also be available.

62. The Recommendation also calls for the training of staff in Brazilian sign language, paid for by the Government, so that the clerks and registrars of the judicial system and courts can assign trained staff to deal with deaf people. It further calls for the judicial service to assign and pay for a sign-language translator or interpreter in any proceeding involving a hearing-impaired person, to be chosen from the register of trained graduates of an official sign-language translation and interpretation course holding a certificate of proficiency in sign language.

**Replies to the issues raised in paragraph 16 of the list of issues**

63. Awareness in the judicial system of the principle of reasonable accommodation has been increasing in recent years, but action to ensure its implementation is still at an early stage.

64. The system is still focused on what is known as universal access. The main measures in that area are implemented independently by the federal and state courts, the most notable being the action taken by the National Justice Council and the accessibility committees of each institution.

65. The Council has made the Convention a priority by, for example, including accessibility on the list of socially desirable measures contained in its Strategic Plan for the Judicial System 2009-2014. Measures adopted in the light of that Plan and Recommendation No. 27/2009 include requiring all Brazilian courts to adapt their premises in compliance with the relevant legislation on the accessibility of buildings.

66. The Council, as noted above, is also promoting other measures, some of which are to improve accessibility to the justice system for persons with disabilities; make it easier for disabled people to communicate with justice system staff; improve the working conditions of staff members with disabilities; and increase awareness of and eliminate discriminatory behaviour.

**Replies to the issues raised in paragraph 17 of the list of issues**

67. According to Unified Social Assistance System figures for 2014, there were 2,078 institutions catering for the general public in Brazil, housing 12,382 persons with a physical or sensory disability. There were also 2,151 institutions housing approximately 11,278 persons having a mental or intellectual disability. Some individuals may have been counted twice and person may have more than one disability; the figures cannot therefore be aggregated.

68. There is no information on the number of persons with disabilities deprived of their liberty under criminal proceedings. The National Prisons department of the Ministry of Justice is currently collecting these data, which will soon be made public.

**Reply to the issues raised in paragraph 18 of the list of issues**

69. No such legislation exists.

**Replies to the issues raised in paragraph 19 of the list of issues**

70. No such measures exist.

71. However, with regard to the right to health, Interministerial Decree No. 1 of 2 January 2014 from the Ministries of Health and Justice on the National Policy on Comprehensive Health Care for Persons Deprived of their Liberty in the Prison System sets out the right to care from the Unified Health System, and makes state and municipal authorities responsible for adapting penal institutions to meet the needs of disabled and elderly persons and those suffering from a chronic illness.

72. Measures are also adopted, as needed, to guarantee the accessibility of premises of the justice system and detention facilities.

## **Replies to the issues raised in paragraph 20 of the list of issues**

73. Brazil has established the Human Rights Ombudsman's Office for reporting incidents and filing complaints of human rights violations. In addition, in 2005 the Federal Public Prosecution Service set up the Working Group on Inclusion of Persons with Disabilities, with a view to implementing Decree No. 5296/2004 on the implementation of Acts No. 10048/2000 and No. 10098/2000 establishing general standards and criteria on the promotion of accessibility for persons with disabilities in a wide range of areas and also strengthening the implementation of the Convention pursuant to Decree No. 6949/2009. There are also state prosecution services in 16 of the 27 states of the Federation (Alagoas, Amazonas, Bahia, Ceará, Goiás, Maranhão, Mato Grosso, Minas Gerais, Pará, Paraná, Piauí, Rio de Janeiro, Rio Grande do Norte, Roraima, Sergipe, Tocantins), with designated prosecutors for issues relating to persons with disabilities whose role is to oversee, verify, investigate, follow up and facilitate the settlement of cases involving violations of the rights of persons with disabilities.

74. Between 2013 and 2014, 26 states of the Federation adopted the Women: Living without Violence programme, which includes the establishment of the Brazilian Women's House, the expansion of the Women's Helpline-Dial 180, the provision of more sensitive care for victims of sexual violence, the establishment and operation of women's care centres in regions adjacent to land borders, ongoing awareness-raising campaigns, and mobile women's health units deployed to areas in the countryside or in the forests where there is violence against women.

75. Thanks to that programme, the Women's Helpline-Dial 180 has become the main number for reporting violence and ensuring immediate follow-up by military police across the country. Between 2005 and 2014, Dial 180 received 4.1 million calls.

## **Replies to the issues raised in paragraph 21 of the list of issues**

76. The Secretariat for Human Rights has worked with the investigative services on including disability-related information in data collection and with the Ministry of Justice on establishing uniform national standards for recording violence against persons with disabilities. There are currently no national disaggregated statistics on the number of cases of violence against persons with disabilities.

77. The telephone hotline service for victims of human rights violations, "Dial Human Rights-Dial 100" has a special module for persons with disabilities that maps violations according to specific criteria, including gender and age. In 2013 and 2014, there were 20,007 complaints, mostly involving negligence and physical violence. From a gender perspective, women with disabilities are still the most likely to be victims of rights violations, with 10,828 complaints over the past two years, while there were 9,100 complaints involving men with disabilities. Disaggregated by age group, there were 101 complaints relating to persons with disabilities aged up to 17, 18,982 relating to the 18-60 age group and 285 relating to older persons. The low number for the 0-17 age group could be attributed to the fact that they have access to another procedure for the rights of children and adolescents. The Dial Human Rights-Dial 100 hotline receives reports and complaints and transmits them to the competent authorities through the legal and social protection and defence networks located across the country. Recording such data is also essential for the allocation of subsidies for the development and implementation of policies to deal with all forms of violence and human rights violations in Brazil.

### **Replies to the issues raised in paragraph 22 of the list of issues**

78. Oversight of the National Inclusion Policy for Persons with Disabilities is the responsibility of the National Council on the Rights of Persons with Disabilities (CONADE), an independent standing consultative review body made up of an equal number of representatives from the Government and civil society that is attached to the Secretariat for Human Rights of the Office of the President. There are also 27 state and 600 municipal councils on the rights of persons with disabilities that oversee and monitor policies aimed at persons with disabilities at the state and local levels. In the lead-up to the National Conference on the Rights of Persons with Disabilities to be held in the first half of 2016, 48 municipal preparatory conferences have already been held and another 15 municipal and 12 state conferences will be held in the second half of 2015.

79. Since 1989, associations constituted for more than a year are, according to the Civil Code, entitled to institute public civil actions to protect the collective or individual rights of persons with disabilities (Act No. 7853, art. 3). Since 2004, organizations of persons with disabilities are also authorized to monitor the implementation of accessibility measures provided for by law (Act No. 10098, art. 26).

80. The Bar Association of Brazil, which represents lawyers and has special expertise in the investigation and supervision of the legal system, is proactive in discussing and evaluating measures aimed at strengthening the implementation of the Convention across the country.

81. Lastly, the Public Prosecution Service has overall responsibility for ensuring respect for the law, in addition to its other constitutional responsibilities, as described in the replies to the issues raised in paragraph 9 of the list of issues.

### **Replies to the issues raised in paragraph 23 of the list of issues**

82. Act No. 9263/1996 does not provide for the sterilization of persons with disabilities but deals rather with family planning as an integral part of a set of measures for the care of women, men or couples in the context of comprehensive universal health care, including preventive and educational measures and free access to contraceptive information, methods, resources and techniques based on standards defined by the Unified Health System. In exercise of the right to family planning, all scientifically valid conception and contraception methods and techniques that pose no risk to the life or health of the individual are available and may be freely chosen. Treatments are prescribed following a medical examination and are medically supervised; information is provided on the risks, advantages, disadvantages and effectiveness of the various options.

83. Voluntary sterilization of a man or woman is allowed, whether or not the person has a disability, only if that individual has full legal capacity and is over 25 or already has at least two living children. There is a waiting period of 60 days between a request and the procedure, during which period the individual will be referred to the family planning service and assessed by an interdisciplinary team that tries to discourage sterilization at a young age or when there is a risk to a woman's life or health or to future pregnancies, as testified in writing and signed by two doctors. Furthermore, the written and signed authorization of the people concerned must be obtained, once they have been apprised of the risks of the surgery, possible side effects, the difficulty of reversing the procedure and information about existing non-permanent contraception

options. The surgical sterilization of a woman during a birth or abortion is prohibited, except where medically necessary as a result of multiple previous caesarean sections.

84. Consent is not considered to have been granted in cases where the individual's judgement might be impaired under the influence of alcohol, drugs, altered emotional states or temporary or permanent mental incapacity. Surgical sterilization of a person deemed not legally competent is permitted only if authorized by a court upon a request from the Public Prosecution Service, in order to safeguard the rights of the person in question. This is provided for under the amendments to be made to the Civil Code provisions relating to legal capacity set out in the Brazilian Inclusion Act.

### **Replies to the issues raised in paragraph 24 of the list of issues**

85. Spending on long-term residential services is falling, owing to the establishment of new types of housing services that encourage community and independent living for persons with disabilities. The federal Government has recommended reducing the use of institutional residences, although there are still many such residences operated by states, municipalities and civil society organizations.

86. The United Social Assistance System has a new inclusive housing service aimed at young people and adults with disabilities who cannot live independently. There is a maximum of 10 persons per residence; the services provided and group lifestyle promotes adaptation to daily life, independence and participation in society. The residences cooperate with other local services to ensure residents have contact with society. There are currently 74 such residences. In addition, between 2011 and 2014, 155 municipalities and 6 states opened a total of 205 residences, with another 131 soon to be opened. Day centres for persons with disabilities are operated by the United Social Assistance System and have ties to the Specialized Social Assistance Reference Centre. Their role is to offer personal care during the day to dependent young people and adults with disabilities with a view to supplementing and complementing the care provided by their families. They offer a variety of activities to promote social interaction and strengthen ties in the community and in the home in order to foster and develop social contacts and avoid social isolation and institutionalization. Between 2011 and 2014, 15 day centres were opened in state capitals and 27 other municipalities have signed contracts to open such centres, thereby meeting the objective of setting up one centre in each entity in the Federation.

87. The establishment, building and operation of the inclusive residences and day centres are co-funded by the federal Government. They incorporate all measures set out in the National Plan for the Promotion of the Rights of Persons with Disabilities Living without Limits. Maintaining those services has required the states, the municipalities and the Federal District to work together gradually to expand social assistance services. Every month the federal Government allocates 40,000 reals (approximately US\$ 12,436.65) per centre, for a total of approximately 480,000 reals, and 120,000 reals per year for inclusive residences, in addition to state and municipal subsidies.

88. The following table contains additional data.

**Federal government spending on inclusive residences, day centres and the Continuous Social Benefit programme in schools**

	2011	2012	2013	2014	
	<i>Pledge</i>	<i>Amount</i>	<i>Amount</i>	<i>Amount</i>	<i>Total (Reales)</i>
Residences	-	513 500	11 950 000	5 380 000	<b>17 843 500</b>
Day centres	-	2 210 500	5 960 000	3 030 000	<b>11 200 500</b>
BPC in schools	-	442 360	936 000	2 643 620	<b>4 021 980</b>
<b>Annual subtotal/Total</b>		<b>3 166 360</b>	<b>18 846 000</b>	<b>11 053 620</b>	<b>33 065 980</b>

Source: Ministry of Social Development and Hunger Alleviation, situation in November 2014.

89. With regard to ensuring greater independence for persons with disabilities, the Continuous Social Benefit Programme for Persons with Disabilities guarantees an income for any persons with a disability, regardless of age, who are shown to be in a vulnerable social situation or to have insufficient resources to support themselves or their families. The benefit is 788 reales per month (approximately US\$ 245).

**Number of recipients of the Person with Disability Continuous Social Benefit, by age group**

<i>Age group</i>	<i>Number of beneficiaries</i>
Over 100	13
95-99	35
90-94	106
85-89	1 801
80-84	6 902
75-79	20 085
70-74	45 528
65-69	102 431
60-64	152 034
55-59	161 912
50-54	172 269
45-49	175 608
40-44	175 047
35-39	180 527
30-34	173 580
25-29	171 647
20-24	170 726
15-19	190 842
10-14	170 195
5-9	130 009
0-4	53 770
<b>Total</b>	<b>2 255 067</b>

Source: Ministry of Social Development and Hunger Alleviation, situation in July 2015.

## **Replies to the issues raised in paragraph 25 of the list of issues**

90. The Specialized Social Assistance Reference Centre is a public State entity that offers continuing specialized services by providing for social and educational measures in an open environment to assist families and individuals whose rights are threatened or violated as a result of physical, psychological or sexual violence or trafficking in persons. The provision of specialized, continuous care focuses on the family and the life lived by groups of children, young people, women, persons with disabilities, older persons and other groups that are subject to possible vulnerability and social risk. This specialized care focuses on access by families to their rights to social assistance by increasing resources and strengthening protective capacities with a view to overcoming situations in which specific sectors of the population, including persons with disabilities, are subject to risk, abandonment, neglect and institutionalization. In 2014, a total of 2,290 Specialized Social Assistance Reference Centres were operational across the country, in 2,032 municipalities, or 36.5 per cent of all Brazilian municipalities. Such activities are extremely important in order to avoid the institutionalization and segregation of children with disabilities and to increase the options for protecting the human rights of persons with disabilities.

## **Replies to the issues raised in paragraph 26 of the list of issues**

91. The provisions of the Status of Persons with Disabilities/Brazilian Inclusion Act recognize the civil capacity of persons with disabilities to marry and form a stable relationship; exercise their sexual and reproductive rights; exercise the right to choose the number of children they wish to have and to have access to appropriate information on reproduction and family planning; maintain their fertility, given that sterilization is prohibited; form a family and live with their family in the community; and enjoy the right to guardianship, foster parenting or adoption, whether as adopter or adoptee, on an equal basis with others. Furthermore, the Act provides for the repeal of Civil Code articles relating to non-recognition of the legal capacity of persons with disabilities, including with regard to marriage and forming a family.

## **Reply to the issues raised in paragraph 27 of the list of issues**

92. In the area of education Brazil has made an effort to ensure that children and adolescents with disabilities attend regular schools rather than special schools, thanks to an educational system that is inclusive at all levels. The following instruments regulate inclusive education:

(a) National Special Education Policy for Inclusive Education, adopted in 2008, which defines special education as a cross-cutting initiative and allocates resources, services and specialized educational support for that purpose;

(b) Decree No. 6571/2008, superseded by Decree No. 7611/2011, governing special education and specialized educational support;

(c) National Education Council Decision No. 04/2009 governing the delivery of specialized educational support as a supplement to the regular curriculum taught under a school's education plan;

(d) Decree No. 7084/2010 on teaching materials and the adoption of mechanisms to ensure accessibility for students and teachers with disabilities in the State school system; and

(e) In-School Continuous Social Benefit programme, an interministerial measure to monitor the situation of low-income children with disabilities up to the age of 18 and enable them to enrol in and attend school.

93. In order to implement those measures, the Inclusive Education Programme provides for the training of administrators and teachers with the goal of making the educational system inclusive. In addition, the Money Direct to Schools Programme allocated 304.6 million reales between 2008 and 2012 to adapt buildings in 32,800 schools across the country in order to make them accessible to persons with disabilities.

94. Those measures have helped increase access to regular education and restructure the State school system. In 2008, there were 375,775 students with disabilities attending regular schools; that figure grew to 620,777 students in 2012, an increase of 60 per cent.

95. The number of children with disabilities in preschool education reflected the rise in the number of children with disabilities enrolled in regular schools. As a result, the number of children in special schools dropped from 65,694 in 2008 to 18,652 in 2012.

96. Although there are no statistics on the number of school-age children with disabilities not attending school, which would allow a direct answer to the question, the inclusion rate for early childhood education among low-income children with disabilities increased from 21 per cent in 2007 to 70 per cent in 2012. In the latter year, there were 470,000 children receiving Continuous Social Benefit.

### **Replies to the issues raised in paragraph 28 of the list of issues**

97. The Ministry of Education is required to comply with article 24 of the Convention. The right to education can be guaranteed only in an inclusive educational system. The Ministry considers services provided to persons with disabilities by NGOs to be complementary to the regular educational system.

98. With regard to unwanted segregated education, in addition to the possible criminal sanctions described above, Act No. 12764/2012, article 7, provides for a fine of 3 to 20 times the minimum monthly wage for “a school administrator or competent authority that refuses to enrol a student with an autism spectrum disorder or any other disability”. The implementing regulation for that law, Decree No. 8368/2014, article 5, paragraph 1, states: “The Ministry of Education shall determine the amount of the fine to be imposed on public educational institutions under its authority and on private higher education institutions on the basis of the procedure set out in Act No. 9784 of 29 January 1999.”

99. Article 7 of that same Decree provides that “A federal public body that is made aware of a refusal to enrol a person with a disability in an educational institution that is part of a state, district or municipal educational system shall so inform the competent authority for that educational system and the Public Prosecution Service.”

100. Taking into account the principles of the national educational system as applied cooperatively and collaboratively by the federal authorities, the accrediting authority for educational institutions is responsible for applying the administrative procedure aimed at investigating the conduct provided for in Act No. 12764/2012, article 7.

### **Replies to the issues raised in paragraph 29 of the list of issues**

101. The National Health Policy for Persons with Disabilities was established by Ministry of Health (MS) Office of the Minister (GM) Decree No. 1060 of 5 June 2002.



It is based on the national and international legal instruments on health care for persons with disabilities and also takes into account many related initiatives and the input of numerous social and institutional stakeholders. The measures provided for therein cover the full cycle of life: childhood, adolescence, adulthood and old age. It also deals with the issues of gender, race, ethnicity, sexual orientation and age.

102. With regard to sexual and reproductive health, the Policy prioritizes increased access to and accessibility of Unified Health System facilities and services; the development, implementation, monitoring and evaluation of programmes and measures to enhance the quality of life and prevent medical conditions caused by sexually transmitted diseases, including syphilis and AIDS, and illnesses including cervical, breast and prostate cancer; appropriate treatment for persons with disabilities living with HIV, whether the disability preceded or followed infection; and sexual and reproductive health care for persons with disabilities, in both basic and specialized facilities, adapted to the individual's general and specific health needs, with a view to ensuring humane and effective care.

103. More recently, the Ministry of Health, in the context of the National Plan for the Rights of Persons with Disabilities-Living without Limits, established the Health Care Network for Persons with Disabilities, which has significantly transformed the delivery of health care for such people.

104. The Government created a social agenda for persons with disabilities in 2008 that in fact gave the Ministry of Health a limited role, mainly restricting it to meeting requests from the Unified Health System for orthotic and prosthetic appliances. The Ministry's role, in practice, was solely to establish and operate orthotics offices. The Living without Limits plan set out the objective of creating a national network for the health care of persons with disabilities based on continuous and comprehensive delivery of care in all its aspects, not only orthopaedic care. The first challenge was to address the fragmented nature of service delivery with a view to organizing services along logical lines. The Network tries to coordinate health services in order to promote good health, ensure early detection of disabilities, prevent side effects and guarantee treatment and rehabilitation.

### Replies to the issues raised in paragraph 30 of the list of issues

105. Unemployment statistics are not disaggregated by disability. An additional difficulty is that not all employed persons with a disability claim benefits. They are therefore woefully underrepresented in the Annual List of Social Information (RAIS).

106. The most recent data for the formal labour market, based on RAIS figures for 2013, show 357,797 persons with disabilities and beneficiaries rehabilitated by the National Social Security Institute, distributed as follows.

#### Brazil: Number of employed persons as of 31 December, by disability and gender

Disability	2012				2013			
	Male	Female	Total	% Male	Male	Female	Total	% Male
Physical	110 224	60 244	<b>170 468</b>	64.66	117 535	63 929	<b>181 464</b>	64.77
Auditory	47 520	28 865	<b>74 385</b>	63.88	49 510	28 568	<b>78 078</b>	63.41
Visual	16 745	9 374	<b>26 119</b>	64.11	21 438	12 067	<b>33 505</b>	63.98
Intellectual (mental)	15 141	6 176	<b>21 317</b>	71.03	17 874	7 458	<b>25 332</b>	70.56
Multiple	3 047	1 649	<b>4 696</b>	64.89	3 429	2 061	<b>5 490</b>	62.46

<i>Disability</i>	<i>2012</i>				<i>2013</i>			
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>% Male</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>% Male</i>
Rehabilitated	22 017	11 294	<b>33 311</b>	66.10	22 215	11 713	<b>33 928</b>	65.48
<b>Total disabled</b>	<b>214 694</b>	<b>115 602</b>	<b>330 296</b>	<b>65.00</b>	<b>232 001</b>	<b>125 796</b>	<b>357 797</b>	<b>64.84</b>
No disability	27 087 496	20 040 930	<b>47 128 416</b>	57.48	27 771 630	20 819 006	<b>48 590 636</b>	57.15
<b>Total</b>	<b>27 302 180</b>	<b>20 156 532</b>	<b>47 458 712</b>	<b>57.53</b>	<b>28 003 631</b>	<b>20 944 802</b>	<b>48 948 433</b>	<b>57.21</b>

107. As for employment strategies, a Technical Committee on Employment Opportunities for Persons with Disabilities was established in 2012, made up of representatives of government bodies, production sector entities and civil society organizations. It produced a report containing guidelines, recommendations and strategies to improve employment indicators for persons with disabilities.

108. As a follow-up to the recommendations contained in the report, various measures are being adopted, such as more rigorous enforcement of the law; heavier fines for businesses that do not meet hiring quotas for persons with disabilities; and including persons with disabilities in training policies for worker cooperatives and micro- and small enterprises.

109. Another measure to increase employment opportunities for persons with disabilities is the development of specific training programmes in the context of the National Programme on Access to Vocational Training and Employment — Living without Limits, established by the federal Government in 2011 to develop and democratize professional and technical training. One of its most important measures is a bursary to pay for certification courses. Persons with disabilities can take advantage of the Programme on an equal basis with other students and enjoy guaranteed access to the premises and to the curriculum in both public and private institutions offering professional training across the country. Some 17,000 persons with disabilities are currently enrolled in the Programme.

### **Replies to the issues raised in paragraph 31 of the list of issues**

110. Progress has been made with regard to the legal framework for the elimination of slave labour, the training of stakeholders and raising workers' awareness of their rights. There has, however, been little progress with regard to combating impunity and guaranteeing employment and agricultural reform in regions that supply slave labour. Accordingly, the National Plan for the Elimination of Slave Labour (2008) targets the latter. In 2013, there were 4,327 police operations to repress slave labour across the country. Although the Plan does not contain specific measures relating to persons with disabilities, its broad scope prevents and takes action against situations in the labour market that might affect persons with disabilities.

111. Furthermore, the Ministry of Labour and Employment, in its inspections of working conditions, continually seeks to prevent and discourage discrimination against and segregation of persons with disabilities in the labour market. In 2014, some 265,050 enterprises were inspected; they had a total of 290,245 employees, of whom 42,613 had disabilities. Such activities by the Ministry play an essential role in combating segregation of and discrimination against persons with disabilities in the labour market.

### **Replies to the issues raised in paragraph 32 of the list of issues**

112. According to data from the Ministry of Cities, the “My Home, My Life” programme, had, by November 2014, provided for 954,005 standard-design adaptable housing units equipped with doors with a clear opening width of 80 cm and doorknobs at a height of 1 metre, 180-degree manoeuvring room for wheelchairs in all areas, minimum widths for bathrooms and dimensions for showers and provisions for the installation of grab bars, and accessible electrical controls. Furthermore, 11,627 housing units were provided with free adaptation kits specific to type of disability (auditory, physical, intellectual, visual, dwarfism).

### **Replies to the issues raised in paragraph 33 of the list of issues**

113. Persons with disabilities have established a place for themselves in the political sphere and are becoming more active citizens. Their exercise of their political rights has been strengthened by their increasing direct involvement in the formulation of public policies relating to employment, thanks to their own efforts and the work of activists on disability issues. There are persons with disabilities in the National Congress and regional parliaments and at the highest levels of the local, regional and federal executives, although no precise figures are available.

114. There have been a number of significant recent developments in the area of political rights: in 2012, the Superior Electoral Court established the Programme for Accessible Electoral Justice aimed at voters with disabilities or reduced mobility. Since 2002, electoral legislation has provided for special electoral arrangements that guarantee full accessibility for all persons with disabilities; those arrangements are, however, becoming less and less necessary, as all electoral procedures and premises are made accessible pursuant to the Programme for Accessible Electoral Justice.

115. The Electoral Code guarantees visually impaired voters the right to use ink stamps or Braille to sign the voting register or mark their ballot and the right to use any mechanical instrument for that purpose.

116. Campaign material on television must include sign-language interpretation or subtitles. The right to choose how to vote is guaranteed (Electoral Code, art. 51, para. 2), as is the right to be assisted by a trusted person (art. 56), as provided for in article 12, paragraph 3, of the Convention relating to the exercise of legal capacity, and the right for a visually impaired person to use an audio system, when available (art. 57).

### **Replies to the issues raised in paragraph 34 of the list of issues**

117. In 2013, the Interministerial Working Group was established by the Ministry of Culture and the Secretariat for Human Rights of the Office of the President, with the mandate of undertaking studies and making proposals for measures to ensure that publicly funded cultural projects are accessible.

118. The Working Group held general and bilateral meetings involving the Secretariat and the Ministry of Culture’s subsidiary secretariats and bodies (the Secretariat of Citizenship and Cultural Diversity, the Secretariat of Audiovisual Technology, the Secretariat of Cultural Development and Promotion, the National Library Foundation, the Brazilian Museums Institute, the National Arts Foundation, the National Film Agency, and the National Historical and Artistic Heritage Institute).

119. Initiatives arising out of the Working Group’s work include:

- Establishment at a federal public university of a specialist programme on making culture accessible that contains incentives for enrolment by officials of the Ministry of Culture, wherever they are located; there are plans to expand the programme to at least four other universities across the country;
- Requirement that all audiovisual projects paid for by federal public funds disbursed by the National Film Agency must budget for descriptive subtitling, audio description and Brazilian Sign Language;
- Creation of the Accessible Libraries project, which will, in its first phase, establish 10 public libraries to serve as models for accessibility and will invest in professional training, improvements in collections and new assistance technologies; the project network will formulate national guidelines for public policies regarding the accessibility of Brazilian public libraries;
- Establishment of the Federal University of Juiz de Fora (UFJF), in cooperation with the Secretariat for Human Rights, of the Specialized Course in Audio Description to train 50 narrators from across the country in voice-over techniques.

120. Recently, Brazil participated in the Interregional Meeting of Portuguese Language Countries on Implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, during which it spoke in favour of the ratification of the Treaty by the member States of the Community of Portuguese Language Countries. At the domestic level, the Treaty was adopted by the Foreign Affairs Committee, the Committee on Persons with Disabilities and the Committee on Culture and is awaiting adoption by the Constitution and Justice Committee of the Chamber of Deputies.

### **Replies to the issues raised in paragraph 35 of the list of issues**

121. There are no disaggregated statistics on persons with disabilities relating to any of the Millennium Development Goals, but the following general comments on the Goals and the situation of persons with disabilities may be made.

122. With regard to Goal 1: Eradicate extreme poverty and hunger, nearly 2.26 million persons with disabilities currently receive the Continuous Social Benefit, as noted in the replies to paragraph 24 of the list of issues.

123. With regard to Goal 2: Achieve universal primary education, please see the replies to paragraphs 27 and 28 of the list of issues.

124. Goal 3: Promote gender equality and empower women is incorporated into the Second National Plan for Women's Policies, as indicated in the replies to paragraphs 7 and 8 of the list of issues.

125. Goal 4: Reduce child mortality is reflected in various national policies, programmes and initiatives relating to sanitation, breastfeeding campaigns, drinking water supply for those lacking access to it, awareness-raising about personal and sanitary hygiene, income transfer, child nutrition, etc., which, taken together, make a significant contribution to improving the national indicators. Brazil made reducing child mortality a priority before many other countries did. The most recent study, from 2011, shows that child mortality dropped from 53.7 to 17.7 per 1,000 live births between 1990 and 2011 and seems to be continuing to fall, which should lead to a better result than the Millennium Development Goal in 2015. It is common knowledge that mortality rates for newborns with disabilities tend to be higher, in part because some disabilities can be fatal. Brazil continues to implement policies for early diagnosis and treatment of disabilities and rehabilitation for children with disabilities.

For example, according to a study in 2013, the Unified Health System carried out newborn screening tests on 83.1 per cent of newborns.

126. As for Goal 5: Improve maternal health, the maternal mortality rate in Brazil fell from 141 to 64 deaths per 100,000 live births between 1990 and 2011, a decrease of 55 per cent, thanks to policies on prenatal care, on general health, and on improving the health of persons with disabilities. With regard to the latter, priority has been given to acquiring universally adaptable equipment that can be used for examinations of women with disabilities.

127. Turning to Goal 6: Combat HIV/AIDS, malaria and other diseases, while no disaggregated data are available on persons with disabilities, it is important to note that in 2012 there were 718,000 persons living with HIV/AIDS, or 0.4 per cent of the population, of whom 574,000 had been diagnosed, 436,000 were receiving medical care and 313,000 (44 per cent) were receiving antiretroviral treatment. Between 1990 and 2012, the annual malaria infection rate dropped from 3.9 to 1.3 cases per 1,000 population and the tuberculosis rate from 51.8 to 37 per 100,000 population. Brazil therefore met the goals for the diseases and indicators in Target 6.C before the deadline. The World Health Organization has stated that, out of the 22 countries having the highest tuberculosis infection rates, Brazil is 1 of 7 to have met the target for reducing the incidence of the disease and related deaths, leading the health authorities to prioritize the fight against tuberculosis with a view to applying the results obtained to the treatment of other infectious or contagious diseases.

128. With regard to Goal 7: Ensure environmental sustainability, Brazil supports the concept that sustainability is achieved through accessibility and inclusion, a position that it has defended in international forums, such as the Fourth Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity, the United Nations Conference on Sustainable Development (Rio+20), and the United Nations Conference on Human Settlements (Habitat). Recognition of the need to make sustainability measures compatible with the needs of persons with disabilities has gradually been incorporated into public policies, in particular with regard to urban development and land use.

129. Goal 8 concerns global partnership for development. Accordingly, the Federal Government and civil society organizations have partnered with other countries to grant rights and opportunities to persons with disabilities.

130. Efforts by civil society organizations include cooperation between NGOs and foreign Governments and entities on such initiatives as the funding of projects to promote the rights of persons with disabilities. For example, the Ibero-American Intergovernmental Technical Cooperation Network (RIICOTEC), sponsored by Spain, not only reviews public policies for persons with disabilities and older persons but also provides funding for projects to benefit those groups.

131. The federal Government is also promoting foreign partnerships. The National Secretariat for the Promotion of the Rights of Disabled Persons collaborates not only with Spain but also with Chile, the European Union, Germany, Mexico, Portugal and the United States.

132. A branch of the Secretariat, the Brazilian Cooperation Agency, works with the Executive Secretariat of the Community of Portuguese Language Countries on cooperation projects with Angola, Cabo Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe, and Timor-Leste aimed at strengthening public institutions and civil society organizations involved in promoting the rights of persons with disabilities in those countries.

**Replies to the issues raised in paragraph 36 of the list of issues**

133. The councils and focal points dealing with the rights of persons with disabilities at the state, municipal and Federal District levels are funded by the respective governments and not by ordinary transfers from the federal Government. With a view to the better organization of those bodies at the municipal level, the requirement was introduced that, in order to participate in the Living without Limits plan, a municipality must establish a local steering committee with full powers to ensure social monitoring and democratic participation.

134. The National Council on the Rights of Persons with Disabilities receives the same budget as the National Secretariat for the Promotion of the Rights of Disabled Persons, which is attached to the Secretariat for Human Rights of the Office of the President. That funding is used to pay for air or land travel for civil society members of the Council attending ordinary and special meetings or representing the Council in various contexts. Council members representing the Government are funded by their respective ministries. There is also a technical team responsible for the overall administrative coordination of the Council with a view to ensuring the smooth operation of the Council.

135. Since 1989, associations that have existed for more than a year are authorized by law to initiate public civil actions aimed at protecting the interests of persons with disabilities or organizations representing them (Act No. 7853, art. 3). Organizations representing persons with disabilities have also, since 2004, been authorized to monitor compliance with the accessibility requirements set out in legislation (Act No. 10098, art. 26).

**Replies to the issues raised in paragraph 37 of the list of issues**

136. Although there are no plans to establish an independent mechanism based on the Principles relating to the Status of National Institutions (Paris Principles), the promotion, protection and monitoring of the Convention in Brazil are taken on not only by the National Council on the Rights of Persons with Disabilities but also by many decentralized entities and NGOs across the country. Those entities, together or individually, organize debates, seminars and meetings, publish books and articles, organize awareness campaigns, make presentations to the competent authorities and share their views with the Council and with the National Secretariat for the Promotion of the Rights of Disabled Persons on the implementation of the Convention. Since 1989, associations that have existed for more than a year are authorized by law, to initiate public civil actions aimed at protecting the rights of persons with disabilities or organizations representing them (Act No. 7853, art. 3).

137. Furthermore, the Public Prosecution Service, the Bar Association and civil society organizations all play an important role, as indicated in the replies to paragraphs 4 and 23 of the list of issues.