***Federal Republic of Brazil***

***Ministry of Women, Family and Human Rights***

**22 July 2019**

**To the attention of Ms *Catalina Devandas Aguilar*, Special rapporteur on the rights of persons with disabilities**

**1(a). Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:**

**- foster respect for the rights and dignity of persons with disabilities;**

**- combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or**

**- promote awareness of the contributions of persons with disabilities?**

*Brazil is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD), having ratified the treaty in 2008, through Legislative Decree 186/2008, and promulgated by Decree 6.949 / 2009 in 2009. It should be noted that, with the enactment of Constitutional Amendment No. 45, on December 30, 2004, stipulated that international treaties and conventions on human rights that are approved in each House of the National Congress in two rounds, for three fifths of the votes of the respective members, shall be equivalent to constitutional amendments. The Convention on the Rights of Persons with Disabilities, because it deals with human rights and has been approved by a qualified quorum in both Houses of the National Congress, has constitutional amendment status in the Brazilian State.*

*Article 4 of CRPD says that States Parties shall "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute iscrimination against persons with disabilities".*

*Due to the foregoing, Law No. 13.146/2015, known as the Brazilian Inclusion Law (LBI) or Statute of Persons with Disabilities, has been enacted, which addresses rights with a new approach to the characterization of persons with disabilities, adopting the biopsychosocial model, which uses biological, psychological and social skills to assess disability, rather than just medical judgment.*

*The Statute of Persons with Disabilities has articles on the protection of the dignity of persons with disabilities, such as Article 5, which provides that "persons with disabilities shall be protected from all forms of neglect, discrimination, exploitation, violence, torture, cruelty oppression and inhuman or degrading treatment".*

*As a way of raising public awareness, national dates have been established for each disability and its specificities, as well as observing and celebrating international dates, such as World Down Syndrome Day (March 21), World Autism Awareness Day (April 2), National Day of Struggle for People with Disabilities (September 21), National Day of the Deaf (September 26), National Day of the Physically Disabled People (October 11), International Day of Persons with Disabilities (December 3), National Blind Day (December 13), among other fifty dates. On these occasions, national and regional campaigns are carried out to promote awareness-raising actions.*

**1(b). What are the challenges to implementing the above?**

*The main challenge is to incorporate the social model of disability into all policies and programs, especially the public ones, so that they take into account disabled people and their opinions, on equal terms, while ensuring the recognition of their differences.*

*In addition, the territorial issue is a central issue, since Brazil, the fifth largest country in the world, has a territory of continental proportions, with a culturally diverse population and with different demands in each region. For this reason, the implementation of these public policies happens in a timely manner.*

**2(a) What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?**

*The fight against any kind of discrimination is part of the legal framework since the Federal Constitution, in its article 3, establish as one of the fundamental objectives of the Republic: "to promote the good of all, without prejudice of origin, race, sex, age and any other forms of discrimination ". The Statute of the Person with Disabilities, also known as the Brazilian Inclusion Law (LBI), reiterates this constitutional commitment and brings from the Convention the concept of discrimination based on disability, being "any form of distinction, restriction or exclusion, through action or omission, which has the purpose or effect of impairing, preventing or nullifying the recognition or exercise of the fundamental rights and freedoms of persons with disabilities. "*

*Discrimination of persons with disabilities as a crime in the national legal system was one of the great advances of LBI, which then defines the means of punishment - imprisonment and fine - and explicitly states that the refusal of reasonable accommodation and supply assistive technology is a discriminatory practice.*

*In addition to the efforts to raise awareness of inclusive culture and egalitarian relations between people, LBI also imposed sanctions applicable to public agents in the field of administrative law by amending Law 8.429/1992 and inserting in its article 11 noncompliance with the requirements of accessibility as provided by law as an act of administrative impropriety.*

*According to Article 5 of LBI, the right not to be discriminated against requires protective measures, that is, actions must be taken, resources must be invested to avoid practices of neglect, discrimination, exploitation, violence, torture, cruelty, oppression and inhumane treatment or degrading treatment. Article 88 of the LBI provides for the practice, induction or incitement to discrimination on the grounds of disability, seeking to punish conduct that violates the rights guaranteed by the Constitution. Advocacy campaigns with grassroots and mass media work are very common to address the issue of crime prevention.*

*The National Human Rights Ombudsman Department of the Ministry of Women, Family and Human Rights has the responsibility to receive, examine and forward complaints, act in the resolution of social tensions and conflicts which involve human rights violations, as well as guide and adopt measures to deal with cases of human rights violations. It may act on their own initiative and act directly or in conjunction with other public bodies and organizations of society. The complaints may be anonymous or, when requested by the interested party, confidentiality of the source is guaranteed.*

*The Ombudsman's main communication channel is the Human Rights Hotline, known as "Dial 100," a free telephone answering service that operates 24 hours a day, seven days a week. The complaints received in the Ombudsman's Office are analyzed, treated and sent to the responsible organs, distributed throughout the country, at federal, state, district or municipal level, in addition to the network of nongovernmental entities that work in the area of human rights. Due to its nature as an instance of dialogue and registration of manifestations of the population, Dial 100 has been consolidated as an important instrument of statistical data and for the fight against human rights violations.*

**2(b) In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).**

*Examples of compensatory legal remedies of an indemnity nature for persons with disabilities are Law 7.070/1982, which grants a lifetime pension to the cases of Thalidomide Syndrome, in the amount of R$ 1.000,00 (around US$ 270,00) per month, and Law 11.520/2007, aimed at granting special pensions to those affected by leprosy who were submitted to compulsory isolation and hospitalization, in the amount of R$ 750,00 per month(around US$ 200,00).*

*Law 8.213/1991, known as Quotas Law, was created to open the labor market for people with disabilities, since they do not compete on equal terms with other persons. The legislation establishes the obligation for companies with 100 or more employees to fill a portion of their jobs with people with disabilities, varying from 2% to 5% in the reserve of vacancies, according to the number of employees.*

*In the event of noncompliance by the company, there is a penalty of a fine ranging from R$ 2.331,32 (around US$ 625,00) to R$ 233.130,50 (around US$ 62.330,00). According to the total number of employees without disabilities, it is possible to verify the mandatory percentage and the respective increases that add to the fine. As long as the irregularity persists, the fine may be charged daily.*

**3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?**

*Brazil has been concerned with the inclusion of all people with disabilities in society. For example, Law 9.504/1997, which establishes rules for elections, recommends in its provisions that free electoral propaganda on television should use the Brazilian Sign Language (Libras) or subtitles, which should be mandatory material to the broadcasters.*

*Accessibility is also guaranteed in Articles 67 and 70 of LBI:*

*"Art. 67. The broadcasting services of sounds and images shall allow the use of the following resources, among others:*

*I - subtitling by hidden caption;*

*II - window with interpreter of sign language;*

*III - audio description.*

*Art. 70. Institutions promoting congresses, seminars, workshops and other events of a scientific and cultural nature must offer to the person with disability, at least, the assistive technology resources provided for in art. 67 of this Law."*

**3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?**

*In 2018, Brazil adopted the General Law for the Protection of Personal Data (Law 13.709), which provides for the processing of personal data, including digital media, with the objective of protecting the fundamental rights of freedom and privacy and the free development of the personality of the natural person. With respect to personal data protection, the law is based, among others, on freedom of expression, information, communication and opinion; as well as human rights, the free development of personality, dignity and the exercise of citizenship by natural persons.*

*In addition, the Brazilian Inclusion Law guarantees the exercise of the rights of persons with disabilities to accessibility, including freedom of movement and expression, communication and access to information.*

**4(a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:**

**- training, including human rights education;**

**- research, including studies on perception and attitudes; and**

**- surveys and data collection.**

*BPC in the School program was created to guarantee access and permanence in the school of children and adolescents with disabilities from zero to eighteen years old, who receive the Benefit of Continuous Social Assistance (BPC). BPC is an income benefit of a minimum wage for older persons over 65, or for persons of any age who have physical, mental, intellectual or sensorial long-term disability who present difficulties for participation and full interaction in society. To grant this benefit, the monthly family income is required to be up to a quarter of a minimum wage per person. The BPC program in the School is implemented through intersectoral actions with the participation of the federal government, states, municipalities and the Federal District.*

*The program consists of an interministerial initiative involving the Ministries of Citizenship, Education and Health. The main objectives are the identification of barriers that impede or hinder access and permanence of children and adolescents with disabilities in school and development of intersectoral actions, involving policies of social assistance, education, health and human rights. For the identification of these barriers, questionnaires are applied to beneficiaries during home visits. Subsequently, the beneficiaries and their families are monitored by the Technicians of the Social Assistance Referral Centers (CRAS) and the intersectoral actions developed by the program management groups.*

*In addition, there is the monitoring of intersectoral actions, which makes it possible to register inter-sectoral actions to overcome barriers to access and stay in the program's public school. Such a program has become a source of awareness for children with disabilities so that they can remain in school, with follow-up, to assess the barriers encountered, and ensure access to education for children and adolescents with disabilities.*

*A number of federal government campaigns have been carried out to raise public awareness of the rights of persons with disabilities from a human rights perspective. In the second half of 2013, for example, two campaigns were carried out for more than thirty days in TVs and print media, regarding the facilitated credit line called BB Accessibility, with below-market interest rates for the acquisition of technology products assistive.*

*Also in 2013, the federal government, to highlight the International Day of Persons with Disabilities, on December 3, broadcasted a primetime institutional one-minute long video with the policies and advances of the National Promotion Plan of the Rights of Persons with Disabilities - To Live Without Limits, during the television news program with the highest audience in the country. The video had all accessibility features.*

*In 2016, the Paralympic Games were hosted by Brazil, generating a wide awareness of people with disabilities through promotional videos.*

*Other federative entities also carry out their own campaigns. As an example, a campaign by the City of Curitiba, Paraná, called "Hire people with disabilities and discover great talents", which seeks to encourage contractors and enable the inclusion of people with disabilities in the labor market.*

*There is also concern and interest in making available and offering the population access to content related to human rights education. It should be noted that the federal government offers courses related to the subject of the rights of persons with disabilities, namely:*

*i. Council for the Rights of Persons with Disabilities: the course offers basic human rights training related to special care for people with disabilities. The course presents lessons on the work of the Councils of People with Disabilities at the municipal, state, district and federal levels, working on basic concepts in legislation and regulations. The course composes the Advice of the Rights of Persons with Disabilities, having as prerequisite the courses Citizenship and Human Rights and Management of Human Rights Councils; and*

*ii. Introduction to Libras: introductory course on the Brazilian Sign Language (Libras). Law 10.436/2002 legitimates Libras as a language coming from the Brazilian Deaf Communities and obliges the public power in general to adopt institutionalized ways of supporting the use and dissemination of this language as a means of communication.*

*Finally, the Accessible Tourism Program consists of a set of actions to promote social inclusion and access of people with disabilities or with reduced mobility to the tourism activities, in order to allow them to reach and use services, buildings and tourist equipment safely.*

**4(b). Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.**

*The Disability Rights Council courses have been developed with a focus on people who act or will act as members of municipal, state, district, and federal councils on the Rights of Persons with Disabilities, as well as anyone who expresses an interest in the theme. The sign language course was developed with a focus on public servants that integrate the Public Administration in the spheres of federal, state and municipal government and have interest in the communication with deaf people through the Brazilian Sign Language and to any citizen who wants to take the course. On the other hand, the Accessibility course in public spaces is aimed at architecture professionals and other interested parties at the theme of accessibility. The Accessible Tourism Program is aimed at public and private managers, front-line tourism professionals, tourist enterprises, tourist destinations and people with disabilities or with reduced mobility (tourists and non-tourists).*

**5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).**

*People with disabilities participate in the construction of various public policies, including awareness-raising. In Brazil, participation takes place in the National Council for the Rights of Persons with Disabilities (CONADE), composed by government and civil society, with an advisory and deliberative capacity, forming part of the structure of the National Secretariat for the Rights of Persons with Disabilities. CONADE discusses guidelines on the rights of persons with disabilities in the light of the Convention on the Rights of Persons with Disabilities. Similar structures of councils are established at the municipal, state and Federal District levels, as well as representativeness through civil society organizations that work in the area.*

*Particularly in 2012, following a series of municipal and state conferences in all units of the federation, the Third National Conference on the Rights of Persons with Disabilities took place in Brasília, with the theme "A look through the Convention on the Rights of People with Disabilities: new perspectives and challenges". The Third Conference represented a historic moment in the social movements of people with disabilities, since civil society and government in their various spheres were able to jointly evaluate the implementation of public policies by the municipal, state and federal governments.*

*It is also worth mentioning that the mobilization for the rights of people with disabilities has been reflected in the increase in the number of councils on the subject. The mentioned state collegiate bodies jumped from 12 to 27 (in all units of the Federation), while the municipal ones, from 75 to 572, between 2003 and 2014.*

*Another way to dialogue and ensure the participation of society is through the project "Public Policy Forums", which are being held in 2019. The Forum aims to collect and systematize information about the disabilities and their demands in the areas of accessibility, education, employment and health, deconstructing negative stereotypes about the themes mentioned. By the middle of 2019, two forums were held with the theme "Public Policies for People with Down Syndrome" and "Public Policies for People with Autism". In 2019, forums will also be held with the following themes: rare diseases, intellectual and multiple disabilities, hearing and deaf people, physical disability and visual impairment.*

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