

**POPULATION, CITIZENSHIP AND HUMAN RIGHTS IN BRAZIL:  
ELEMENTS FOR A SYSTEM OF INDICATORS**

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**Abstract**

This paper aims to present elements and alternatives for the construction of a human rights system of indicators for Brazil that contributes to the evolution of full citizenship in the country. We plan to: 1) discuss the formation process of “incomplete citizenship”; 2) the limitations in implanting human rights; 3) explicit or implicit population policies; 4) the shortcomings of national statistics. The IBGE is an internationally accredited institute given the quality of its statistical work. Nonetheless, much is still needed so that a national system of human rights indicators can be established in Brazil. Thus, based not only on a diagnosis of the evolution of human rights in Brazil but also on the assessment of demographic censuses and household surveys conducted by IBGE, as well as and on administrative records, this paper aims to illustrate the directions towards the construction of a system of human rights indicators for the nation.

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INTRODUCTION

On analyzing the history of English citizenship, T. H. Marshall (1967) showed that the evolution of human rights in England occurred in three stages or generations: civil rights, corresponding to the 18th Century; political rights, corresponding to the following century; and social rights, corresponding to the 20th Century. Regarding other parts of the world, Bobbio (1992) considers that the great step towards universalization of human rights took place after the creation of the United Nations and, especially, after the approval of the Universal Declaration of Human Rights. This 1948 Declaration introduced the contemporary conception of human rights marked by universality and indivisibility.

Since the proclamation of the Universal Declaration, the United Nations has adopted over sixty declarations or conventions. In addition, there were two important international Conferences: Teheran, 1968 and Vienna, 1993. With the end of the Cold War, all the theoretical and practical advances allowed the implementation of human rights principles throughout the world in the second half of the 20<sup>th</sup> Century propitiated the development and elaboration of the reproductive rights, approved in the International Conference of Population and Development held in the city of Cairo in 1994. The interaction between international and national achievements allowed population, citizenship and human rights in Brazil to be seen as a set, paving the way for the overthrow of old neomalthusian beliefs.

In this sense, the newest offspring of the 1948 Universal Declaration of Human Rights are the reproductive rights approved in the ICPD in Cairo. The definition of the concept of reproductive rights was not an isolated act, but the result of a great movement of the global society. Equally important were the set of UN Conferences that reaffirmed the ample notion of

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citizenship, such as: the Environment – Rio de Janeiro, 1992; Women - Beijing, 1995; Social Development - Copenhagen, 1995; Human Settlements – Istanbul, 1996 and Food - Rome, 1996. Thus, reproductive rights appeared as part of a conception of full citizenship that includes the rights of women, as well as environmental rights, the right to housing, nourishment and all of the social rights.

Citizenship and human rights concepts in Brazil received international support and developed internally, founded on economic, social and cultural conflicts and struggles. But the path of Brazilian citizenship was turbulent and suffered innumerable setbacks before becoming a current and recurrent theme in the re-democratization process in the mid 1980s and the 1988 “Citizenship Constitution”. Unlike English history, advances in Brazilian citizenship did not follow the civil, political and social rights generations, each corresponding to one of the last three centuries. Brazilian democracy and the building of citizenship in the nation had a rough and somewhat complex, though more limited, history (Carvalho, 2003).

In 1822, at the time of the Proclamation of Independence, Brazil was made heir to a hardly reputable civic tradition. During the years of the Empire (1822-1889) civil rights benefited the few, political rights benefited even fewer and there was no mention whatsoever of social rights. The abolition of slavery in 1888 was no doubt a landmark, but the introduction of free labor did not mean that the black population had won citizenship rights. Having attained some formal rights did not imply in gains in actual rights. During the years of the Old Republic (1889-1930), the social issue was handled as a “police matter.”

The Getulio Vargas government (1930-1945) made headway insofar as labor and social security legislation was concerned, but it put restrictions on democratic freedom. In the “Populist Republic” (1945-1964) less than 20% of the Brazilian population was eligible to vote and social citizenship was restricted to some categories of workers under formal employment, the “regulated citizenship” (Santos, 1979). The March 1964 coup instated the “Military Dictatorship” (1964-1985) that greatly restricted civil and political rights. With the so-called “New Republic” (1985-), Brazil began a new historical cycle in which, for the first time, economic, social, cultural and reproductive rights are seen within a framework where Civil Status prevails (Fausto, 1995).

Civil and political rights in Brazil have meandered down a winding road and economic, social and cultural rights have met with restrictive access. So, too, the Brazilian population has not been able to gain total access to reproductive rights until today. To a large extent citizens have had to face the ideologies of the State and of churches. In the 1940s, explicitly anti-control legislation was implanted in Brazil that favored large families, forbade abortions and considered the propagation of contraceptive methods unlawful, disapproving of pregnancy prevention practices. This restrictive legislation remained in effect throughout the following democratic period and was invigorated during the first stage of the military regime. But the drop in infant mortality rates and structural and institutional changes provoked the beginning of the fertility transition. The desire to reduce the size of the progeny brought about the demand for effective contraceptive methods. Fertility regulation ceased to be a subject imposed by neomalthusianism and became a legitimate demand to determine one's own reproductive rights (Wood and Carvalho, 1994).

Due to the intervention of human rights defenders and, mainly, as a result of the active participation of the feminist movement, the issue of fertility regulation became a part of social demands. Several steps were taken: the 1977 Maternal and Infant Health Program (*Programa de Saúde Materno-Infantil*), the 1983 Total Assistance for Women's Health Program (*Programa de Assistência Integral à Saúde da Mulher - PAISM*), Article 226, paragraph 7, of the 1988 Federal Constitution and Law 9,263 of the 1996 Family Planning. In this way, one can see that in the 1980s and 1990s Brazil was able to implement legislation regulating the practice of reproductive rights throughout the nation. However, even though Brazilian legislation respects in theory human rights in the reproductive sector, the availability and the variety of contraceptive methods on the public health network continue to be sparse due to the fiscal crisis of the Brazilian State. Thus, poorer families cannot fully exercise the right to determine their own reproduction (Faria, 1989).

Indeed, the history of Brazilian democracy in the 20th Century did not follow the progression foretold by Marshall, but the 21st Century began with the greatest general elections ever held in the nation and with the strengthening of Civil Status. There is no doubt whatsoever

that we live an incomplete form of citizenship in Brazil. However, the conquest of full citizenship that would allow the raising of living standards and guarantee rights from “birth to the grave” will only be attained when, once international recommendations and national legislation is set in place, we respect the universal and indivisible nature of human rights.

## WELFARE STATE AND BATTLE AGAINST POVERTY IN BRAZIL

Although full civil and politic rights did not exist until 1985, the economic and social rights had their origins in the 1930 Revolution. The welfare state in Brazil took place in a different way in time and in space, for the genesis of industrialization in the country occurred in a late and dependent fashion in relation to the international economy. The Brazilian process of modernization was distinguished by segmentation, limited reach and heterogeneity, given that the universal and redistributive profile of social policies was distorted by concentrating economical standards, centralizing, authoritarian or populist governments and decreased power of political influence over popular classes.

The Brazilian Welfare State has emerged from autarchic decisions, from the top to the bottom, to regulate matters related to the organization of the laborers – regarding working conditions and labor force trade, pointing toward the creation of the necessary conditions to the industry development and easing the migration of workers from traditional to modern sectors, and the constitution of an urban industrial labor force in the country. Therefore, the social protection system did not target the poorest and needy parcels of population in Brazil. In this structured relationship between the State and the population, have converged the phenomena of patrimonialism and corporativism.

That Brazilian social policy based on corporativism/clientelism mode, as shown by Draibe (1998), was created to serve the formal segments of the economy, based on a restricted coverage, taking into consideration a “working class aristocracy”, and leaving aside poorer people, who survived under an economy of subsistence, due to their unstable and precarious links with the labor market. Bearing no power to pressure on and without an effective capacity of

vindication the poorer social segments of the population took no part of the Brazilian Welfare, being at the mercy of demagogic policies or humanitarian acts.

The main features of the Brazilian social protection system, created during the first Vargas government (1930-1945), did not present significant changes during the democratic regime between 1945 and 1964. Authoritarianism have gave way to populism, which at least have attempted to take into consideration a few social vindications, giving rise to the introduction of various modifications in legislation of labor market, which took into account union organization's matters, strike rights and labor tutelage. However, the scope of the benefits created by those laws was very limited. For instance, the social security system had encompassed only a small fraction of the working population.

According to Medeiros (2001), the populist characteristics of the Brazilian social policy were modified by the military regime, which had established two main lines of action: "The first one, with a compensatory character, were constituted of assistance policies that sought to decrease the impact caused by the growing unevenness provoked by the acceleration of the development of capitalism. The second one, with a productive character, had formulated social policies contributing to the process of economic growth" (p. 14).

During the period of 1964 and 1985, the financial and administrative basis of a centralized and authoritarian state apparatus, seeking for legitimacy, allowed more ample and complex actions in the social field than the ones observed in the preceding periods of time. As shown by Martine (1989): "The resorts that circulated in the social area turned out to be strictly articulated with the economic policy, were subordinate to the economic rationality criterion in various instances. The private sector was therefore stimulated to undertake important shares of the housing, education, health, social security and food sectors" (p. 100).

The 80's re-democratization process acquired a wider reach than any preceding period of time. The rise of new social actors, the revitalizing of the electoral competition and the rescuing of the social debt widened popular demands, consolidating in the 1988's Constitution the principles of universalization, decentralization, partnership between government and social

movements, greater autonomy to federative entities, broadening and extending the social and basic human rights. However, the 80's social reformism was less successful in the implementation of the social program, facing contradictory movements and signals originated both from economical restrictions and corporative distortions of organized interests. For instance, when the health policy program had to be implemented, the new Unified Health System (SUS) and its universal and interrelated programs was deprived of financial support to carry out the actions foreseen in the program design.

Apart from the period of retreating in social policy during the Collor government, the social reforms agenda have continued when Fernando Henrique Cardoso was president, although it was restricted by the economical stabilization plan and by the asymmetries of the globalization process. In programmatic terms, the government proposed to develop basic social services (social security, health, education, social work, housing and sanitation), regarding labor and wage programs, in addition to programs for poverty reduction (Programa Comunidade Solidária).

In 2003, during the Luiz Inácio Lula da Silva government, the Ministry of Finance (Brazil, 2003), issued the report of "Social Expenses of the Central Government 2001-2002", in which is were discussed the quality and the re-distributive impacts of the Brazilian social expenses. The report showed that both taxation and social expenses are elevated in Brazil if compared to other countries with the same level of income per capita. For a taxation of 36% of the GNP, the government appointed 15,5% to social expenses, or R\$ 204,2 billion, in 2002. The direct social expenses - which excludes treasury resigning, subsidies, and loans, was of R\$ 182 billions, considering that the expenses per capita presented a growth of 20% between 1998 and 2002. Nevertheless, the report concludes that the impact of the expenses in decreasing poverty and income inequality has been limited (the government expends a lot but badly).

Many authors, in agreement with the preceding report, draw attention to the lack of focus and the existence of an "inter-generational conflict" in Brazilian society, according to which the elderly would be getting more benefits than children or young persons. According to Lisboa and Siqueira (2003), the Welfare State, as it is organized in Brazil, acts in a way that preserves

inequalities rather than re-distributes income, since it absorbs more than 65% of the central government direct social expenses and covers less than 50% of the labor force.

In addition, Paes de Barros and Carvalho (2003) consider that Brazil is a country with one of the most encompassing social policies, and modern to a great extent; however, seldom effective regarding to power on reducing poverty. According to the authors, the Brazilian social policy has been systematically failing in reaching the poorest for lack of focus and due to the inter-generational bias of policies, since in 2002, 73% of the total federal transfers were spent in retirements and allowances, while only 1,5% were appointed to suit poor families through the Minimum Income Program. As the authors affirmed “There is also another factor, still more relevant, that affects the intensity of focus in social programs. It is the inter-generational bias of the compensatory programs, such as the one that appears in the comparison between the rural social security and the programs of income transference to the families with children, such as the *Bolsa Escola*. All these programs lead to the decrease of poverty in all age groups; however the decrease is much more accentuated among the elderly than among the children” (p. 8).

Goldani (2004) questions the interpretation of “inter-generational conflict”, establishing a difference between formal and informal contracts, according to which inter-generational relations are defined in terms of age groups, for the case of formal contract in the social policy, and in terms of members of the family, for the informal contract case: “Analysts and policymakers of the Brazilian social policy have little to say about who must pay for the expenses with caring of the elderly and still less about who must pay for the ones concerning the well-being of younger generations” (p. 245).

Other authors support the thesis of the universalization of the Brazilian public policies and disagree with the thesis supported by the Ministry of Finance report. Pochmann (2003) considers that the statement in which the social expenses are elevated, ill-focused and supposedly satisfies only the privileged, is a just a copy of the Anglo-Saxon liberal ideology. For him, the limitations of Brazilian social policy must be searched for in the regressive taxation policy, in the elevated public debt and in the high interest rates: “Summing up, the distributive impact of social expenses is annulated by the regressive taxation structure and by the financial circuit, which transfers on a

regular basis the income of the poor to the rich, since the first one is squeezed by the elevated interest rates which increase the income of the latter” (p. 112).

According to Lavinias and Garson (2003), the biggest mistake of the Ministry of Finance report is to take social policy for battle against poverty policy, without understanding that the second one is a part of the first: “Actually, the primacy of the state welfare expenses upon the table of social expenses reflects the deep debility of the Brazilian system of social protection, where it is not to be seen for example a policy of support to the family that covers all Brazilian” (p. 148). During the Fernando Henrique Cardoso mandate was created the United Community Program, focusing on new forms of actions and control. The fragmentation, though, remained through various compensatory programs, such as: 1. School Aid; 2. Food Aid; 3. Eradication of Child Labor (PETI) or Citizen-Child Aid Program; 4. Young Agent; 5. Income Aid; 6. Gas Aid.

The Luiz Inácio Lula da Silva mandate started emphasizing the Zero-Hunger Program. Shortly after, the alimentation aid began to be part of the Family Aid Program, which united all the other programs for income transference. Besides the compensatory feature of the programs has remained, it had aimed to increase the efficiency of the policies in the battle against poverty. Nevertheless, while still discussing the matter of focalization in the programs, the Congress sanctioned the Law number 10.835, January 8th 2004, whose first article states: “It is established, from the year of 2005, the basic citizenship income, which will constitute a right for all Brazilians residing in the country and for foreigners residing in Brazil for more than 5 (five) years, regardless their social and economical condition, they will receive an annual monetary benefit. ”

According to Lavinias (2005): “The current scenery rises the suspicion that such law will remain ineffective. That would not constitute a surprise. Well, what it is at stake today in Brazil is precisely the nature of its social protection system, which in practical terms, takes rather a residual shape, in a mixture of a set of conditions and highly restrictive access, in the opposite direction to the re-distributive/universal spirit of the social reform that led to the constitution of the 1988’s Social Security, which inspires and legitimates the basic citizenship income” (p. 2).

The unification characteristic of the social programs based on the universal nature of rights has the challenge of widening the scope of the Brazilian democratic policy, at the same time the challenge of incorporating growing parts of the population to the social and economical democracy. In Brazil, any public policy needs to join together in the same political platform the civil and political rights, along with economical, social, cultural, environmental and reproductive rights. It has also to count on the creative power of the new popular movements and the social capital originated from organized networks of the civil society.

### Population policies and fertility regulation in Brazil

During the 20th century in Brazil, more and more far-reaching social policies have been elaborated, both in terms of programs and of the contingent of population assisted. Generally, the community demands a state intervention, searching for solutions for social needs, and the national political leaders search for legitimacy through actions that satisfy the population expectations and vindications.

In demographic issues it had occurred an opposite tendency as observed above. The State gradually walked away from any kind of target related to popular growth. Obviously, there has always existed a consensus about the pursuit of the decrease of mortality. Nevertheless, in relation to the fertility matters, Brazil is internationally known as a country that has never adopted explicit policies concerning demographic goals. Nonetheless, through history, there have been various actions and norms that brought significant effects to demographic dynamics and its components (fertility, mortality and migration), in addition to a specific legislation with anti-controlling purposes:

- At the end of the 19<sup>th</sup> century, selective immigration policies were adopted to attend the internal demand for free labor. In 1888, with the end of slavery, the Brazilian State started to promote explicit policies to draw European immigrants, and after 1908 regarding Japanese immigrants.

- Social Welfare and labor policies, during President Vargas government, included several items containing protection to birth and to large families. The most noticeable was the system of supporting for motherhood, infancy and family income, etc.
- During Vargas first mandate, the Penal Code legislation had an explicit anti-control principle, forbidding marketing regarding contraceptive methods and punishing cases of sterilization and abortion.
- The Article 124 on the Brazilian Penal Code of 1940 classified abortion as a crime. It exempted cases in which pregnancy was the result of rape or when pregnancy had risk of life for the mother.
- During the democratic period, between 1945 and 1964, a populist and pro-natalistic character marked the Brazilian social policy, necessary to the expansion of productive and settlement activities, such as the construction of Brasilia, the settling of the Center-West region, or the opening up of other areas for cultivation.
- In 1967 it was created a Parliamentary Inquiry Commission (CPI) at the Congress to investigate about a denouncement of “mass sterilization” practice to Amazonian women.
- The Costa e Silva mandate (1967-1968) reaffirmed the opposition to any birth control policy, and in alliance with the Catholic Church supported the contents of Pope Johannes Paulus VI’s Humanae Vitae Bill (1968).
- During the General Medici government (1968-1974) were created projects for colonizing Amazonia, and the Transamazonica road was built. On the international scenery, adopted clear positions opposing the restriction to population growth at the Environment Conference, in Stockolm in 1972, as well as during the preparatory meeting in Geneva, 1973, for the World Population Conference of 1974.

- In 1983, another Parliamentary Inquiry Commission was created to investigate problems related to population growth, in the context of the 1981-1983 economic crisis.
- In 1991, it was instituted a new Parliamentary Inquiry Commission to inquire about the causes of “mass sterilization” of Brazilian women and to check whether there existed a greater probability of sterilization of black women.

In the mid-1970's, despite the generalized fertility decline and the rising demand for contraceptive methods, the Brazilian government had no public policy to regulate the demographic dynamics, nor a policy to attend the demand for fertility regulation. In the International Population Conference of Bucharest, in 1974, the Brazilian government took a position against any controlling population policy, although it had recognized, for the first time, people and couples' rights the access to contraceptive methods, surpassing in this manner the restrictive legislation in force since the 1930's. Nevertheless, it was only with the Women Health Integral Assistance Program (PAISM), launched in 1983, that the issues concerning women health started to be seen in a broader manner, including issues about conception and contraception. The PAISM proposed to promote women health during the entire vital cycle and not only during pregnancy and lactation. It cared for all aspects of women's lives, including cancer prevention, gynecological care, family planning and treatment for infertility, pre-natal care, delivery and post-natal care, diagnosis and treatment for sexual transmitted diseases (DST), as well as for occupational and mental diseases.

With the Brazilian redemocratization process and the new legal and institutional country framework, developed from the second half of the 80's, the issues concerning fertility regulation started to be ruled by the Brazilian legislation:

- The § 7, Article 226, of the Brazilian Constitution establishes: “Grounded on the principles of human dignity and responsible fatherhood, the family planning is a issued of free decision for the couple, and the State must provide them with educational and scientific resources to exercise this right, being forbidden any coercive actions from private or state institutions”.

- The first legal abortion service was created in 1990 (for cases foreseen by law) in Jabaquara Hospital, in São Paulo city.
- The Law number 9.263, of January 12th 1996, regulates the § 7, Article 226, of the Brazilian Constitution, establishing rules for family planning in Brazil.
- The Article 10, which dealt with the issued of voluntary sterilization, was vetoed by the President when the Law 9.263 was published, and only sanctioned by the end of 1977.
- During Fernando Henrique Cardoso's two mandates, many steps in the ambit of the Health Ministry were taken, aiming at granting a better access to contraceptive methods.
- In 1998/99, the Ministry of Health published specific technical norms to regulate the disruption of pregnancy in the cases accepted by the Penal Code of 1940.
- At the end of 2004, the Ministry of Health launched the Technical Norm for Humanized Care to the Unsafe Abortion and the Special Secretary for Women's Policies (SEPM) proposed the creation of a working group to debate the reform of the Penal Code articles that dealt with the subject abortion.
- On the 22nd of March 2005 was launched the National Program for Reproductive and Sexual Rights aiming at fully attending the demand for conception and contraception in the country.

In fact, the Brazilian legislation is ahead both in terms of battle against poverty and of regulation of fertility. The country spends resorts relatively elevated in the social area. However, given the high degree of regional, economic and social heterogeneity in Brazil, there exist vast contingents of population that do not get benefits from institutional actions, and do not have their needs resolved, remaining in a vulnerable condition. In order to give a step forward in terms of human rights establishment, it is necessary to create a monitoring system and human rights indicators.

## MONITORING SYSTEM AND HUMAN RIGHTS INDICATORS

Since Brazilian government has launched the National Human Rights Program (PNDH) in 1996 there is a general preoccupation about monitoring system and human rights indicators in Brazil, (Mesquita Neto, 2003). Such system must obviously take into account the indivisibility, the interdependence and universality of all rights: civil, political, economical, social, cultural, reproductive and environmental. Among others, the system should include the following indicators:

### 1. Preservation of life

Infant mortality rates, mortality rates by external causes (number of death by suicides, homicides, caused by fire weapons or slaughtering, and vehicle accidents), number of deaths among the civil population and police officers during actions against crime, number of police inquiries related to the types of violent death, number of convicts, number of victims and witnesses threatened by reason of taking part of police inquiry, number of relatives that ask for state help;

### 2. Torture, and inhuman, cruel or degrading conduct

Number of denunciations of torture carried out by police officers and penitentiary agents, number of police and judicial inquiries related to torture, number of police officers and penitentiary agents and agents from teenagers' criminal unities dismissed and convicted due to torture practices;

### 3. Civil rights

Number of persons that have no birth certificate, death certificate, electoral credentials and other types of documents related to citizenship, number of reporters killed or threatened as the result of their profession exercise, number of leaders and members of human rights organizations, unions, religious people and members of the civil society killed or threatened as the result of their activities in their fields of action;

4. Political rights

Existence of free elections taking place at regular periods, gender and race/ethnic groups represented among members of the municipal, state and federal councils, number of mayors, state governors, deputies and governmental authorities killed or threatened as the result of their political activities, number of party leaders and popular leaders killed or threatened as the result of their political activities;

5. Forced labor

Number of persons found in conditions similar to slavery according to race, gender and age, number of notification of slavery or degrading labor, number of persons subject to lawsuit for their practices or compliance with slavery or degrading labor;

6. Violence in prisons

Number of imprisoned persons and prisoners' life conditions, number of escapes from prison, number of convicts who took part in escapes attempts from the penitentiary system unities, number of rebellions in the penitentiary unities or from other public security system unities, number of convicts killed while on State custody, number of police inquiries about types of violent death;

7. Violation of children and adolescent's rights

Mortality rate by aggressions, number of children and adolescents not attending school, percentage of children under 14 years old working, number of notifications on cases of child labor, number of current tutelary councils, number of non-governmental organizations for the defense of children and adolescents rights, number of children and adolescents attended by programs of eradication of child labor, number of children assisted by the Family Aid Program, number of children and adolescents subject to sexual exploitation, number of police inquiries and of convicts related to sexual exploitation of children and adolescents;

8. Women

Women's activity ratio, degree of occupational segregation and wage discrimination, women unemployment rates, schooling rates and educational gender gap, mortality rates by age

and causes of death, and life expectancy by sex, percentage of women working in all three levels of government, number of women councils for the defense of women's rights in the country, number of precincts specialized in women's assistance, number of traffic routes of sexual exploitation, number of lawsuits related to sexual harassment, number of convicts of discrimination against women;

9. “*Quilombos*” and indigenous population

Number of “*quilombolas*” – name for the population living in the remaining areas previously occupied by “*quilombos*” (slaves former hiding place), number of areas occupied by remaining *quilombo* communities and percentage of those that received legal land ownership, number of indigenous populations or tribes, indigenous' demographic conditions, number of suicides occurred among indigenous, number of indigenous killed during battles for land, number/extension of indigenous' lands delimited by the government, existence of policies aiming at the improvement of the *quilombolas* and indigenous' life conditions.

10. Elderly and physically challenged persons

Absolute and relative number of elderly, percentage of elderly attended by the social security and social welfare, number of councils for the defense of elderly rights, number of specialized precincts for the elderly, absolute and relative number of physically challenged persons, number of physically challenged persons attended by LOAS (Permanent governmental aid for the elderly and physically challenged persons), number of councils for the rights' defense of the physically challenged persons, number of job positions held by physically challenged persons, number of cases of discrimination against physically challenged persons;

11. Gays, lesbians, bisexuals and transgender (GLBT)

Number of GLBTs murdered because of their sexual orientation, number of police inquiries on aggressions and homicides of GLBT, number of notifications regarding discrimination against sexual orientation at school, at work and in the public institutions, number of cases of discrimination against GLBT exposed by the media.

## 12. Sexual and reproductive rights

Percentage of men and women with access to modern contraceptive methods, percentage of persons with access to free contraceptive methods, specially among poor families, percentage of health services with availability of emergency contraception, percentage of unnecessary caesarean sections, percentage of adolescents mothers, percentage of unplanned pregnancies, percentage of health professionals in the public sector trained on reproductive health and reproduction in vitro, percentage of induced abortions, percentage of persons who are victims of domestic violence or sexual violence, percentage of persons with HIV/AIDS, percentage of persons with other sexually transmitted diseases.

## CONCLUSIONS AND RECOMMENDATIONS

The absence of human rights is expressed in various ways. The poorest segments of the Brazilian population, especially women, afro-descendants and indigenous population live in an ever-increasing circle of needs. The lack of basic rights, including rights of organization, mobilization and free expression, is mainly related to low levels of education, implying in lower labor market insertion, as well as unskilled jobs achievement with low level of formalization without social welfare insurance. Those types of jobs mostly lead to income levels that lie below the line of poverty, resulting in precarious conditions of housing and sanitation. To the adverse job and education conditions are added the extremely bad reproductive health services offered by the public institutions. It leads to high levels of mortality, morbidity and low life expectation. It is also common in this situation that persons and couples find themselves in a highly unmet needs for contraception, as well as, high levels of unwanted pregnancies. Hence, social, political, economic and population factors sum up and reinforces this vicious circle of poverty. Cases of violence and violation of human rights are expected to increase in this scenario of needs.

A first step to reverse this scenario has to be to extensive improvement of the Brazilian public statistics system. The evaluation and monitoring of actions and human rights programs depend on the ready availability or new data production. However, the availability of data not always provides useful information for decision-making. In some areas, in Brazil information is abundant and of reasonable quality. Nevertheless, in other areas mostly when related to statistics

towards the understanding of the life conditions of the poor population, especially regarding afro-descendants and indigenous populations, the needy for information are huge.

A fact in the Brazilian history gives an illustrative example of the authorities negligence with statistic data and how ethics was abandoned due to conservative oligarchic interests, with the intention of hiding a “stain” on the nation’s history. Only in May 13<sup>th</sup>, 1888, through the “Lei Áurea”, which abolished slavery in Brazil during monarchy, had made the country the last one in the world to officially end the servitude opprobrium. About 800.000 slaves were freed – 5% of the Brazilian population at that time. Next year, the Republic was institutionalized in the country. The first republican government decided to eliminate (burn up) all documents that would prove previous existence of slavery in Brazil, instead of taking steps to integrate the afro-descendant population to the new society that was based on free labor. The Minister of Finance, the distinguished Brazilian lawyer Rui Barbosa, signed a dispatch in December the 14th 1890, stating that any existing book or documents related to slavery in the Ministry of Finance should be gathered together and burned in the Rio de Janeiro Customhouse’s caldrons. Six days later, in December the 20th, the National Congress sanctioned the decision.

That fact serves as example of the authorities disregard to statistics, which unveil the conditions of poverty and inequality in the country. More than statistics manipulation, Brazil suffers from omission of relevant information to the enlightenment about life conditions of outcast populations and specific ethnic/racial groups. We have a reality of shortage in the middle of abundance, that is to say, in some areas we have plenty information, but when it comes to vulnerable populations, there is a huge insufficiency of relevant statistical figures.

Another difficulty concerning data availability is that there are several administrative data systems, however they have low coverage and are inaccurate. To improve coverage and the quality of administrative information, the method of gathering and systematizing data must also be improved, in order to obtain reliable information in all geographical levels, in accordance with a decentralized actions policy. It would provide also quickness in the divulgation of data to public use and easiness to its access. It is a great challenge for any institution responsible for gathering

data to solve problems related to the quality of the information and its availability for public use, as well as to attain compatible standards on concepts and categories of data.

Another challenge to improve methods of gathering public statistics refers to the unification of the various existing systems. Governmental offices, responsible for gathering statistics, generally work inarticulately, sometimes bringing forward redundant or distorting information. It is very important for the national offices to incorporate positive results from regional experiences, as for example, the combined effort between SEADE Foundation and IBGE in the gathering of data for Vital Registration.

Although large financial resources are reserved yearly for gathering public statistics, the funds approved and the actual expenses are not articulately planned among the various government agencies (IBGE, Ministry of Education, Ministry of Health, Ministry of Justice, for example). The IBGE, as the coordinator of the National Statistical System, is challenged to articulate in the best way possible, the available information and to render compatible concepts and definitions used in the gathering of data, as task still far from being accomplished.

Brazil has seen the strengthening of democracy during the past 20 years and the civil society has been demanding from the institutions responsible for the production of data to enable public policies to improve life conditions. Human rights agenda must attend to the principles of indivisibility, interdependence and universality, encompassing civil, politic, social, economic, cultural, reproductive and environmental rights. The betterment of life conditions of a population does not take place hazardously or as the automatic result of economical development processes, or even of democratic development. Even international programs, like Millennium Development Goals, for example, may have little impact, if government actions do not reach the more vulnerable and needy populations.

In a large country as Brazil, human rights situation presents specific features in each municipality, state or region. In order to render effective actions in the improvement of rights, it is fundamental to be acquainted with particular features, problems and possibilities of action. The organization of the National Statistical System can follow a procedural or thematic logic in

its various levels. Brazilian legislation encompasses the various dimensions that give a frame to the normative frame of human rights. What is missing is a statistical system capable of diagnosing problems and pointing out to concrete solutions through effective public policies that grant the fulfillment of human rights.

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