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**THE FIGHT AGAINST POVERTY: AN ANALYSIS OF THE BRAZILIAN
EXPERIENCE ON CASH TRANSFER PROGRAM (BOLSA FAMÍLIA)**

A Model for International Promotion of Economic and Social Rights?

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Abstract

In 2003 the Brazilian government created a cash transfer program called Bolsa Família to fight poverty, hunger and reduce inequalities. The main objective of this thesis is to analyse the program I previously mentioned, highlighting the impacts that it had in the society in the areas of social and economic rights. Furthermore it will be argued, from a theoretical point of view, if the Bolsa Família Program can be a model for international promotion of economic and social rights. The main motivation of this work is the concern with the situation of poverty in the world. It is driven by the belief that the global community can work in cooperation to create a policy that can achieve solutions to this problem. Thus, the thesis does an overview of the historical development of the international system for the protection of economic and social rights, followed by the full analyses of the Bolsa Família program and concluding with the introduction of two important concepts: Global governance and solidarity. Acknowledging the failure of the international system to overcome poverty, this dissertation seeks to propose an alternative solution to oppose this problem.

Key words: Bolsa Família, Social and Economic Rights, Solidarity, Global governance.

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TABLE OF ACRONYMS

BF	Bolsa Família
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the rights of the Child
ESCRs	Economic Social and Cultural Rights
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
IBGE	Instituto Brasileiro de Geografia e Estatística
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPEA	Instituto de Pesquisa Econômica Aplicada
MDS	Ministry of Social Development and Fight Against Hunger
PNAD	Pesquisa Nacional por Amostra de Domicílios
PSDB	Partido da Social Democracia Brasileira
PT	Workers Party
UDHR	Universal Declaration of Human Rights
UN	United Nations

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1. Introduction

This world, that offers a banquet to all and closes the door in the nose of so many, is, at the same time, equalizer and unequal: equalizer in the ideas and the customs that it imposes, and unequal in the opportunities that it offers. (Eduardo Galeano)

Brazil is a country of contrast; with the exuberant natural beauty and the diverse natural resources, poverty and wealth walk hand and hand. The inequality disparity it's a very common sight in the life of the Brazilian people, it's so common that in some way you get used to it.

For a very long time the country was ruled in the favour of few. It is in this context that, in 2003, the Brazilian government created the cash transfer program called Bolsa Família to try to end poverty and the intergenerational propagation of it.

This program has become a major instrument to promote social and gender empowerment and ensure the protection and development of economic and social rights in Brazil. It has a fundamental significance for its beneficiaries, since for many poor families in Brazil this is the only possibility of obtaining an income.

After the implementation of the program, Brazil left the map of extreme poverty¹, more than 39.6 million people were raised to the class "c"² and Brazil achieved five of the millennium development goal³, which are: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality and combat HIV.

The program also had impact in the economic sphere, when the beneficiaries received the money they became consumers, buying food, clothes and basic instruments to create a better environment for the family. This flow of money helps the development of small

¹ Food and Agriculture Organization of the United Nations, 2015.

² Cortes Neri, 2011.

³ The MDGs in Brazil, 2012.

markets and subsequently boosts the national economy, creating more jobs and opportunities.

The BF is a very cheap public policy, it cost less than 0.5% of the Brazilian Gross Domestic Product (GDP)⁴.

Hence, the cash transfer program Bolsa Familia has become one of the major instruments to guarantee human rights in the Brazilian society.

Human rights are achievements of social and political movements over the centuries. According to Hannah Arendt, human rights are not immutable prearranged facts; on the contrary, it is a human invention in a constant route of construction and reconstruction⁵.

It is in this framework that the economic and social rights will develop and gain strength, becoming a paradigm and ethical benchmark to conduct the contemporary international order. The protection of economic and social rights should not be limited to the reserved domain of the State, that's why it must not be restricted to the exclusive national competence or to a domestic jurisdiction, because it reveals the subject of a legitimate international interest. The process of universalization of human rights has endorsed the formation of an international normative system of protection.⁶

The international protection system of economic and social rights is composed of Covenants and Conventions that above all, reflect a contemporary ethical awareness shared by the States as they seek international consensus on the minimum parameters of protection⁷. In this regard it is important to highlight that until the present date the International Covenant on Economic, Social and Cultural Rights have 164 State Party; the Convention on the Elimination of Discrimination against Women, with 189; and the Convention on the Rights of the Child with 195 State Party.

From the perspective of international rules, the idea that the social, economic and cultural rights are not legal rights and non-enforceable its already outdated. They are authentic and genuine fundamental rights that are actionable, demandable and that

⁴ Soares, 2012.

⁵ Arendt, 1989.

⁶ Piovesan, 2004, pp.20-47.

⁷ Ibidem.

require serious and responsible observance. Therefore, they should be claimed as rights, and not as charity, kindness or compassion. Asbjorn Eide and Allan Rosas states that "Taking economic, social and cultural rights seriously implies, at the same time, a commitment to social integration, solidarity and equality, including the issue of distribution income. The social, economic and cultural rights include as a central concern the protection of vulnerable groups. [...] Fundamental needs must not be made contingent on charity from state programs and policies, but rather defined as rights "⁸.

Alongside the global regulatory system emerge the regional protection systems that aim to internationalize human rights at regional level. This is the case in Europe, America and Africa with the regional organizations and courts.

The global and regional systems are not contradictory, but complementary. Motivated by the values and principles of the Universal Declaration of Human Rights (UDHR), they form the core instrument of the protection of social and economic rights internationally. Thus, the various systems interact on behalf of protected individuals. The purpose of separate legal instruments and its coexistence - guaranteeing the same rights - is to expand and reinforce the protection of economic and social rights⁹. What matters is the degree of effectiveness of the protection and thus should be applied to standard that offers better protection to each individual.

Therefore, "by adopting the value of the primacy of the human person, these systems complement each other, interacting with the national protection system in order to provide the greatest possible effectiveness in protecting and promoting fundamental rights. These are also the logic and the set of principles of international human rights law, all founded on the supreme principle of human dignity."¹⁰

However, the effectiveness of these rights in the global community will not be possible without the real implementation of global governance and the principle of solidarity.

Global governance is a new concept that was born after the end of the cold war and with the arrival of the new multi-polar global panorama brought by the strengthening of

⁸ Asbjorn & Allan, 1995, pp.17-8.

⁹ Piovesan, 2004, pp.20-47

¹⁰Ibidem, pp.20-47.

globalization and the new technologies. The main idea is to create policies that face global concerns that cannot be solved alone, to work in cooperation to face the ills of the world.

It is in this scenery that the introduction of solidarity is very important and has to be included in the global community. Solidarity is not about charity or assistance but about building a global legal community based in the rule of law and respect of human rights.

Furthermore, it is already clear that some issues cannot be faced alone, and that a lot of the problems that are endured today are the result of the economic exploration that's some countries faced during many years. Additionally the way the capital system is organized becomes a clear obstacle for the real development of the less powerful economies, which creates a huge social impact.

One of these problems is poverty. According to the United Nation (UN), today 1.2 billion people live in extreme poverty¹¹. In this regard, Joseph E. Stiglitz argues that “the actual number of people living in poverty has actually increased by almost 100 million. This has occurred at the same time that total world income increased by an average of 2.5% percent annually”. Hence, poverty “is the worlds greatest killer”¹².

Based on this context, this research will investigate the Bolsa Familia programme as to whether the cash transfer program can be an international model for promoting social and economic rights.

This research will be divided into three chapters. The first one will describe the international, regional and national legal framework of social and economic rights. Giving a special attention to the International Covenant of Economic, Social and Cultural Rights and it's comment number 3 an the Brazilian constitution of 1988. The issue of justiciability of social and economic rights in Brazil and how it receives international treaties into the national legal framework will be explored.

Chapter two is the core of the research and will explain and analyse the Bolsa Familia Programme, highlighting the importance of creating and applying social policies to help

¹¹ United Nations, 2014.

¹² Farmer, 2003, p.50.

develop society and end the intergenerational propagation of poverty and inequality. Thus, the research will show the impacts not only on the beneficiaries' life but also on the whole community.

The last chapter will focus on two concepts – global governance and solidarity - to argue that the Bolsa Familia program can be used as model to promote economic and social rights worldwide.

Lastly, the proposed method is based on bibliographic and descriptive research which starts at a macro reality (International Covenant of Economic, Social and Cultural Rights) and move for more specific and particular context (Bolsa Familia Program). This approach seeks to investigate and describe the social, political and legal phenomena to interpret them in order to ascertain whether the Brazilian social program Bolsa Familia can be justified as a model globally. To corroborate all of this information, will be used data from the United Nations agencies, the World Bank, Brazilian Ministries and Brazilian Institute of Statistics.

2. Economic and Social Rights

Historically economic, social and cultural rights (ESCRs) have been the “step-sister” of civil and political rights, meaning that ESCRs have not necessarily received the same attention in its realization in the international order. This chapter will do an historical overview of the development of social and economical rights with particular reference to the International Covenant on Economic, Social and Cultural rights (ICESCR) and it’s comment number 3. This chapter will also elaborate on The Convention on the Elimination of all Forms of Discrimination against Women and the convention of on the Right of the Child with regards to the ESCRs. This will be followed by the American regional instrument (Protocol of San Salvador) and there after the Constitution of Brazil.

2.1 Economic and Social rights: Historical overview

Over several centuries, the human rights system was the elaboration, reflex and implementation of individual and collective rights in the fight for liberties and human dignity. The British Bill of Rights (1690-91), the American Declaration of Independence (1776) and the French Declaration on the Rights of Man and the Citizen (1789) are important benchmarks in the development of human rights.

T.H Marshal¹³, in his book called Citizen and Social Class, differentiate three stages of evolution of rights: 1) Civil rights and the notion of equality before the law between all members of society, was the biggest realization of the eighteenth century; 2) Political rights and the increasingly participation of the population in the suffrage and in the decision making process in the nineteenth century; and 3) and social rights, with the birth of the welfare state and the possibility of all member of society to enjoy a reasonable condition of life.

¹³ Marshall, 2002, p.05-30.

Asbjorn Eide¹⁴ argues “the concern with economic and social rights emerged in Europe either simultaneously with (the United Kingdom, the Nordic Countries) or even before (Germany under Bismarck) the expansion of political rights.”

After the economic crisis of 1929 and the great depression that took over the world by the 1930's, the support for the State to have a bigger role in the subject of social justice increased. It's no wonder that extremist nationalist and totalitarianist political parties created a social appeal and took advantage of this situation to get into power.

In 1941, the President of the United States Of America, Franklin D. Roosevelt made the famous “four freedoms address” where he stated that the post-war world should be constructed on the bases of four freedoms: 1) freedom of speech; 2) freedom of worship; 3) freedom of fear; 4) and freedom of want.

During the 1944 State Union Address, Roosevelt stated:

“We have come to the clear realization of the fact that the true individual freedom cannot exist without economic security and independence. Necessitous men are not free men. People who are hungry and out of job are the stuff of which dictatorships are made.”¹⁵,

After the Great Second World War and during the creation of the UDHR, there was no doubt that economic and social right had to be included in the document. The UDHR document embraced all the human rights fields - political, civil, social, economic and cultural rights - and made them interrelated and equally enforceable. Asbjorn Eide states:

“The realization, particularly in the West, that the political upheavals and the emergence of totalitarian regimes in the period between the two World Wars had been due to the widespread unemployment and poverty, led to a genuine interest in securing economic and social rights, not only for their own sake but also for the preservation of individual freedom and democracy. This view was based on a conviction that even in periods of recession it would be necessary to ensure basic economic and social rights could be enjoyed by all.”¹⁶

¹⁴ Eide & Krause & Rosas, 2001, p.14.

¹⁵ Roosevelt, 1944.

¹⁶ Eide & Krause & Rosas, 2001, p.18.

This is the same preoccupation that we face in the present times. The escalation of unemployment, the increase of poverty and inequality and the rise of totalitarian parties show that there is still much to be done and that the international mechanism in this field needs to be more efficient.

The UDHR¹⁷ envisaged that everyone should enjoy the rights contained in the declaration. All national societies should recognize them as achievable ideals to be implemented in national law with political and social reforms and it was necessary to create international mechanism to monitor the implementations of human rights worldwide, and also to generate cooperation in the field of ESCRs to help the fulfilment of these rights.

Initially, the UDHR was an expression of ideals to be achieved and the process of positivization, which started with the two Covenants- International Covenant of Civil and Political rights and ICESCR - adopted in 1966 and followed by other more specific conventions¹⁸.

It is important to highlight the one or two covenant discussion that happened before the implementation of the abovementioned documents. In the beginning the idea was to launch only one covenant with all the rights together in one document¹⁹. One of the main disputes about this issue was the claim that economical and social rights are different from political and civil rights because they require the use of resources by the State.

In this regard, it's important to highlight that States obligations could be divided in three parts: 1) the obligations to respect; 2) obligation to protect and 3) obligation to fulfil which incorporate the obligation to provide and facilitate²⁰. It is a commonly error to say that economic and social rights are obligations to fulfil and civil and political rights are obligations to protect. This is a very complex subject but sometimes the best way to

¹⁷ The Universal Declaration of Human Rights, 1948.

¹⁸ Eide & Krause & Rosas, 2001, p.19.

¹⁹ Ibidem, pp.9-20.

²⁰ Ibidem, p.22.

safeguard social and economic rights is through not interference and all human rights have the three obligations²¹.

Using this discourse as an excuse, and claiming that with two different covenants would be easier and quicker to ratify the documents, the members of the United Nations finally decided to embrace the two Covenants proposed.

The ICESCR was adopted on 16 of December of 1966 and entered into force on 3 of January of 1976, in accordance with article 27²² of the ESCRs Covenant.

2.2 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights²³ is divided in five parts and thirty-one articles. The core of social rights is article 11, which refers to the right to an adequate standard of living. It's vital that everyone enjoy, at lowest, the basic subsistence rights like housing, clothing, the necessary conditions of care and adequate food. Related to this is article 10, which refers to the right of families to assistance.

To enjoy all of these rights it is necessary to have certain economic rights, like right to work (article 6) and right to social security (article 9). It's important to highlight how essential is the right to social security when a person does not have a secure and adequate standard of living through work caused by disability, old age or unemployment. When we talk about social security it is important to address some fundamental issues. People sometimes find themselves in situations where the possibility to enjoy an adequate standard of living is not in their hands, this could happen because of poverty, war or natural disasters. The State has the obligation to create policies that help these people to overcome this situation. Special provisions should be adopted to ensure that they can enjoy their social and economic rights to the greatest extent possible²⁴.

Asbjorn Eide & Allan Rosas posit:

²¹ Ibidem.

²² International Covenant on Economic, Social and Cultural Rights, 1966.

²³ Brazil ratified the Covenant on January 24, 1992.

²⁴ International Covenant on Economic, Social and Cultural Rights, 1966.

“Taking economic, social and cultural rights seriously implies a simultaneous commitment to social integration, solidarity and equality, including the issue of income distribution. Social, economic and cultural rights include protection for vulnerable groups as a central concern. (...) Fundamental needs must not be made contingent on charity from state programs and policies, but must be defined as rights²⁵.”

Although in principle everybody is the beneficiary of human rights, some groups are more vulnerable than others or through the years they have been subjected to discrimination. They require special treatment so that their rights can be protected and respected, this could happen with affirmative action or other special measures.

As reported by Paul Farmer “The concept of human rights may at times be brandished as an all-purpose and universal tonic, but it was developed to protect the vulnerable. The true value of the human rights movement’s central documents is revealed only when they serve to protect the rights of those who are most likely to have their rights violated. The proper beneficiaries of the Universal Declaration of Human Rights (...) are the poor and otherwise disempowered²⁶”.

On that matter, Flavia Piovesan declare:

“If we consider the processes of “feminization” and “ethnicization” of poverty, we perceive that, in Brazil, the main victims of the violation of economic, social and cultural rights are women and populations of African descent (on this subject, see Flavia Piovesan & Silvia Pimentel). This entails the need to adopt, in tandem with universalist policies, specific policies that are capable of providing visibility to individuals that are more vulnerable and that allow these to exercise their right to social inclusion in full.²⁷”

Chapter two of this dissertation will show how Brazil created specific policies in regards of the protection of vulnerable groups like poor people, women and children.

The right to education (article 13 and 14) is another vital right to secure an adequate standard of living, in order to create good chances to obtain satisfactory work and a better life.

²⁵ Eide & Rosas, 1995, pp. 17-18.

²⁶ Farmer, 2003, p. 212.

²⁷ Piovesan, 2006, p. 6.

The covenant also recognize the right of everyone to the enjoyment of just and favourable conditions of work (article 7), the right to trade union (article 8), the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions (article 11), the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (article 12) and the right of everyone to take part in cultural life.

2.2.1 General Comment number 3 on the ICESCR

Article number 3 of the International Covenant takes a special role in this dissertation because it speaks about the obligation of the state to **“to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources,** with a view to **achieving progressively the full realization of the rights** recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”²⁸.

The text highlighted will be of great relevance in the upcoming chapters of the dissertation²⁹. The idea of international assistance and co-operation will bring the discussion of the (im) possibility of the use of Bolsa Familia program as a model for international promotion of Economic and Social rights. General Comment no. 3 on this matter:

“A final element of article 2 (1), to which attention must be drawn, is that the undertaking given by all States parties is "to take steps, individually and through international assistance and cooperation, especially economic and technical ...". The Committee notes that the phrase "to the maximum of its available resources" was intended by the drafters of the Covenant to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance. Moreover, the essential role of such cooperation in facilitating the full realization of the relevant rights is further underlined by the specific provisions contained in articles 11, 15, 22 and 23. With respect to article 22 the Committee has already drawn attention, in General Comment 2 (1990), to some of the opportunities and responsibilities that exist in relation to international

²⁸ Emphasis added.

²⁹ Chapter 3.

cooperation. Article 23 also specifically identifies "the furnishing of technical assistance" as well as other activities, as being among the means of "international action for the achievement of the rights recognized (...). It emphasizes that, in the absence of an active programme of international assistance and cooperation on the part of all those States that are in a position to undertake one, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries. "

Moving forward, it is important to say that the above mention article describes the nature of the legal obligation undertaken by the States parties. The General comment number three states that these obligations are obligations of conduct and obligations of result³⁰. The comment also says that "while the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect."³¹

The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. But this does not mean that the state don't have the obligation to at least provide a minimum core, thus "in order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations"³². Moreover fulfilling the minimum obligations is the *raison d'être* for the existence of the ICESCR.

Different states have different amount of resources, but this does not mean that it is only dependable on the Gross National Product (GNP) of the society but also on the quantity of resources there are available to the state for the quest of it's obligation under international human rights law³³. On this subject, "the word 'achieve progressively' have often been misinterpreted. In its General Comment No.3 (1990) on the nature of states obligations under article 2(1), the Committee on Economic, Social and cultural

³⁰ General Comment 3, 1990.

³¹ Ibidem.

³² Ibidem.

³³ Eide, & Krause & Rosas, 2001, p.34.

rights points out that while the concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time, the phrase must be seen in light of the overall objective, which is to establish clear condition for States Parties to move as expeditiously as possible towards the realization of these rights”³⁴.

2.2.2 Limburg Principles and Maastricht Guidelines

The Limburg principles and the Maastricht guidelines are documents elaborated to give guidelines to States-Parties on the subject of state obligations and practice of monitoring the ICESCR.

Conceived by a group of experts assembled by the International Commission of Jurist in June 1986, the Limburg Principles³⁵ is the best guide available stating the obligations under the ICESCR. The most important UN human rights body has accepted the principles³⁶.

Clause number 8 of the guideline states:

8. Although the full realization of the rights recognized in the Covenant is to be attained progressively, the application of some rights can be made justiciable immediately while other rights can become justiciable over time.

As Teodoro de Mesa³⁷ says “the Limburg principles have to be contextualized in the people’s struggle to realize their human dignity as expressed in the provisions of the International Covenant of Economic, Social and Cultural rights.”

The Maastricht Guidelines³⁸ were adopted a decade later when experts on economic, social and cultural rights met to create and adopt a set of guidelines on violations of human rights and appropriate responses and remedies.

It is important to highlight that the Maastricht guidelines have to be read in union with the Limburg Principles.

³⁴ Ibidem.p.34.

³⁵ Limburg Principles, 1986.

³⁶ This document was referenced in the UN Commission on Human rights, Resolution 1993/14.

³⁷ M. de Mesa, 2003.

³⁸ Maastricht guidelines, 1997.

2.3 International Convention on vulnerable groups

Arguably the deprivation of Economical and social rights affects women and children most profoundly due to their vulnerability in society. Thus, special treaties to address concerns regarding these groups have been adopted. The CEDAW and CRC receive special attention in this dissertation due to its role and importance in the Brazilian social security program the Bolsa Familia.

Both Conventions include express reference to the protection and enjoyment of economical and social rights.

2.3.1 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Create to eliminate all forms of discrimination against women and promote equality the CEDAW³⁹ was signed on November 17, 1979, and officially entered into force in 1981, after obtaining the minimum number of ratifications.

Article 3 of the Convention establish that “the states parties have to take appropriate measures, especially in the political, social and economical field to ensure the full development of women, with the objective of guaranteeing the exercise and enjoyment of human rights and fundamental freedom”.

The convention also institutes, in its article 4.1, that the State-party should adopt special measures to accelerate equality between women and men.

Article 5 of the same convention establishes which appropriate measures should be take to modify the social and cultural patterns of conduct “to achieve the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”. The article also states that it should be ensured that the family education has a proper understanding of maternity as a social function.

As you can see, State-parties have the obligation to create an environment that respect and not discriminate women and should establish laws and social policies that

³⁹ Brazil ratified the convention on March 30, 1984.

empower⁴⁰ and protect them, helping to achieve their full development. Thus, where necessary women should get focussed assistance in realising their socio-economic needs, taking cognisance of their vulnerability in society and the fact that they mostly take the role of primary care giver to children.

2.3.2 Convention on the rights of child (CRC)

The convention on the rights of the Child⁴¹, in article 04, establish:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

General Comment No. 5 from the **Committee on the Rights of the Child about the Convention**⁴², argues that “States need to be able to demonstrate that they have implemented to the maximum extent of their available resources and, where necessary, have sought international cooperation. When States ratify the Convention, they take upon themselves obligations not only to implement it within their jurisdiction, but also to contribute, through international cooperation, to global implementation”.

It’s important to stress that the Convention on the rights of child does not have the clause of ‘progressive realization’, this indicate that social and economical obligations contained in the CRC take place immediately, only qualified by the expression ‘within their means’⁴³. Asbjorn Eide⁴⁴ argues that “what is special about economic, social and cultural rights is only the question of the availability of means when such are required; the obligations are otherwise as immediate as are those relating to civil and political rights”.

The Convention recognizes the right health (Article 24), the right to social security (Article 25), the right to adequate standard of living (Article 27), the right to education (Article 28) and the right to protection from economic exploitation (article 32).

⁴⁰ The importance of women empowerment will be further discussed in the concrete case of the Bolsa Familia on Chapter number 2.

⁴¹ Brazil ratified the convention on November 11, 1991.

⁴² Committee on the Rights of the Child General Comment No. 5, 2003.

⁴³ Eide, & Krause, & Rosas, 2001, p.28.

⁴⁴ Ibidem.

2.4 Regional Instrument: San Salvador Protocol

San Salvador protocol⁴⁵ was created to complement and fulfil the Covenant of San José da Costa Rica, which was very shy in relation to economic, social and cultural rights⁴⁶.

Signed on November 17, 1988, it officially entered into force in 1999, after obtaining the minimum number of ratifications.

The first article establishes that “ The States Parties to this Additional Protocol to the American Convention on Human Rights undertake to adopt the necessary measures, both domestically and through international cooperation, especially economic and technical, to the extent allowed by their available resources, and taking into account their degree of development, for the purpose of achieving progressively and pursuant to their internal legislations, the full observance of the rights recognized in this Protocol.”

As demonstrated by the above article, the Protocol brings the need for commitment by States parties to ensure the establishment of the rights gradually. In other words, the Protocol reaffirms the state's duty to invest the maximum of available resources without setbacks - and progressively - to the full realization of economic, social and cultural rights.

The Protocol deals with topics such as Just, Equitable, and Satisfactory Conditions of Work (article 7), Trade Union Rights (article 8), Right to Social Security (article 9), Right to Health (article 10), Right to a Healthy Environment (article 11), Right to Food (article 12), Right to Education (article 13), Right to the Benefits of Culture (article 14), Right to the Formation and the Protection of Families (article 15), Rights of Children (article 16), Protection of the Elderly (article 17) and Protection of the Handicapped(article 17).

The Protocol also brings a great improvement over protection mechanisms for guaranteed rights, such as mandatory reporting by States. Article 19.1 establishes:

“Pursuant to the provisions of this article and the corresponding rules to be formulated for this purpose by the General Assembly of the Organization of American States, the States Parties to this Protocol undertake to submit periodic

⁴⁵ Brazil ratified the protocol on August 21, 1996.

⁴⁶Additional protocol of San Salvador, 1988.

reports on the progressive measures they have taken to ensure due respect for the rights set forth in this Protocol.”

These reports should present appropriate administrative, legislative and judicial steps taken to accomplish the rights guaranteed in the document, as well as to mention the core obstacles faced in this process.

Another aspect is the possibility of individual petitions in the case of violation of article 8 and 13 of the protocol. Article 19.6 institute:

“19.6. Any instance in which the rights established in paragraph a) of Article 8 and in Article 13 are violated by action directly attributable to a State Party to this Protocol may give rise, through participation of the Inter-American Commission on Human Rights and, when applicable, of the Inter-American Court of Human Rights, to application of the system of individual petitions governed by Article 44 through 51 and 61 through 69 of the American Convention on Human Rights.”

These two instances are considered to be enforcement and justiciability mechanisms because they allow individuals, as well as national groups, the possibility resort to an international court of Justice to demand a right that must be achieved through national public policies if it is not being fulfilled.

It's important to highlight that this kind of mechanism is only valid when the rights of the article 8 and 13 are been violated, the same cannot be said by the other rights in the protocol. Thus, the lack of access of individual mechanism for the American citizen towards the violations by the State-party in regards to the other rights in the Protocol is one of the biggest problems about this form of monitoring. In other words, individuals and social groups have no form to report violations, and the monitoring of compliance of the obligations is restricted to the reports prepared by States themselves.

2.5 Social and economic rights in the Brazilian Constitution

After 21 years of dictatorship (1964-1985) Brazilian society longed for a new legal system that respected the dignity of the human person. The constituent of 1987-1988 together with the civil society⁴⁷ believed that the new Brazilian society could be built on the bases of the rule of law, democracy and human rights⁴⁸.

The Brazilian Constitution was enacted in 1988 and is best known as a “Citizen Constitution”. It received this name because it included in the text social and economic rights as fundamental rights⁴⁹ of the Brazilian society.

Brazilian Constitution is also a *Dirigente Constitution*. Constitution *Dirigente* outlines the objectives to be pursued by the State. It is characterized by having provisions that define the tasks and action programs to be implemented by the government⁵⁰.

Article number 1 of the Constitution⁵¹ defines the federative republic of Brazil as a democratic State of the Rule of Law and having as its foundation:

I-Sovereignty;

II- Citizenship

III- The Social values of work and free enterprise;

IV- Political Pluralism

Sole paragraph. All power emanates from the people, who exercise it through elected representatives or directly, according to this Constitution.⁵²

⁴⁷ During the period of constituent, civil society presented several popular amendments with thousands of signatures and on various subjects.

⁴⁸ Rech, 2007.

⁴⁹ I should highlight that fundamental rights and human rights are the same thing for Brazilian doctrine. Human rights are fundamental rights positivized in the national legal system.

⁵⁰ Canotilho, 1982.

⁵¹ Brasil, Constituição da República Federativa do Brasil, 1988.

⁵² Original text: Art. 1º A República Federativa do Brasil, formada pela união indissolúvel dos Estados e Municípios e do Distrito Federal, constitui-se em Estado Democrático de Direito e tem como fundamentos:

I - a soberania;

II - a cidadania;

III - a dignidade da pessoa humana;

IV - os valores sociais do trabalho e da livre iniciativa;

V - o pluralismo político.

Parágrafo único. Todo o poder emana do povo, que o exerce por meio de representantes eleitos ou diretamente, nos termos desta Constituição.

Responsible for the construction of plural values and interests shared by the community, it is possible to note that the Constitution dedicated to defining the objectives of the Republic and its fundamental principles, integrating them to the State, as comprehensive territory, the people and the sovereign, without forgetting the existence of a cultural dimension.

In article 3, the Constitution establishes the fundamental objectives of the Republic:

- I- To build a free, just and solidary society;**
- II- To guarantee national development;
- III- To eradicate poverty and marginalization and reduce social and regional inequalities;**
- IV- To promote the good of all, without prejudice as to origin, sex, color, age and any other forms of discrimination.⁵³(emphasis added)

In its first articles, the constitution makes clear that the promotion of social and economical rights will receive equal treatment in the charter as the others fundamental rights.

Title number II of the Constitution refers to fundamental rights and guarantees (*Dos Direitos e Garantias Fundamentais*) and chapter II (article 6 to 11) focus on social rights.

Article 6 gives a general definition of social rights:

“Are social rights education, health, work, leisure, security, social security, protection to childhood and maternity and assistance to the destitute”⁵⁴.

Article 7 speaks about urban and rural workers rights. The article is divided in 32 sections and the constituent legislator organized all the rights and guarantees the best way to protect workers rights. It contains the guarantee against unjustified dismissal,

⁵³ Original text: Art. 3º Constituem objetivos fundamentais da República Federativa do Brasil:

I - construir uma sociedade livre, justa e solidária;

II - garantir o desenvolvimento nacional;

III - erradicar a pobreza e a marginalização e reduzir as desigualdades sociais e regionais;

IV - promover o bem de todos, sem preconceitos de origem, raça, sexo, cor, idade e quaisquer outras formas de discriminação.

⁵⁴ Original text: Art. 6º São direitos sociais a educação, a saúde, a alimentação, o trabalho, a moradia, o lazer, a segurança, a previdência social, a proteção à maternidade e à infância, a assistência aos desamparados, na forma desta Constituição.

unemployment insurance (in case of involuntary unemployment), minimum wage (it will be fixed by law and should guarantee the workers and his family basics necessity like housing, food, education, health, leisure, clothes, hygiene, transport and social security), participation in profits, rules on hour of works and so on.

Article 8 deals with the freedom of trade union organization and article 9 with the right to strike.

A very important progress made in the constitution was the adoption of the concept of social security. Article 194 establishes:

Art. 194. Social security comprises an integrated set of actions initiated by the public authorities and society, to ensure the rights to health, social security and social assistance.

Sole paragraph. The Government has the power, under law, to organize social security, based on the following objectives:

I - universality of coverage and service;

II - uniformity and equivalence of benefits and services for urban and rural populations;

III - selectivity and distributivity in the provision of benefits and services;

IV - irreducibility of the value of the benefits;

V - equity in the form of participation in funding;

VI - diversity of the financing basis;

VII - democratic and decentralized character of administration, through quadripartite management, with participation of workers, employers, retirees and the Government in the collegiate bodies.⁵⁵

As demonstrated, the constitution defines social security as an integrated set of actions of the public power and the society to protect and ensure the right to health, social security and social assistance. The sections of the article highlight the objective that must be achieved by the public power and gives guidelines.

The establishment of the objectives followed by the guidelines means, in the legal plan⁵⁶, a breakthrough in the field of human rights and citizenship, and shows that the

⁵⁶ This will be explained in the justiciability section.

constituent power wanted to create a system that could help to correct the social and inequality problems presented in the Brazilian society.

It's important to highlight some important points about the conceptualization of social security in Brazil and its implementation. First is the delay of the adoption of the social security concept in the country. The UDHR⁵⁷, in its article 25⁵⁸, already established the right of social security. The International Covenant of Economical, Social and Cultural rights⁵⁹, in its article 9⁶⁰ also recognizes the right of everyone to social security.

The second point highlights the change of the political agenda in the world and the reorganization of country's dominant sector after the promulgation of the Constitution in 1988. The dominant sectors of the country became a grand obstacle for the implementation of the social rights enshrined in the *Carta Magna*⁶¹. With the crisis of capitalism in the early 1990's and it's productive restructuration, the recommendation for the so-called developing countries by the international organizations (World Bank, International Monetary Fund and Inter-American Development Bank) was the deregulation of the economy and the search for the minimal State, with the privatization of public services and companies and the reduction of investments on the social area⁶². These developments brought regressions in the social policy arena and today the Brazilian society still feels the result of such policy.

Coming back to the Brazilian Constitutional Charter, another important achievement of the Federal Constitution was the definition of the social security funding source in article 195. It establishes that "Social security will be financed by all of society, directly and indirectly, under the law, with funds from the budget of the Union, the States, the Federal District and the municipalities, and the following social contributions:

⁵⁷ The Universal Declaration of Human Rights, 1948.

⁵⁸ Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

⁵⁹ Brazil ratified the covenant on 06/07/1992.

⁶⁰ The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

⁶¹ Oliveira & Oliveira, 2011, pp.5-29.

⁶² Ibidem.

employers' social contributions, levied on the payroll, revenues and profits, workers, and on revenues from prognostic contests.”

Creating diverse sources of funding, which are not only dependable of the employers and workers, is a great achievement for a society that has problems with unemployment and periodic economic crisis.

Article 165, paragraph 5 institutes that the annual budget law will consist of “the social security budget, covering all entities and bodies linked to it, the direct or indirect administration, as well as funds and foundations instituted and maintained by the Government”.

This rule aims to prevent the misuse of the resources for other purposes, which was very common in the Brazilian history. However, the budget of social security was never elaborated. As a way to circumvent the system, all the entities disclose the tax and social security budget together making it difficult to analyze the data.⁶³

Title VII (article 170-181) of the Brazilian Constitution speaks about economic rights. Article 170 establishes the fundamental principles of economic activities:

Art. 170. The economic order, founded on the value of human work and on free enterprise, **is intended to ensure everyone a life with dignity, according to the dictates of social justice**, observing the following principles:

I - national sovereignty;

II - private property;

III - the social function of property;

IV - free competition;

V - consumer protection;

VI - environmental protection, including by differential treatment as the environmental impact of products and services and their development processes and delivery; (Writing amended by Constitutional Amendment No. 42 of 19.12.2003)

VII - reduction of regional and social inequalities;

VIII - full employment search;

IX - preferential treatment for small businesses constituted under Brazilian laws and having its headquarters and management in Brazil (Constitutional Amendment No. 6, 1995).

⁶³ Dieese, 2007.

Sole paragraph. It is ensured to everyone the free exercise of any economic activity, regardless of authorization from government agencies, except in cases provided by law. (Emphasis added)

By reading the constitutional provision it can be inferred that the Brazilian economic order is founded on the value of human labour and free enterprise aiming at ensuring everyone a dignified existence, according to the dictates of social justice.

It can be recognized that the constituent idea was to humanize capitalism. Eros Roberto Grau⁶⁴ mentions that "social justice initially is meant to overcome injustice in the distribution, the personal level of economic output". It is also worth noting the lesson of José Afonso da Silva⁶⁵ that "social justice is only achieved through equitable distribution of wealth".

Articles 171 to 180 institute the organization of the economic order in the national system.

Despite the problems faced in securing social and economic rights, we can highlight important advances in the last 15 years on policies that integrate social security, combating poverty and inequality.

2.5.1 **Justiciability of socio-economic rights**

The major critic that society has with the Brazilian Constitution is about the lack of effectiveness of the Charter. It is commonly said that the Constitution is very beautiful on paper but in reality it does not work.

Since the Federal Constitution of 1988 enshrined social rights as fundamental rights, they have obtained normative force and condition of justiciability⁶⁶. However, from the fact that social rights come at a cost - as, indeed, the fundamental rights in general- its realization presupposes the existence, though not exclusively, of financial resources.

Although we are beginning to address the subject it's important to highlight that *injusticiability* of social rights must be rejected. There are no more positive or negative rights because all rights are positive and negative, that is, all rights require action and

⁶⁴ Grau, 2004.

⁶⁵ Silva, 2001.

⁶⁶ Calmon Dantas, 2011.

abstention of duties. Given the above, it can be said that ALL fundamental rights are costly, that is, require resources.

Indeed, the major obstacle for the activity of fundamental rights, and social in particular, is composed of five factors: lack of political will, placing the priorities of government above the constitutional priorities, inefficiency of the administrative action of the State, corruption and “*reserva do possível*”.

To speak about justiciability of social and economical rights in Brazil, is necessary to address two obstacles: 1) The problem of the “*reserva do legal*”, which brings the discussion of the democratic aspect and the separation of powers; 2) The problem of the “*reserva do possível*”⁶⁷.

Professor Miguel Calmon⁶⁸ does not believe that “*reserva do possível*” can be an obstacle, but it is a condition, considering that something that is no possible cannot be achieved, and therefore, cannot be a right.

That said, the principle of “*reserva do possível*” holds three possible angles⁶⁹:

- 1) *Reserva do materialmente possível* - Example of organ transplantation: It has 30. 000 people waiting in line for an organ but the average is 30 organs per month. Thus if an individual start a lawsuit requiring transplantation, the judge cannot do anything about the problem, unless it is characterized that potentially there are 30 bodies, however, there is no medical staff, there are no hospitals, in other words, it's not possible to take advantage of all that is potentially possible. In this situation, the problem is the inefficiency of the State action.
- 2) *Reserva do economicamente possível* - Here comes the issue of the minimum wage. It has to meet all the goals that the Constitution provides, but it is absolutely impossible to have a minimum wage increasing from one year to the next to satisfy all needs. However, this assumption does not mean that the minimum wage should not be increased as much as possible within a particular economic and social context.

⁶⁷ Ibidem.

⁶⁸ Ibidem.

⁶⁹ Barroso,2002.

- 3) Budgetary reserve - The state has no resources to fully meet all the demands addressed to them. But on the other hand, the State cannot claim the impossibility of resources broadly. Example: in the case of individual litigations involving the minimum existential, since hardly an individual dispute can excessively burden the state budget. What can happen is the incidence of this argument in relation to public policy and legal collective actions, because then yes there is interference in the state economy. In this case, the State in addition to the claim has to prove interference in the budget.

When we speak of social rights, the most important is not exactly the individual case, but to evaluate the efficiency of public policy or state planning for specific public policy. This way we will know if social rights are being taken seriously, in other words, it is in this aspect that we will enter the complex problem of control of public policies, by which one can ensure the justiciability and the protection of social rights⁷⁰.

Given the above, it is important to make a parenthesis and talk about public policy. Public policy is a series of normative and concrete acts from the government. Public policy is an action program aimed at meeting certain purposes⁷¹. Therefore, it's important to highlight two questions and answers:

- 1) Control of public policy priorities, it is possible? Thus may the court, by evaluating the efficiency and the constitutionality of public policy, interfere with government choices about priorities? If we are faced with two constitutional priorities or if we are faced with a priority of government that does not affect or does not harm a constitutional priority, you cannot. However, if we are facing a public policy that puts in the first place one government priority at the expense of a constitutional priority, it is fully possible to control this policy. Given that the implementation of the government priorities, before a constitution priority, set goals, issues that should not to be discussed. The "how" to achieve is that it is the administrative discretion, within a margin of efficiency. Example: A municipality has no school, no hospital, but decides to build a football stadium.

⁷⁰ Calmon Dantas, 2011.

⁷¹ Calmon Dantas, 2010.

- 2) It is possible that the judiciary control the “*means*⁷²”? The problem is that the *means* involves a prognosis assessment of the legislator. Thus, the means chosen by the legislature must be sufficient to generate the legislative efficiency. It happens that the great difficulties of the judiciary to control the prognosis judgment of the legislature, and hence the legislative efficiency, is the technical aspect. This is where the problem of technical discretion of the government lies. Thus, if the judiciary has to identify that there are other more efficient technical options to solve the problem, you can exercise control of the *means*. Otherwise, if it is not possible to identify, there is no possibility of exercising control. It should be noted that also does not justify the control if they are facing a prognosis that the legislator did at the beginning proved to be correct, effective, but because of unpredictable factors, did not accomplish the result desired.

Given the above, you can see that the Constitution incorporates political issues and the judiciary will be able to control them when referring to the protection of fundamental rights as a whole. Thus, the legislator has freedom of conformation, however, it cannot make the choice of arbitrary or inefficient means, but also cannot make the election of priorities that are not consistent with the constitutional priorities.

Coming back to the problem of ‘*reserva do legal*’ and the argument of violation of the principles of separation of powers, it’s important to argue that in case of poor performance of the other powers, the judiciary has the obligation to act when called, this does not mean usurpation of power, it is their duty to protect and promote the constitution and consequently, social and economic rights.

Thus, the justiciability of social and economic rights is of great importance in protecting the dignity of the population. It’s legal defence starts from the premise that the state is absent and it is up to the judiciary, when necessary, to defend the rule of law.

⁷² Remember that the election of a “mean” has extreme relation to the problem of state efficiency.

2.5.2 The reception of international treaties in Brazil according to the Brazilian Constitution of 1988

Brazilian Supreme Federal Court⁷³ perceived that Brazil adopted the dual theory to identify how international treaties enter the Brazilian legal system. This theory says that the international and national juridical system does not combine, thus is obligatory that the international norm is incorporated into domestic law through the legislative process so that it can be applied.

The Brazilian Supreme Court Minister, Celso de Mello elucidate the matter:

“Despite the doctrinal controversy surrounding the monism and dualism, it has been qualified by CHARLES ROUSSEAU, in the international law plane as mere discussion d'école and it becomes necessary to recognize that the mechanism of reception, as disciplined by the Brazilian Charter, is the most eloquent attestation that the international standard does not have, on its own authority, the feasibility and immediate operability internally, because to become effective and applicable in the domestic sphere of the Brazilian state, it essentially depends on a process of normative integration which lies outlined in its basic aspects in the Constitution of the Republic.⁷⁴⁷⁵”

Therefore, the interpretation of the Constitution given by the Supreme Court states that it is unacceptable that a treaty is automatically approved and implemented domestically without being subjected to the legislative cycle, in other words, there is no constitutional possibility that treaties have immediate applicability.

⁷³ Supremo Tribunal Federal-STF, 1998.

⁷⁴ Ibidem.

⁷⁵ Original text: Não obstante a controvérsia doutrinária em torno do monismo e do dualismo tenha sido qualificada por CHARLES ROUSSEAU (*Droit International Public Approfondi*, p. 3/16, 1958, Dalloz, Paris), no plano do direito internacional público, como mera *discussion d'école*, torna-se necessário reconhecer que o mecanismo de recepção, tal como disciplinado pela Carta Política brasileira, constitui a mais eloqüente atestação de que a norma internacional não dispõe, por autoridade própria, de exeqüibilidade e de operatividade imediatas no âmbito interno, pois, para tornar-se eficaz e aplicável na esfera doméstica do Estado brasileiro, depende, essencialmente, de um processo de integração normativa que se acha delineado, em seus aspectos básicos, na própria Constituição da República.

However, there is one exception to this rule. When the treaties deal with human rights, the Constitution in its articles 4º, II and art. 5º, §1º⁷⁶, §2º, established that it has immediate application.

Human Rights treaties do not follow the same procedure as other treaties, which concern other matters, and thus are applied immediately in the national law order, without the obligation to pass first by the approval by the legislative house.

Because of this exception, it is possible to conclude that Brazil adopted a mixed reception system of treaties: the Dualist and Monistic theory⁷⁷. Professor Flávia Piovesan⁷⁸ states:

In the face of international treaties automatic incorporation incorporate up immediately to national law by virtue of the ratification act. (...) In short, in the face of systematic automatic incorporation, the State recognizes the full force of international law in national law by a general clause of full automatic reception. With the act of ratification, the international rule is effective immediately both in international law, as in domestic law without the need for a rule of national law that integrates the legal system. This systematic automatic incorporation reflects the monistic conception, whereby international law and domestic law makes up a single unit, a single legal order, there being no boundary between the international legal order and the internal order.

Professor Mazzuoli⁷⁹:

“If the provisions defining fundamental rights and guarantees are immediately applicable, international treaties to protect human rights, once ratified, by also containing rules providing fundamental rights and guarantees, will have, within the Brazilian constitutional context, identical immediate application. Just as those standards expressed in articles 5 to 17 of the Constitution are immediately applicable, in like manner, are the standards contained in international human rights treaties to which Brazil is a party.”

⁷⁶ Translated text from the Constitution: The provisions defining guarantee and fundamental rights have immediate application.

⁷⁷ Defended by Hans Kelsen, the monistic theory says that it only exist one legal order therefore there is no limitation to the coexistence of rules of international law and domestic law. The monistic theory States does not require any procedure to incorporate the international treaty to the national system.

⁷⁸ Piovesan, 2006, pp.106-107.

⁷⁹ Mazzuoli, 2000, p.242.

From the ratification of the treaty by the President, the human rights norms contained in the agreement are automatically incorporated and thus already have full effect in the national law. The goal is to provide speed and order to protect human rights.

3. THE BOLSA FAMÍLIA

Before we analyze the *Bolsa Família* Program in full, the first part of this chapter will do a brief overview of Brazilian history and there after inform how the idea of a cash transfer program arrived in Brazil and developed to a conditional cash transfer program, called *Bolsa Família*. The second part will analyze the program and the social and economical impacts in the Brazilian society, and the third part will focus on the criticism and what could be improved in the upcoming years.

3.1 Brief overview of Brazilian history

Brazil is a country of paradox, since the moment of “discover” by the Portuguese people in the year of 1500, the country was constructed for the benefit of a few. Every time the people tried to change the order to transform the country into a more social and equal society, the elite always used their power to silence those voices.⁸⁰

Since the start of the industrial development in the latest 1930's, Brazil was always called the “country of the future”, with the beautiful nature and the tropical weather and all the natural resources. With every phase of great economic growth that phrase would rise in the mouths of the politicians and businessmen. In the end, it became a shadow and a joke for the Brazilian people, because although Brazil earned a lot of money, they were never invested in basic needs, like infrastructure, schools, health system and so on. During the Brazilian economic miracle in the 70's, where Brazil was growing at 10% per year⁸¹, Delfin Neto, the Minister of Finance at that time, said something that explain well why this future never came: “Let's make the cake bigger, and then we will share”⁸². But they never shared, rich people became richer and poor people, miserable. It was at this time that the famous favelas (slums) were being creating and getting bigger and bigger⁸³.

⁸⁰ Hollanda, 1985.

⁸¹ Ibidem.

⁸² Ibidem.

⁸³ Linhares & Cardoso, 2000.

For those who tried to say something or change, they would be silenced or killed by the dictatorship regime (1964-1985). The growth of inequality and poverty from 1964 to 2003⁸⁴ was only getting higher by the years, and the social services getting worse.

In the beginning of the 1990's, Brazil was still in baby steps to become a democracy after being imprisoned for long years by the repression of the Military Dictatorship (1964-1985). The new Constitution was promulgated in 1988 and the first election with the participation of people occurred in 1989⁸⁵.

It's important to highlight that, the nowadays two big parties in Brazil PSDB and PT (Workers Party), were at that time very small and had little representatives in the local and national political arena. The other major party is the PMDB, which is one of the oldest ones in the country and was the only party permitted during the Dictatorship⁸⁶⁸⁷.

Although the Workers Party was a new party at the time, Luis Inacio 'Lula' da Silva was able to be a Presidential Candidate in the first democratic election in 1989 and went to the second round against Fernando Collor, representative from the PRN/PMDB coalition.

The first President elected by the people was Fernando Collor in 1990. Two years later he would suffer the impeachment process and would leave the Presidency because of scandals with corruption. It is important to highlight the big economic crisis that Brazil was suffering during this period.

In 1994, Fernando Henrique Cardoso from the PSDB party would rise as Brazil saviour, especially after he created the Real plan, which helped stabilize the economy and control the inflation. It was also in this period that the neoliberalism doctrine was inserted in the domestic politics.

The new elected President started the process of selling Brazil national companies to private investors for a very cheap price and with the argument that these companies only brought loss to the Brazilian government and the privatization could bring

⁸⁴ See in <http://www.ipeadata.gov.br/>.

⁸⁵ Linhares & Cardoso, 2000.

⁸⁶ During that time the PMDB was called MDB.

⁸⁷ Hollanda, 1985.

development and more jobs to Brazilian people. But in reality that was not what happened. During the eight years of Cardoso Presidency, the unemployment rate was high, and although he was able to create a more stable economy in the social aspect everything remained the same.

In the end of the year 2001 the economical and social situation of Brazil was very bad, Brazil had big debts with the International Monetary Fund (IMF) and World Bank (WB), there were no expectations that things were going to get better anytime soon and the only hope was the result of election that gave the opportunity for Luiz Inacio “lula” da Silva and the Workers Party to try to change the politics long established by the old oligarchies. When Lula entered the government in the first of January of 2002, the situation of the country was: 12.6% rate of unemployment, 24.5% people living in poverty⁸⁸, 35,87 per 1000 birth of child mortality and 12,85 child labour⁸⁹.

As showed in the first chapter, the Brazilian constitution specifically mandate social expenditures, the constitution recognizes social security and social assistance as citizens rights, therefore there is some priorities to create social provisions in the development of national policies.

Lula was the president who established programs to combat poverty and hunger and put these things as priorities in the national government. Coming from a poverty family from rural area of the northwest region of Brazil, he lived the cruel reality that the majority of Brazilians lives everyday.

3.2 Brazilian conditional cash transfer programs

As a result from these difficult times and trying to develop a social program that could reach the poorest part of the population that in 1990, Senator Eduardo Suplicy (1990-2014), the first Workers party representative in the Senate, introduced to the Legislative House the idea of cash transfer program, more specifically the idea of the basic income⁹⁰.

⁸⁸ Brazil uses the United Nations poverty line indicator: US \$ 1.25 a day.

⁸⁹ IPEA, 2012.

⁹⁰ Suplicy, 1998.

The bill project number 2.561 proposed the creation of a program to guarantee a citizen minimum income (*Programa de Garantia de Renda Mínima*), using the negative income tax. The idea of the project was that every Brazilian citizen that was 25 years or more and had a monthly income less than Cr\$ 45.000,00 (R\$ 158,45⁹¹ in the current currency) had the right to receive a vital minimum income. This original bill was never voted in the Legislative House but the conceptual idea of the creation of a social security that would depend only on the condition of poverty of the individuals was already brooding in the congress and for the first time, somebody had the initiative to propose a system of social protection based on **national solidarity**⁹².

The *Programa de Garantia de Renda Mínima* it is based in the basic income theory. The basic income theory is characterized by the proposal of cash transfer program as a universal and unconditional right granted to all individuals without requiring work or any other condition. Thomas Paine⁹³, a British activist, philosopher and social scientist created the theory in the XVIII century, during Industrial revolution but in a very agrarian society. Paine argued that the land, in its natural state, is a common property of the human race and only its added improvement value is private property of an individual. Thus, each cultivated landowner owes the community what he called a “land rent”. Paine proposed that, from this rent, it should be made a fund to be paid to all persons over twenty-one years in the amount of 15 pounds as compensation for the loss of their natural heritage due to the introduction of the system of private property. This payment should be done to all, rich and poor as it is an inherited right of all men.

Although it is a theory that dates back to the eighteenth century, there were few changes to its content. Nowadays such theory is justified as an important pillar to the ongoing process of fight against poverty and the state's obligation to provide basic social rights to all citizens. Thomas Pogge, in his book entitled *World Poverty and Human Rights*, discusses that there is a link between the wealth of the rich and the poverty of the poor,

⁹¹ 1 euro = R\$ 3.26 in today's currency.

⁹² Soares & Sátyro, 2009.

⁹³ Paine, 2009.

⁹⁴ Parijs, 1992.

arguing that the system regulation and the structure of international society actively hurt certain sectors of the economy, generating injustice and inequality⁹⁵.

As mentioned before, Basic income theory influenced the Brazilian Social Programmes but what was implemented in the following years as different small cash transfer programs with conditionality, which made the programs less ample and away from the original idea proposed.

This changed occurred because of two things, first Brazilian politics didn't really believed in the idea of basic income to all and, secondly they also believed that with the introduction of conditionality these kind of programs could reach the ones who really need it and help to end or at least reduce the intergenerational poverty and thirdly they thought that the money spent in this kind of program would be a lot for the State to handle.

The first federal program created with the conditional mentality was the Program of eradication of child labour (*Programa de Erradicação do Trabalho Infantil*)⁹⁶. The main focus of the program was children from seven to fifteen years old who worked or were on the verge of work in degrading and dangerous activities, like sugar cane cultivation. The benefit was of R\$ 25,00 for children in rural areas and R\$40,00 for children in urban areas.

The conditionality established by the government was: Children with less than 16 year old could not work and they should have 75% of frequency in the school. The organ that was responsible for the program was the Secretary of State of Social Assistance (*Secretária do Estado da Assistência Social*).

The second program created was the School Grant⁹⁷ (*Bolsa Escola*), Bill number 10.219, in 2001. The benefit were given to families with children from 6 to 15 years old and who had income of less then R\$ 90,00. The counter part was that the children had to have 85% of school frequency. The value of the grant was R\$15,00 per children. The ministry of Education was the organ that coordinated the program.

⁹⁵ Pogge, 2002.

⁹⁶ Brasil, Portaria MPAS n° 2.917, 2000.

⁹⁷ Brasil, Lei No 10.219, 2001.

Soon after this the Brazilian government created the Food Grant⁹⁸ (*Bolsa Alimentação*), Bill number 10.689, which the counter part was: vaccination for children, pre-natal exams for pregnant women and breastfeeding.

The program was coordinated by the Ministry of Health and the value of the grant was R\$15,00 per child of between zero and six years old, with the maximum of R\$45,00 per family.

In 2003, the fourth program was created, called Food Card⁹⁹ (*Cartão Alimentação*), by the provisional measure (*medida provisória*) number 2.206-1/2001. The program would give R\$ 50,00 to families whose income *per capita* would not reach half of the minimum wage. It's important to highlight that this money should be used exclusively to buy food.

Although the intentions were good, the real situation of the different cash transfer programs was chaos. Different institutions organized the programs and they were very decentralizing with no communication between them and no help at all from the others federal entities. It was very common that some families would receive all the four grants and other in the same situation would not receive anything.

Also, is very important to notice that although these programs had good intentions they were never meant to be universal and they did not cover all the national territory, they would cover only specific poor areas in the country and in the year of 2003 they reached less than one million families.

3.3 The BF Program

In 2003, the Brazilian government created the Hunger Zero¹⁰⁰ (Fome Zero) program and one of the first measures by the President Lula was to unify the three conditional cash transfer program (*Bolsa Escola, Vale Alimentação and Bolsa Alimentação*) plus the *vale*

⁹⁸ Brasil, Medida Provisória No 2.206-1, 2001.

⁹⁹ Brasil, Lei 10.689/2003, 2003.

¹⁰⁰ The program was created to fight hunger, to ensure food security and to end structural causes that generate social exclusion.

gas¹⁰¹ (gas allowance) program and create the provisional measure n. 132/2003 creating the Bolsa Família.

To make this happen, the government started to utilize the system of Cadastro Unico¹⁰² (single register), that where created to assimilate all the information from beneficiaries of all federal programs. The idea was to reduce administration costs and at the same time ensure coordination and sector-integration management.

In 2004, the provisional measure became the bill n° 10.836, approved by the national congress. The Bill is regulated by the Decree n° 5.209/2004¹⁰³, which defines the rules and the program guidelines. And that's how the Bolsa Família (BF) was created. The *Getulio Vargas Foundation*¹⁰⁴, Brazilian biggest research foundation describes the program as:

“The Bolsa Família is a direct cash transfer program with conditionalities, which benefits families in poverty and extreme poverty. The program is part of the Zero Hunger program which aims to ensure the human right to adequate food, promoting food and nutrition security and contributing to the achievement of citizenship by the most vulnerable(..) The program has three main areas: cash transfer, conditionality and complementary programs. The transfer of income promotes immediate relief of poverty. Conditionalities reinforce the access to basic social rights in the areas of education, health and social care. Furthermore, the complementary programs aim the development of families, so that beneficiaries are able to overcome the vulnerability.”

The program was born to face the biggest challenge of Brazilian society, which is to fight hunger and poverty, by promoting the empowerment of families in a situation of abject poverty. Article 18 of the Decree¹⁰⁵ establishes the regulations and characterized the families who can receive the grant. The focus of the program is family units who are in poverty and extreme poverty:

¹⁰¹ Vale gas was a national program where the government gives vault to poor families to buy gas.

¹⁰² The Single Registry is a tool that enables the identification of the socioeconomic characteristics of the Brazilian low-income families.

¹⁰³ Brasil, 2004, Decreto no. 5.209.

¹⁰⁴ Fundação Getulio Vargas, 2015.

¹⁰⁵ Brasil, 2004, Decreto no. 5.209.

"Art. 18- The Bolsa Família serve families in poverty and extreme poverty, characterised by monthly family income of up to R\$ 154.00 and R\$ 77.00, respectively. "¹⁰⁶

There are two modalities of benefits: 1) the basic benefit: established for families in poverty and extreme poverty, that means the families with income per capita of up to R\$77,00 *reais*¹⁰⁷ a month (extreme poor) and those who have income per capita between R\$ 77.01 *reais* and R\$ 154,00 *reais* per month (poor); 2) the variable benefit: established for families in situation of poverty and also families that have in their composition pregnant women, nursing mothers, children between 0 and 15 years old or adolescents between 16 and 17 years old.

It's important to notice that the variable benefit offers two possibilities: the first one is connected to the presence of children and adolescents as old as 15 years old, which is limited up to 5 benefits for one family. And the second one, connected to young people between 16 and 17 years old, is limited up to 2 benefits per family¹⁰⁸. The table bellow shows the evolution of the eligibility of the grant during the years.

Chart 1: Evolution of Values of the Family Grant Benefits- Source IPEA (2012)

Criteria		2004	2005	2006	2007	2008	2009	2011
Eligibility (ceiling of per capita monthly income)	Extreme Poor	R\$ 50,00	R\$ 50,00	R\$ 60,00	R\$ 60,00	R\$ 60,00	R\$ 70,00	R\$ 70,00
	Poor	R\$ 100,00	R\$ 100,00	R\$ 120,00	R\$ 120,00	R\$ 120,00	R\$ 140,00	R\$ 140,00
Benefit	Basic	Extreme Poor	R\$ 50,00	R\$ 50,00	R\$ 58,00	R\$ 62,00	R\$ 68,00	R\$ 70,00
	Variable		R\$ 15,00	R\$ 15,00	R\$ 18,00	R\$ 20,00	R\$ 22,00	R\$ 32,00
	BVJ		-	-	-	-	R\$ 33,00	R\$ 38,00
	Basic	Poor	-	-	-	-	-	-
	Variable		R\$ 15,00	R\$ 15,00	R\$ 18,00	R\$ 20,00	R\$ 22,00	R\$ 32,00
	BVJ		-	-	-	-	R\$ 33,00	R\$ 38,00

¹⁰⁶ Original text: Art. 18. O Programa Bolsa Família atenderá às famílias em situação de pobreza e extrema pobreza, caracterizadas pela renda familiar mensal **per capita** de até R\$ 154,00 (cento e cinquenta e quatro reais) e R\$ 77,00 (setenta e sete reais), respectivamente.

¹⁰⁷ Brazilian currency.

¹⁰⁸ Brasil, Lei no. 10.836, 2004.

For the basic benefit the government will pay R\$77,00 for the family unit per month, for the variable benefit it will be paid R\$35,00 for each beneficiary, and up to five benefits per month, to the ones that have in its composition pregnant women, nursing mothers, children between 0 and 15 years old, and for the variable benefit (BVJ) linked to adolescents of 16 and 17 years old it will be paid R\$42,00 and with the limit of two benefits per month.

The two chart bellow illustrate how the grant is paid:

Chart 2: Families with monthly income per capita of up to R \$ 77.00:

Number of pregnant women, nursing mothers, children and Teenagers up to 15 years	Number of young people: 16 and 17 years old	Type of benefit	Benefit amount
0	0	Basic	R\$ 77,00
1	0	Basic + 1 variable	R\$ 112,00
2	0	Basic + 2 variable	R\$ 147,00
3	0	Basic + 3 variable	R\$ 182,00
4	0	Basic + 4 variable	R\$ 217,00
5	0	Basic + 5 variable	R\$ 252,00
0	1	Basic + 1 BVJ	R\$ 119,00
1	1	Basic + 1 variable + 1 BVJ	R\$ 154,00
2	1	Basic + 2 variable + 1 BVJ	R\$ 189,00
3	1	Basic + 3 variable + 1 BVJ	R\$ 224,00
4	1	Basic + 4 variable + 1 BVJ	R\$ 259,00
5	1	Basic + 5 variable + 1 BVJ	R\$ 294,00
0	2	Basic + 2 BVJ	R\$ 161,00
1	2	Basic + 1 variable + 2 BVJ	R\$ 196,00
2	2	Basic + 2 variable + 2 BVJ	R\$ 231,00
3	2	Basic + 3 variable + 2 BVJ	R\$ 266,00
4	2	Basic + 4 variable + 2 BVJ	R\$ 301,00
5	2	Basic + 5 variable + 2 BVJ	R\$ 336,00

Chart 3: Families with a monthly income per capita of R \$ 77.00 to R\$154.00

Number of pregnant women, nursing mothers, children and Teenagers up to 15 years	Number of young people: 16 and 17 years old	Type of benefit	Benefit amount
0	0	Don't receive the benefit	-
1	0	1 variable	R\$ 35,00
2	0	2 variable	R\$ 70,00
3	0	3 variable	R\$ 105,00
4	0	4 variable	R\$ 140,00
5	0	5 variable	R\$ 175,00
0	1	1 BVJ	R\$ 42,00
1	1	1 variable + 1 BVJ	R\$ 77,00
2	1	2 variable+ 1 BVJ	R\$ 112,00
3	1	3 variable + 1 BVJ	R\$ 147,00
4	1	4 variable + 1 BVJ	R\$ 182,00
5	1	5 variable + 1 BVJ	R\$ 217,00
0	2	2 BVJ	R\$ 84,00
1	2	1 variable + 2 BVJ	R\$ 119,00
2	2	2 variable + 2 BVJ	R\$ 154,00
3	2	3 variable + 2 BVJ	R\$ 189,00
4	2	4 variable + 2 BVJ	R\$ 224,00
5	2	5 variable + 2 BVJ	R\$ 259,00

The program also request conditions for receiving the money, therefore the beneficiary families must fulfil certain requirements established in Article 3 of the bill:

“The concession of benefits is subject to achievement of conditionality, when applicable, related to prenatal testing, nutritional monitoring, health monitoring, school attendance of 85%, without the prejudice to others conditionality provided by regulation.”(Translated by me)¹⁰⁹

The conditionality established are: 1) Education: the children and adolescents must have a minimum scholar frequency. From the age of 06 and 15 years old they must have 85% of frequency, from the age of 16 e 17 they must have a least 75%; 2) Health: its

¹⁰⁹ Original text: Art. 3º A concessão dos benefícios dependerá do cumprimento, no que couber, de condicionalidades relativas ao exame pré-natal, ao acompanhamento nutricional, ao acompanhamento de saúde, à frequência escolar de 85% (oitenta e cinco por cento) em estabelecimento de ensino regular, sem prejuízo de outras previstas em regulamento.

obligatory to follow the vaccination annual calendar from children until 6 years old, pre-natal of pregnant women and the follow up of the nursing mothers in the age between of 14 to 44 years of age. If these conditions are not respected the government will terminate the grant.

These requirements allow the progressive promotion of economic and social rights established by ICESCR.

Inspection is a form of control aimed at ensuring efficiency, effectiveness, responsiveness and transparency in the management of *Bolsa Família*. Thus, it is vital to ensure that the benefits reach the families that respect and are inside of the scope of the program's eligibility criteria and in accordance with the regulations.

For the first time that the conditionality is not respected, the family receives a written warning reminding them of their commitments to the Program and the fact that fulfilment of the conditions is linked to getting the benefit. From the second time that the conditionality is not respected, the family receive the following sanctions: first the benefit is blocked for 30 days; than the benefit (third and fourth warning) it is suspended for 60 days, and at last, the benefit is cancelled.

In the case of families that have children who receive the Variable Youth Benefit, they will be warned for the first time when the children are not attending 75% of the monthly school hours; on the second time their benefit will be suspended, and than if the conditionality continue to be no-respected, it will be cancelled.

Another case of suspension of benefits occur when there is prove that the submitted data is duplicated, which means the same family have two registers in the *Cadastro Único* system, and also when it is discovered that the family income is higher than the ones established by the rules and in cases of child labour in the family.

Any citizen can participate in the supervision of the *Bolsa Família*. Allegations of possible irregularities can be made by telephone or through electronic form on the site of the program. In addition, the Ministry of Social Development and Fight Against Hunger¹¹⁰ (MDS) develops inspection activities on-site and distance-based, doing a

¹¹⁰ Ministério do Desenvolvimento Social e Combate a pobreza.

crossover with the Single Registry data base and other social programs. Meanwhile, other actions are undertaken by the *Controle Social do Bolsa Familia*(ICSs), a municipality organ that have to follow the activities undertaken by the municipal manager.

Audits and inspection activities are also conducted by internal and external control institutions of the executive power, they are the *Ministerio Publico Federal, Estadual e Distrital, Controladoria Geral Da União and the Tribunal de Contas da União*. The joint work of these institutions, together with the MDS, aims to strengthen the monitoring and control of actions aimed at implementing the *Bolsa Familia*. This entire process is carried out without causing any interference in the autonomy and competence of each institution.

As mentioned in the beginning of the chapter, the unification of all the different programs into one, permitted the government to establish the MDS as the responsible for the program, thus been the organ who receives all the information and data, and the one who controls everything about the *Bolsa Familia*.

The centralization of the program in one Ministry entity helps to make it easier to identify which body the population must contact in order to request inclusion or clarification about the program. This is essential to vulnerable groups because it facilitates access to the information.

Although one specific Ministry controls the program, all federal entities - Federal Union, Federal District, States and Municipalities- have the obligation to share information between them and help the Ministry to have the best figures about the beneficiaries and how the program is development inside of the different entities and regions. The four federal entities work together to improve, expand and monitor the program implementation.

These kind of management is called Decentralized Management, which is a form of management established by the Brazilian constitution that allows all the four entities to share with each other the processes of decision making, creating a cooperation bases for combating poverty and social exclusion.

Even though they all work together, it's important to highlight the important role of the municipalities. They are the ones who first receive the beneficiaries, collect all the information required and later send to the Ministry of Development, so they can analyze all the paper work and decide if the family respect all the requirements established by the program.

The municipal governments are responsible for registering, transmitting, maintaining and updating the database, follow the conditions of the benefit and articulate and promote complementary actions to the autonomous development of poor families inside the municipality.

The process that the families have to pass to receive the benefit is very simple and quick. If the family fits in one of the income levels set by the program, they should seek the sector responsible for the *Bolsa Familia* in the hall of their municipality, in possession of the following documents: 1) For the Responsible of the Family: CPF¹¹¹ or voter registration. 2) For the rest of the family it requires any document of identification, such as identity card, CPF, voter registration, marriage certificate or birth and work papers.

After that, the municipality will register them in the in the *Cadastro Único* (single register) system and wait for the response of the Ministry, who will analyze all the information and give the final result. Families approved by the government will receive a unique card, called citizen card, which will enable them to withdraw the money every month. The ones that are not accepted can enter with a revision process in the Ministry.

All federal entities are responsible for checking if the conditionality is being respected, monitoring school attendance of children and adolescents from families benefiting from the program and furthermore communicating the Ministry about the situation.

The main objective of the PBF is: to reduce poverty and inequality by promoting a minimum core and to try to end the intergeneration propagation of poverty.

On regard of the size of the program, The *Bolsa Familia* is considered a large and small program at the same time. If the criteria used to establish the size it's the coverage, the

¹¹¹ Brazilian Social Security Number.

program is big. The *Pesquisa Nacional por Amostra de Domicílio* (PNAD)¹¹² data shows that ¼ of the population (around 41 million people) lived in the families who received the benefit. In Brazil, the only social public policies that cover more people are the *Sistema Unico de Saúde- SUS* (Unified Health System)¹¹³¹¹⁴, the Brazilian universal public health system who covers the whole population, the public education and the retirement pension.

It's important to say that all off this program are universal social public policy and together they are the skeletons of the Brazilian social policy, they are all established by the Brazilian constitution of 1988.

If the *Bolsa Família* program were judge by the amount of cash resources that are needed to maintain this kind of program, it would be considered a very modest program. The PNAD¹¹⁵ shows that in 2009 the program only represented 0,4% of the Gross Domestic Product (GDP).

Suarez arguments that programs of cash transfer has a distinguished impact in the poor families survival, it is an important tool for the maintenance of life, because they emphasizes the basic exigencies of the human rights protection system¹¹⁶.

3.4 Impacts

It's very important to highlight that the program try to provided at least a minimum protection to the people that, in history, where excluded from the benefits of social and economic growth. The concept of the program is to focus on the use of cash transfer as a way to ensure access to basic needs and services.

The program is based in a shared principle of social justice and the right to an adequate standard of living. The core idea is that nobody should live beneath a certain income

¹¹² PNAD, Volume 32, 2012.

¹¹³ The Unified Health System is one of the largest public health systems in the world. The ranges of protection go from a simple ambulatory care to organ transplantation, ensuring full access, universal and free for all the population. Supported by an expanded concept of health, the SUS was created in 1988 by the Brazilian Federal Constitution and financed with funds from the budget of the Union, the States, the Federal District and the municipalities, as established by Article 195 of the Constitution.

¹¹⁴ Brasil, Lei N° 8.080, 1990.

¹¹⁵ PNAD, Volume 32, 2012.

¹¹⁶ Suarez, 2006.

level and everybody should have access to basic things, like food, housing, clothing, medicines and so forth.

Brazil also created good practices to incorporate the beneficiaries in the labour market through skills development and other employments scheme¹¹⁷.

In 2011, it was created the *Brasil sem Miséria*¹¹⁸¹¹⁹ (Brazil without poverty) program, which broadened the coverage of the *Bolsa Família* and permitted more families to receive the grant. The program also upgraded the access to public services like water and sanitation, electricity, education and basic health to benefit those who are most in need.

These kinds of policies are very important protection tools to “implement sustainable social protection system to assist the vulnerable [and thereby] prevent increased poverty, address social hardship, while also helping to stabilize the economy and maintain and promote employability.”¹²⁰

3.4.1 Social and gender empowerment

Although the main focus of the project is the transfer of income, other consequences can be observed due to its effectiveness: it should be noted, for example, the empowering effect on those who receive the benefit, not properly associated to the financial amount, but the possibility of transformation of a present situation with a view to achieving a future autonomy. Data presented by the MDS in 2014 revealed that 1.69 million families gave up the money because today they are under more favourable conditions and that the money they received should be given to other families who need it¹²¹.

Empowerment is a positive aspect we can notice with the implementation of the family grant. Bronzo says that poverty has two characters, one that involves objective

¹¹⁷ Abrahão & Modesto (a), 2010.

¹¹⁸ The Brazil Without Poverty Plan (BSM) with the aim of overcoming extreme poverty by the end of 2014. The Plan is organized into three areas: income guarantee for immediate relief of extreme poverty; other access to public services, to improve education conditions, health and citizenship rights of families; and a third of productive inclusion, to increase the capacity and job opportunities and income among the poorest rural families and cities.

¹¹⁹ Brasil, 2011, *DECRETO N° 7.492*.

¹²⁰ International Labour Organization, 2011.

¹²¹ Ministério do Desenvolvimento Social e do Combate à Pobreza, 2014.

dimensions of lack of resources and another one with subjective dimensions related to values and behaviours¹²². Because of that, the argument that is necessary to change the boundary conditions, to invest in the empowerment, in competences, in auto development to upgrade the capacity of people to overcome poverty.

Empower has something to do with equality, to empower the society is to create an equilibrium in favour to those who have less resources¹²³.

The World Health Organization conceptualizes empowerment as:

“Empowerment may be a social, cultural, psychological or political process through which individuals and social groups are able to express their needs, present their concerns, devise strategies for involvement in decision-making, and achieve political, social and cultural action to meet those needs (...) A distinction is made between individual and community empowerment. Individual empowerment refers primarily to the individuals’ ability to make decisions and have control over their personal life. Community empowerment involves individuals acting collectively to gain greater influence and control over the (...) quality of life in their community¹²⁴,”

After the implementation of the program we can see the influential in the empowerment of the beneficiaries, especially the women. The women received a symbolic power with the control of the income, because of that, the relation of power that before was mainly male is now shifting towards a more equal one.

The World economic Forum establishes 5 criteria of management of women empowerment: “1) Economic participation; 2) Economic opportunity; 3) Political empowerment; 4) Educational attainment and 5) Health and well-being¹²⁵”.

The International Labour Organization and its Social protection floor report highlights the importance of gender empowerment:

“ Social Protection floor provisions can lead to greater empowerment in low-income groups. Women can become their own agents of change through the labour market and education opportunities likely to become available once they gain income

¹²² Bronzo, 2008.

¹²³ Sen, 1997.

¹²⁴ Health Promotion Glossary, 1998.

¹²⁵ World Economic Forum, 2005.

security and access to essential services of the kind (...) Moreover, experience shows that benefits paid in the form of social transfer directly to women result in enhancement of their status and their capacity to exert increasing control over how household income is spent.¹²⁶

Also the community empowerment is also visible. Like it or not we live in a capitalist society, money means power and liberty. To those people who received, it means they can spend the money to eat properly, to invest in the education of their child, to buy new clothes, to become consumers in today's society. If you are not a consumer you are nothing. IBGE (*Instituto Brasileiro de Geografia e Estatística*)¹²⁷ shows that money spent by the beneficiaries had great impact in local markets and small cities¹²⁸. Today they big companies see this people as potential consumer and started to respect and treat them better because of it.

3.4.2 Inequality Reduction

In 2011, Brazil reached the lowest level of income inequality since the beginning of the documentation that was established in 1960, as you can analyze by the Chart number 4.

Still, Brazilian inequality remains 15th in the world¹²⁹. IPEA informs that it would take at least 20 years with the actual rhythm of growth for Brazil achieve United States levels of inequality. That means that there is important expansion parameter to the growth of the poor and that only began to be explored after the implementation of social security programs like the BF¹³⁰.

¹²⁶ International Labour Organization, 2011.

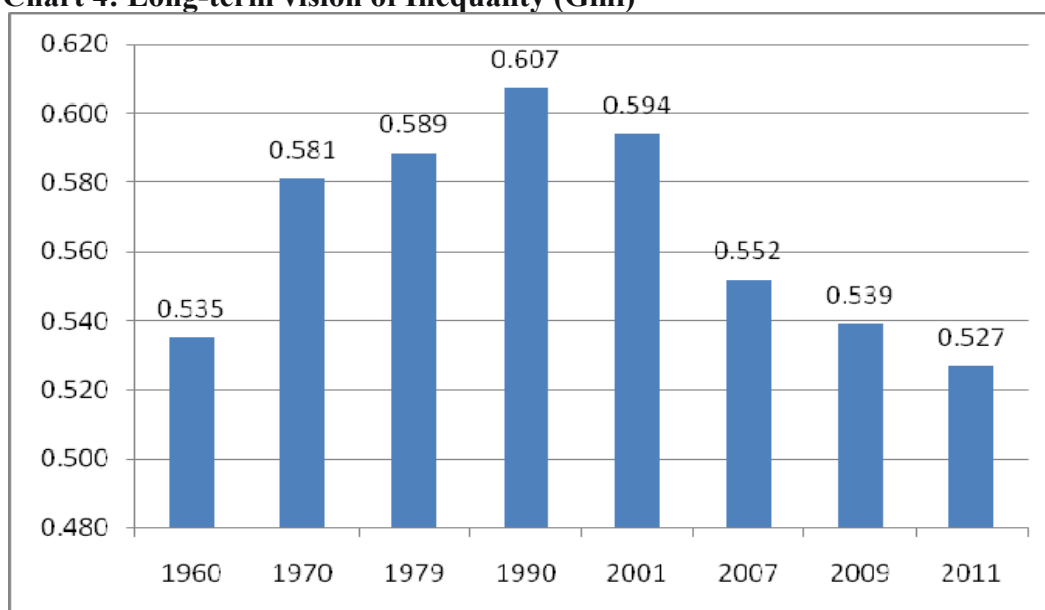
¹²⁷ Landim Junior, 2009.

¹²⁸ This issue will be further explained below.

¹²⁹ Abrahão & Modesto(b) 2010.

¹³⁰ Ibidem.

Chart 4: Long-term vision of Inequality (Gini)¹³¹



Source: IPEA 2012

As showed in the graphic above, and although the program is very modest in the terms of national budget, the program was one of the responsible for the reduction of inequality in the distribution of income in Brazil.

The main reason for the success of the program in the reduction of the inequality is the focus it has in the poor and extremely poor population, which helps the income to get in the hands to those who really need it. From the data collected by the PNAD, the majority of the benefits (80%) go to the 40% of the poorest¹³².

Because this program is national and attends to the whole population, from the big cities to the small villages in the middle of the Amazon, it is common to have errors of inclusion and exclusion, which in some cases causes the difficulty of the program to reach some poor families.

The exclusion error is much more worrying than the inclusion error because one exclusion error could abandon a whole family to the state of complete hunger. So it's

¹³¹ The Gini coefficient is a inequality measure. It is commonly used to calculate inequality in income distribution.

¹³² Abrahão & Modesto(a) 2010.

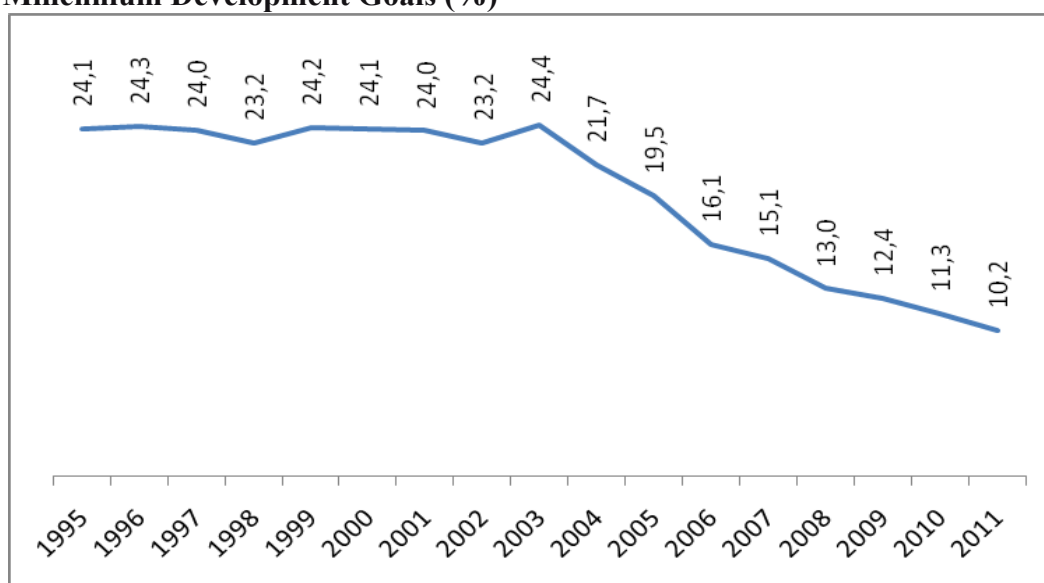
important, when the government articulate improvements, to focus on the minimization of the errors of exclusion, even if that means getting higher the inclusion error.

The PNAD research shows the fall of exclusion errors between the years of 2005 to 2009¹³³. Although the focus of the program is not perfect, the development and upgrading of the focus during the years leads the considerable impact that the program has in the income distribution¹³⁴.

3.4.3 Poverty Reduction

Brazil in less than 10 years fulfilled its commitment established by the UN on their millennium development goals, in regard the poverty and extreme poverty lines¹³⁵, reducing in 55% between the years of 2001 and 2011¹³⁶.

Chart 5: Population with per capita household income below the poverty line. Millennium Development Goals (%)



Source: IPEA 2012.

Between 2001 and 2011 the reduction of poverty went down for a little more than 14 percent points, it went from 24.5% to 10.4%¹³⁷. It can be noticed that the BF is one of the most efficient programs to combat poverty and inequality.

¹³³ Ibidem.

¹³⁴ As mentioned before, the *Brasil sem miséria* program was the one that upgraded the focus of the program.

¹³⁵ *Bolsa Família* Program uses the poverty line indicator for the Millennium Development Goals: US \$ 1.25 a day.

¹³⁶ IPEA, 2013.

According to the Map of Hunger of the Food and Agriculture Organization (FAO) of the United Nations , Brazil has reduced extreme poverty by 75% between the years 2001 and 2012, and in 2014 left for the first time the map of extreme poverty¹³⁸.

In the period of ten years (2001-2011) the income of the poorest 10% has grown 550% more than the richest 10%¹³⁹.

Soares, informs that are 3 forms of poverty reduction: 1) Happens when part of the poor population grow to a better life and are not more poor; 2) When the average income from the poor get raise; 3) When the inequality decreases¹⁴⁰.

The first one is the most relevant to the development of the society because it helps in the path to eradicate poverty. The others only help to change the reality to something less hard and more liveable.

In the data's published by the IBGE, the poverty in Brazil fell from 10% to 5% of the extreme poor population and 26% to 14% in the poor population. Analyzing the data is possible to notice that from 1999 to 2003(the year of the creation of the BF), the poverty line was stagnated, and the beginning of the fall of the line started in 2003¹⁴¹.

The program is not the only reason for the reduction of the poverty in the country, but is one of the main components to the transformation in the Brazilian society.

The chart number 5 show the number of poverty reduction and the portion attributed to the *Bolsa Família* Program. As you can see bellow, between the years of 2007-2009 the program was responsible for the reduction of 59% of the poverty.

¹³⁷ Ibidem.

¹³⁸ Food and Agriculture Organization of the United Nations, 2015.

¹³⁹ IPEA, 2012.

¹⁴⁰ Soares(a),2009.

¹⁴¹ IBGE, 2011.

Chart 5: Reduction of poverty and part attributable to PBF

Period	Reduction on poverty		Reduction of the share attributable to PBF	
	Poverty	Extreme poverty	Poverty (%)	Extreme poverty (%)
1999-2001	-0,4	-0,5	-37	-60
2001-2003	0,1	0,4	269	140
2003-2005	4,2	2,7	17	40
2005-2007	5,0	1,4	23	92
2007-2009	2,8	1,0	59	140

Source: Microdata PNAD 1999, 2001, 2003, 2005, 2007 e 2009.

It's important to remark that if the program was to end, the impact in the Brazilian society would be very grave, and the impact would go mostly in the houses of those who have nothing, there would be a growth of 16% of poverty and almost 1/3 of extreme poverty¹⁴².

Maria Cristina Cacciamali¹⁴³, identifies poverty as multidimensional phenomenon, that needs a conjunction of microeconomics programs to integrated between themselves in addition with favourable economical conditions to overcome the reality.

The cash transfer programs empower the beneficiaries, they give them the control and liberty to spend the money how they think is right. The government does not have a say on how and in what way they should spend the benefit. In this capitalist society, to have money means in some way liberty and decision for mankind and for those people, this means hope, a little bit of dignity and to have a little of control of their lives.

The programs also prioritize the accumulation of human capital, using health and education, as a way to break the intergenerational cycle of poverty. The aim is particularly in the development of children and adolescents.

¹⁴² IPEA, 2012.

¹⁴³ Cacciamali & Tatei, 2008, p. 269-290.

The social programs that has a health and education conditionality's has shown grand success in the rise of school frequency, the diminution of child mortality and death of women in labour, it also has show the decrease of child malnutrition¹⁴⁴.

In the words of K.Basu¹⁴⁵, poverty is the principal factor of child labour because the family unit use the child force to help increase the household income and they only do that when the income is not sufficient to have a minimum standard of living.

It's proved that cash transfer programs with the aim for children and elderly people have the potential to lower the poverty gap significantly¹⁴⁶.

Poverty is much more than no income or low income. It's a multidimensional feeling of incapability, low self-esteem, social exclusion and no opportunities with the complete knowledge that life is not going get better than that and the future for your children will be the same¹⁴⁷.

3.4.4 Children and Adolescents

Maria Cristina Cacciamali show evidences that in Brazil the proportionality of child labour is bigger in families headed by self employed workers, especially the agriculture ones¹⁴⁸. She also states that the participation of child labour is connected to the level of the parents education, if the parents have good education there is a very high probability that the they will have the preference of a higher and better education for their children.

Other important data collected in the state of Sao Paulo is that immigrant families who newly arrived, are more likely to enter in the children labour system¹⁴⁹. Children of single mothers, regardless of their immigration status, also show major probability to work as child labour. Therefore, it is important to notice that the status of the responsible for the family has strict connection to the incidence of child labour.

¹⁴⁴ Bouillon & Tejerina, 2006.

¹⁴⁵ Basu,1999 , p. 1.083-1.119.

¹⁴⁶ International Labour Organization, 2011.

¹⁴⁷ One beneficiary woman maintains that in her family nobody could dream to be more than a housemaid, since childhood she knew that if she would be lucky she would find a house to work in the capital city of Bahia state. Now with the money that she is receiving from the Bolsa Família, she uses for her kids education and she proudly says that her daughter, today can dream to be more, to graduate and go to the university and have a career.

¹⁴⁸ Cacciamali & Tatei, 2008, pp. 269-290.

¹⁴⁹ Ibidem.

The *Bolsa Família* had great impact in the frequency of children/adolescent in school and most important, it had impact in the reduction of child labour, especially in the Northwest region, where was very common to kids to help their parents in the agriculture fields. Hence, the program contributes to the reduction of child labour, as a condition for receiving the grant is the attendance of children and adolescents in school.

Another impact on the future of the children comes from the analysis of the data collected on child mortality. According to the IBGE¹⁵⁰, the mortality rate has been falling tangentially since 2002 and is now between 15 per thousand births. In 2011, Brazil beat the millennium goal for child mortality set by the United Nations for 2015.

The program also has good impact on the education indicators, which shows that the program not only helps to attenuate the economics problems but also helps the well being of the beneficiary population¹⁵¹.

The BF program shows a great development in the education area. Numbers of registration at schools are getting higher, the rate of resignation is getting lower¹⁵². That's very important because the Brazilian society is changing, if it is going to be for good or bad only the future can tell, but people are starting to know their social rights and the reduction of vulnerability is visible. Of course it is not perfect but this factors show a great development in the fight against inequality in general, poverty and gender inequality, and most of all it is a big step to try to end intergeneration proliferation of poverty. Education is a big step towards an educated society who understand their rights and who respect them.

3.4.5 Economy

The changes brought by the program can also be observed in the economic universe, as people start to get money they become consumers, feeding the economy and generating the circulation of wealth and resources.

The importance of poverty reduction, apart from moral aspects, is also revealed as one of the main factors to the low economic development of countries, especially those in

¹⁵⁰ IBGE, 2014.

¹⁵¹ Glewwe & Kassouf, 2010.

¹⁵² PNUD, 2008.

Latin America, in the way that the elimination or reduction would generate positive affects in the growth and the development of the nation¹⁵³.

Joseph Stiglitz states that income distribution and social protection are more than pillars to social justice and peace, they are also automatic stabilizers, helping to soften the impact of crisis on the society while sustaining an aggregate demand and permitting workers and their families to overcome poverty and social exclusion¹⁵⁴.

In 2010, only 0.4% of the Brazilian GDP was assigned to the program, and it covered 26% of the population. Also, data shows that the beneficiaries of the programs are more likely to work than non-beneficiaries¹⁵⁵. The *Bolsa Família* has improved the Gini coefficient in 15% between the years of 1999 and 2009¹⁵⁶.

Another positive impact that the program had in the economy came with the world crisis in 2008. When the crisis hit the world, the Brazilian government decided to increase the social transfers as part of a stimulus pack, enlarging the BF – it updated the poverty and extreme poverty line and the benefit value and also expand the program coverage - and maintaining the consumption of lower-income households. The cost of this stimulus pack in the program was of approximately 0,014% of the Brazilian GDP and was estimated in US\$ 206 million¹⁵⁷. Thus, it proved that the program could help to “reduce economic volatility resulting from a shock”¹⁵⁸.

From the year 2008 to 2009, with the extended eligibility, 1.4 million families were added to the program. The number of beneficiary families rose from 11 million in 2008 to 12.4 million in 2009 and in 2010 where 14 million beneficiary families, reaching a total of approximately 40 million people¹⁵⁹.

Economically speaking, the BF helps the dynamism of local economies. The majority of the grant received is spent in local markets, generating demand for services and

¹⁵³ Perry & Arias & López & Maloney & Servén, 2006.

¹⁵⁴ Stiglitz, J. 2009.

¹⁵⁵ International Labour Organization, 2011, pp.20-54

¹⁵⁶ Soares & Sátyro 2009.

¹⁵⁷ International Labour Organization, 2011, p.54.

¹⁵⁸ Ibidem.

¹⁵⁹ Abrahão & Modesto (b), 2010.

domestic goods, especially in rural areas. This also has a great impact on small and micro enterprises and is a key role to job creation¹⁶⁰.

Studies made by the International Policy Centre shows that the grant softened the impact of the crisis by creating a solid income flow, helping to maintain the household consumption level and helping to prevent the decline of economic activity, avoiding the impact of the crisis in the nutritional intake of children; helping the maintenance of school attendance and supporting kids out of the workforce, and helping reduce the threat of escalated levels of informal employment¹⁶¹.

The program was created before the crisis, but with the enlargement of it during the turbulent time explain why Brazil coped well with it.

Also, the grant is utilized to bargain for a better salary, especially if you live in the rural area. It was common for a rural employee to work everyday a week and only receive R\$20,00 *reais* per month or even less, it was slave jobs at some farms. Because the quantity of people looking for a job was big and the job vacancy was very few, they would accept anything to get the job. It is the famous law of demand and supply, and the farmer-owner would take advantage of that and pay very little for their work. Today, because of the grant, they can say that they only will accept the job if the farmers pay the minimum wage or at least much more of what they were previously receiving¹⁶².

*Instituto Brasileiro de Geografia e Estatística (IBGE)*¹⁶³ also shows that the participation of the adult beneficiaries of the program in the labour market is higher in comparison to the adult population.

3.4.6 Women

Article 2, paragraph 14 of the *Bolsa Família* Bill establishes that the benefit must be paid preferably to women:

“Payment of benefits under this Law shall be made preferably to the woman, according to the regulations.”¹⁶⁴ (Translated by me)

¹⁶⁰ International Labour Organization, 2011, pp.50-55.

¹⁶¹ Ibidem, p. 54.

¹⁶² Rego & Pinzani, 2014.

¹⁶³ IBGE.2008.

Considering this aspect, women's position in the family changes providing the women autonomy and creating empowerment, leading to the relocation of situations that was often present in an abusive manner.

Study made by researchers of the State of *Minas Gerais* with the beneficiaries' women of the program show great transformation in the poor families environment. The words like autonomy, self-esteem, self-confidence and self-affirmation, where now common in the mouth of the interviewed¹⁶⁵.

As Eduardo Suplicy claims, women not only have the right to the emancipation of their legal, economical and political rights, but also they have the right to personal liberation¹⁶⁶.

Coming back to the study, the data showed that 18,1% of the women became less submissive to the husband and 27,2% said that the violence inside of the house was less after the implementation of the Bolsa Familia. Also, 36,3% of the women interviewed said that the divorce cases were higher between the beneficiaries.

This shows that the role of the women is changing, this brings an autonomy to women and permit them to take the control of their lives back, and specially the control of their body, their sexuality and their right to come and go freely.

Another important data is that 45,5 of the interviewed told that they got a more understanding of family rights. Bronzo say that women develop strategies to overcome poverty, trying to find a way to seek more autonomy developing competencies and capacities, even if they are receiving the grant¹⁶⁷.

The BF program shows that good policies can help to end the forms of discrimination against women by empowering them. Making them the principal administrator of the grant reinforces the legitimacy of the women's role, showing indications that they use the benefit money to the best interest of the family¹⁶⁸. Rubalcava posits that women are

¹⁶⁴ § 14. O pagamento dos beneficios previstos nesta Lei será feito preferencialmente à mulher, na forma do regulamento.

¹⁶⁵ Moreira, 2012, pp. 403-423.

¹⁶⁶ Suplicy, 2002.

¹⁶⁷ Bronzo, 2008.

¹⁶⁸ Medeiros, 2008.

more careful with the money because they are more patient than men and they think about the future¹⁶⁹. Interviews made by researches with beneficiaries from the *Minas Gerais* States shows that the money received by the grant is spent, in the majority of cases, on food, school materials for the children, clothes and etc. It is very fundamental to note that the analysis of the data shows that women prioritize the income for the children and their development. The results analyzed by researches and the data institutes¹⁷⁰ also show the change and equilibrium inside of the family power.

The *Núcleo de Estudos e Pesquisa sobre a Mulher* (Agende), a research group from the University of Brasilia about gender issues, shows that the BF have had great impact on the social conditions of the beneficiary women, especially in the change of their perception as a citizen, in their affirmation as an authority in the domestic space and also in the visibility as a consumer¹⁷¹.

The International Labour Organization on that matter:

“Social transfers are particularly important for women, and where appropriate girls, particularly when such transfers can be disbursed directly to households and to the women themselves. This can be “ freedom enhancing” or gender empowering, as it elevates women’s social status and allows the to exert more control over how household income is spent. Social programs can contribute in seizing the untapped or under-tapped productive potential of women, and scaling up and mainstreaming women’s participation in the economy.”¹⁷²

As indicated before, one of the conditionality’s is the periodical health check for the pregnant women and after, the newly born child.

As mentioned in prior chapters, Brazil has a universal public health system that is open to everybody, the system is not perfect, some days it can take hours to get properly attendant, but the women can go make the periodical health check established by the *Bolsa Familia* bill without the need to pay for the procedure.

¹⁶⁹ Rubalcava, 2009, pp. 507-538.

¹⁷⁰ Moreira, 2012 , pp. 403-423.

¹⁷¹ AGENDE, 2006.

¹⁷² International Labour Organization, 2011, p. 60.

It's important to say that the beneficiaries who live in the urban area can fulfil their obligation easier than the ones living in the rural area. That happens because the public health centre sometimes is far from the beneficiaries' house, sometimes in other cities, and because of their social condition, they cannot go do the periodical check up very often. Nevertheless, the rate of child mortality and death in labour has increasingly decreased after the implementation of the grant.

3.4.7 Migrants

Another important aspect of the program is that since 2014 the Brazilian government is starting to accept foreigners as beneficiaries of the program¹⁷³. The bill number 6.815/80¹⁷⁴, who refers to the foreign people who live in the country, states:

“The foreign resident in Brazil enjoys of all rights recognized to Brazilians, in the terms of the National Constitution and Laws.”¹⁷⁵(Translated by me)

If the foreign is a legal resident in Brazil he has the same right as all the Brazilians, therefore if he is framed in the requirements established by the *Bolsa Familia* bill, and respect the legal criteria like he is living in a situation of poverty and extreme poverty, he will be included as a beneficiary of the grant and will be treated like all the other ones. It's important to make the observation that there are some exclusive rights for the Brazilian citizen established by the constitution and laws that the foreigner cannot enjoy.

To make the registration, the foreign only need to give one of these legal documents: Birth or marriage certificate, Identity card, CPF or working papers.

It is vital to make an observation here and inform that, after the earthquake in Haiti 2010, a lot of Haitians ran a way from their country to try to start a new life and one part of them went to Brazil. To the Haitians the Brazilian government conceived a visa for humanitarian reasons, regulated by the Normative Resolution n. 97 from the *Conselho Nacional de Imigração* (National Council of Immigration), permitting them to have residence in the country and therefore to have the possibility to receive the grant.

¹⁷³ Ministério do Desenvolvimento Social e Combate à Fome, 2014, Ofício Circular Conjunto n.02/2004.

¹⁷⁴ Brasil, 1980, LEI N° 6.815.

¹⁷⁵ Original text: Art. 95. O estrangeiro residente no Brasil goza de todos os direitos reconhecidos aos brasileiros, nos termos da Constituição e das leis.

About the subject, the Ministry of Social Development and fight against hunger says:

“The access to service, benefits and programs of cash transference operated by the social policies is a right of every Brazilian citizenship and foreign who lives legally in the country, and has established itself as an important vector to poverty and inequality reduction in our country. This way, to ensure income transference to the Haitians migrants, a lot of them living in a state of extreme poverty, is vital to achieve a fundamental goal of the Federal Republic of Brazil.” (Translated by me)¹⁷⁶¹⁷⁷

Today, a good amount of migrants receive the benefit from the government.

3.5 Critics

As showed above, the BF program had great impact on the Brazilian society. Nevertheless, in the first five years the programme suffered a big political opposition but after a great social impact, international success and administrative consolidation, the political support increased and in the last election (2014), all of the president candidates defended the program.

However, the Program it's no immune to critics. Some are very important and help to analyse the present and the future of the program, others are filled with prejudice that still looms in the Brazilian society. First, there will be analyses of the last kind of critics and then it will be moved to the first and more important ones.

3.5.1 The Bolsa Família stimulates “vagrancy”?

This is the favourite phrase used by the people who want to discredit the program¹⁷⁸. Is also used commonly phrases, such as: “The program is not good, they should not give the fish to the people, they should teach them how to get it by themselves” and “All the beneficiaries of the program don't do anything, they don't want to work, they are living from my tax money”, but the reality is very different. Seven out of ten adult

¹⁷⁶ Ministério do Desenvolvimento Social e Combate à Fome, 2014, Ofício Circular Conjunto n.02/2004.

¹⁷⁷ O acesso aos serviços, benefícios e programas de transferência de renda operados pela políticas sociais é direito de todo cidadão brasileiro e estrangeiro residindo no país, e tem se afirmado como um importante vetor da redução de pobreza e da desigualdade em nosso país. Dessa forma, garantir transferência de renda para o grupo de imigrantes haitianos, muitos vivendo na extrema pobreza, é fundamental para alcançarmos um dos objetivos fundamentais da Republica Federativa do Brasil.

¹⁷⁸ Veja, 2014.

beneficiaries of the program are in the labour market - seeking employment or having precarious activities, with insufficient income to support their families.

In addition, the beneficiaries can enrol the vocational training courses called PRONATEC (National Program for Access to Technical Education and Employment) looking for specific labour training to be able to get a job and an build a better life.

As mention before, the program is integrated into the Brazil Without Poverty plan, which offers many opportunities (or "exit doors") through rural and urban labour education policy. For example: courses on construction of tanks (not only for human consumption but also for production) and program of technical assistance and rural extension programs directed to purchase of food produced by family farmers and so on.

People with low income and education are carving new jobs and better wages.

3.5.2 The Bolsa Família encourages the poor to have more children?

This is another fallacy. With the condition of the women to have periodical medical care, it is increasing the number of beneficiaries who use contraceptive methods. The Brazilian fertility rate fell 20% in recent years, but in the group of the poorest women the decrease was even higher: 30%¹⁷⁹.

Without depending financially on husbands, these women gained autonomy not only to choose what to buy, but also to decide whether or not to have children. It can be perceive that the program's conditions are stimulating the exchange of quantity for quality among beneficiary - fewer children, more future for each of them. In addition and as previously explained, the benefit for each child is R \$ 35,00 per month and the maximum that each family could receive is 5 variable benefit per child. Off course human nature is very unpredictable, but is very hard to imagine somebody choosing to have more babies because they will have an access to this "fortune". But as the data shows, that's is not the case.

¹⁷⁹ IBGE, 2015.

3.5.3 Bolsa Família has transformed the Northeast in “electoral corral”?

One of the innovations of the *Bolsa Família* was to eliminate the *Coronéis*(colonels) in the rural areas of Brazil, specially the Northeast. *Coronelismo*¹⁸⁰ is a term used to define the complex power structure in rural areas, where the owners of farms forced the population of small towns to vote for their candidates in exchange for food and work. If the orders were not met, people could pay up with their families or own life.

With the introduction of the program and the citizen card, people no longer needed to undergo several levels of humiliation to get a plate of food; they didn't need to sell their votes anymore. Because of this new situation, and the victories of the Workers Party in the three subsequent president elections, and specially the big amount of votes that the party got in the northeast, the opposition started to say that the beneficiaries voted for them because they were afraid that if somebody else was elected, the program would stop, in other words, it was an *electoral corral*.

The beneficiary is the holder of a card and should not favour anyone or vote for anyone that they don't want to. A small number of people know this, but with the exception of the *Bahia* State, *São Paulo*¹⁸¹ is the national vice-champion of the *Bolsa Família*, with more families benefited than all the northeastern states together.

3.5.4 The Bolsa Família creates dependency?

As showed before, the *Bolsa Família* is enough to ensure survival: Fighting hunger, reducing child mortality, encouraging studies and improving school performance. But does not give good life to anyone, on the contrary, only helps the life of the miserable and the poor to get a little more dignified.

There is no middle ground! Remember, the average benefit amount is only R\$ 170.10 - while the Brazilian minimum wage reaches R\$ 724.00. Who would want to live with R\$170,00 per month, even the minimum wage does not provide the people with a real worthy life, no one in their right mind would prefer to stay at home without working to receive this “fortune”.

¹⁸⁰ This practice started in the latest 1890's and was very common in the beginning of the 20-century.

¹⁸¹ São Paulo is the richest State of the country.

It's also important to highlight that the transfer of income provides immediate relief of poverty, but the goal of the program is that beneficiaries are able to overcome the vulnerable condition in which they find themselves. Thus, the goal is with time, the beneficiary won't need the money anymore because they were able to overcome the vulnerable condition. As previously showed, 1.9 million families gave back the benefit after achieving income independence.

3.5.5 Universality x Conditionality

Moving forward to construct critics, it's important to debate the discussion between universality on human rights versus the requirement of conditionality in the program.

As previously demonstrated the *Bolsa Familia* imposes certain conditions to the beneficiaries and one of the majors critics about the program is about the obligation of these conditions and how they harm the universality idea of human rights. As Clóvis Zimmermann explains, “ from a human rights perspective, a right cannot be subject to set-offs, requirements or conditionalities, since the status of being a person is the sole requirement for entitlement. (...) the title to a right can never be conditional¹⁸²”.

Flavia Piovesan states that universality “ appeals to the universal reach of human rights, based on the belief that the condition of being a person is the sole requirement for entitlement to rights, since a human being is essentially a moral being, with a unique existence and dignity¹⁸³”.

One of the main pro-reasoning of the idea of universality is that States should not punish those who cannot fulfil the conditionality. J. Currie and F. Gahvari agrees that “targeting rules often tend to exclude the neediest potential recipients because they are the ones who have the most difficulty complying with the programs rules”¹⁸⁴.

In the case of *Bolsa Familia*, it is true that some conditionalities are more difficult to fulfil than others depending where you live (Rural or Urban area) by the reason of the not so easy access to get to hospitals or schools. In some cases, kids have to walk 10

¹⁸² Zimmerman,2006, p.153.

¹⁸³ Piovesan, 2005, p.22.

¹⁸⁴ Currie & Gahvari, 2008, p.348.

kilometre to go to school because of lack of transportation or because the school is in another city.

In relation to the pro conditionality model, there are two main arguments in favour of it; the first one highlights the budgetary constraints. It is usually said that universal schemes are too costly and unfair because rich and middle class people do not need them¹⁸⁵. To focus the money on the people who are really in need is a way to protect the more vulnerable groups with public policies aimed at solving their specific problems, such as poverty and hunger for example.

The second argument, and in this case the discussion is regarding the BF case, is focused on the aim of the program to use the conditionalities in order to alleviate the immediate effects of poverty¹⁸⁶. Using the same example mentioned above, the government requires that children and adolescents have at least 75% of frequency in school; the idea is to break the intergenerational cycle of poverty through education. It is important to highlight that it is wrong to impose conditionalities if in some cases the lack of a good public system prevents these families from complying with the requirements.

Maria Ozanira da Silva e Silva systematized three different views about conditionality¹⁸⁷:

- **Conditionalities as access to and expansion of Rights:** here the conditionality is situated in the field of rights, expanding the access of the beneficiaries to basic social rights and encouraging the demand for health, social welfare and education. The conditionality also forces States to improve public services provided to the citizens.
- **Conditionalities as a denial of Rights:** Completely opposed to the concept above and agreeing with points already mentioned, this view brings the belief that conditionalities are an infringement of rights because they are restrictions to people's fundamental rights.

¹⁸⁵ Dumont & Dermine, 2014, p.211.

¹⁸⁶ Pires, 2013, p. 513-532.

¹⁸⁷ Ozanira da Silva e Silva, 2012.

- **Conditionalities as a political issue and conservative moralistic imposition:**

The title explains itself, this view express the idea that nobody should receive money from the State without a direct counterpart. The benefit should not gain anything for “free”. This argument stigmatizes poor people and in some way blames them for the situation that they are in, and take the responsibility of the State to provide social protection to every citizen.

One very important point to highlight is the preoccupation that, when the conditionality is accepted as sanction, it could worsen the previous vulnerability and social risk. Luis Henrique Paiva argues about this theme:

“Adopting conditionalities does not mean necessarily accepting a punitive approach towards poor families. The objective must be to guarantee access to services in education and health care that, despite being formally provided on a universal basis, do not reach everybody equally. Conditionalities must be understood as part of the challenge of making the provision of these services, truly universal.”¹⁸⁸

Although *Bolsa Familia* is not universal, the program is also far from being punitive and minimal. As we have seen, the program reach more than a quarter of the Brazilian population and its coverage has been increased in the last years.

3.5.6 The issue of stagnation

One of the biggest issue and something that will have to be analysed and discussed soon about the *Bolsa Familia* program is the stagnation issue. When the program is fully established, reaching the maximum of coverage of the eligible population, the contribution in the social and economical indicators will decrease and become stable in the manner that will only prevent the return of the families to the previous ill conditions but will not help to give them a better life.

For this reason and to continue to have relevance and impact in the development of the society, the program has to develop and change some of it’s rules to keep it up with the change in the society and should increase the real value of the cash transfer and should also rethink the expansion of the program to include new beneficiaries.

¹⁸⁸ Paiva, 2012.

And with this comes the question: should the *Bolsa Família* be transformed in a basic income for all? As previously mentioned, basic income is “an income unconditionally granted to all on an individual basis, without means test or work requirement”¹⁸⁹.

Professor Eduardo Suplicy believes that the BF can, in the future, be transformed in a universal basic income system where every citizen will be able to receive an income from the government as basic human right.

This is an important analyses and discussion that have to be faced and made by the Brazilian society and politics in the upcoming years, for now it should be noted that the *Bolsa Família* still has much to give to the community. As IPEA posit¹⁹⁰:

“ If the 1990’s was the decade of economical stabilisation, the 2000’s was the decade of the reduction of income inequality. And the new decade? If it is about the education quality you can include in the Bolsa Família the education of primary school, the presence of parents in the school (...) If it is the decade of the increase protagonist of the poor, the open door of citizenship and the markets can be open with the Bolsa Família thought credit, security and saving accounts. If it is the fiscal responsibility, Bolsa família cost to the Brazilian federal safes less then 0.5% of the PIB. If it is for the eradication of poverty, Bolsa família is the short way to get there, specially if its accompanied of upgrades that gives more to those who have less and treat the poor in the extent of their differences. The second date of the new millennium can be of multiples paths in the direction of overcoming poverty, a lot of theses paths will walk through the structure of the Bolsa Família.” (Translated by me)

¹⁸⁹ BIEN, 2015.

¹⁹⁰ IPEA, 2013.

4. A Model for International Promotion on Economic and Social rights

Putting together the current global record, we find that most of the modern underfulfillment of human rights is more or less related to poverty. The connection with economic and social rights is visible: the lack of adequate standard of living, education, health and so forth is part of today's society. Data published by the UNICEF inform that in every three seconds one person dies of hunger¹⁹¹. In a world where tons of foods are thrown away everyday and the flow of money has never been bigger, this kind of thing should happen anymore.

Thus, this chapter will focus on the theory of global governance and the principle of solidarity to argue in favour of the use of the *Bolsa Familia* as model for international promotion on economic and social rights.

The first part will be an overview of global governance following the discussion of contemporary global concern in the area of social and economic rights and the lack of global cooperation.

The last part will focus on the concept of solidarity and the importance of it to the international cooperation.

4.1 Global Governance

The concept of global governance is a recent phenomenon. James Rosenau states that when the word 'government' is used "is usually treated as the entity through which order is sought and goals framed and implemented"¹⁹². But when this word combines with global it takes a totally different characteristic:

Both governance and government consist of rule systems, of steering mechanism through which authority is exercised in order to enable systems to preserve their coherence and move towards desired goals. While the rule of systems if government can be thought of as structures, those of governance are social functions or processes that can be performed or implemented in a variety of ways at different times and places (or even at the same time) by a wide variety of organizations. To govern, whether as structure or function, is thus to exercise authority.(...)While governments generate compliance through formal prerogatives such as sovereignty

¹⁹¹ Unicef, 2015.

¹⁹² Rosenau, 2003, pp.224-225.

and constitutional legitimacy, the effectiveness of governance rule systems derives from traditional norms and habits, informal agreements, shared premises, and a host of other practices that lead people to comply with their directives.¹⁹³

As Fred Halliday states “governance in its simplest sense refers to the art of governing, to ensuring that it is morally defensible and efficient”¹⁹⁴.

To understand this approach is necessary to understand why ‘global’ and ‘governance’ became inextricably linked in the international discourse. James Rosenau explains that for a very long time the world was already interdependent but only with the end of the Cold War the dynamism of interdependence changed and started to have real consequences in the globe¹⁹⁵. Examples of global warming, poverty, war, financial crises and inequality show that some concerns have no boundaries and have impact in every corner of the earth. Thus, “analysts have quite naturally begun to talk of the need for global governance and the process and structures that might foster and sustain it.”¹⁹⁶

According to the Commission of Global Governance¹⁹⁷, governance “is the sum of the many ways individuals and institutions, public and private, manage their common affairs”. World politics have as characteristic “governance without government”¹⁹⁸, therefore the governance process bring a broad variety of actors from the public economic organizations (World Bank, IMF, WTO) to multinational corporations and civil society, all of which try to participate on the creation of global policy¹⁹⁹.

Therefore, it can be said that the world inter-relations can be conceptualized as “bifurcated system or two worlds of world politics”²⁰⁰. This conceptualization means that the world affairs can be governed by one interstate system of states and their national government and by a multicentre system of varied types of collectivises actors²⁰¹. This context shows that the global stage is very dense and complex and that

¹⁹³ Ibidem.

¹⁹⁴ Halliday, 2003, p.489.

¹⁹⁵ Rosenau, 2003, pp.224-227.

¹⁹⁶ Ibidem, pp. 225-226.

¹⁹⁷ The Report of the Commission on Global Governance, 1995.

¹⁹⁸ Rosenau & Czempiel, 1992.

¹⁹⁹ O'Brien, 2000, pp.2-3.

²⁰⁰ Rosenau, 1990, Ch.10.

²⁰¹ Rosenau, 2003, pp.224-227.

the variety of actors, been small or large, informal and formal, national and transnational, economic and social, liberal and authoritarian and so on, form the multifaceted system of global governance.

It's important to highlight that the bifurcated system does not mean that states are in process of disintegration. States are still one of the main actors of the global stage; this new panorama only shows that they are no longer the only main player.

The ranges of issues that can be managed by global governance vary from security to human rights.

Professor David Held highlights three problems faced by global governance: 1) Institutional fragmentations and competition between States; 2) No comprehensible labour division between the international institutions in regards the already acknowledged problems - normally the functions overlap, the mandate generate conflicts and the goal sometimes becomes vague; 3) the deficit of accountability and inclusion²⁰².

4.1.1 Contemporary global concern in the area of social and economic rights and the lack of global cooperation

Global governance faces a lot of challenges today. In the issue of contemporary global concern, such as global poverty, the right of women and child, food security and inequality, global cooperation has been faltering. The multilateral cooperation “is either ineffective or deficient, and transnational institutions, though promising, have not yet achieved the scale or scope needed to fill the ‘governance gap, thus Global cooperation appears to be increasingly difficult and thread-bare exactly when it is most needed”²⁰³. With the crisis that hit the world in 2007 the global political affairs situation changed. In this direction, Fred Halliday states:

“The discussion on global governance has [...] acquired an importance and urgency [...]. The case being made is clear and powerful: that the problems facing the contemporary world cannot be solved either by leaving everything to the actions of

²⁰² Held, 2010, p.4.

²⁰³ Held & Roger, 2013, p.8.

individual states, or to the workings of the market, and that existing mechanisms are insufficient to deal with them.”²⁰⁴

David Held calls this situation “the paradox of our time”²⁰⁵ in which he refers to the fact that the issues we now face are growing cross-border problems yet the means to address them are weak and incomplete. He continues the explanation arguing that although the reasons for the persistence of these problems are various the most basic struggle comes with the governance problem²⁰⁶.

It is already recognized that the global problems highlighted above cannot be solved alone by the nation-states, nor by states fighting in their area in regional blocs. Only together and with a collective and collaborative action towards the construction of appropriate governance capacity can really help the resolution of the pressing issues, “there is a growing recognition that individual states are no longer the only appropriate political units for either resolving key policy problems or managing a broad range of public functions”²⁰⁷.

Although that is indisputably true, States still are the main actor when the issue is the development of global policy for the respect and protection of economic and social rights. As already mentioned in the first chapter of the paper, article 2 of the ICESCR, established international cooperation as a way to fulfil the rights contained in the Covenant. This article is very important because it links directly with the discussion of global governance, global policy and the international cooperation in respect of human rights.

As we have been discussing in this last chapter, what is global governance if not the need to make decisions and create policies collectively to fight global issues that cannot be solved alone? Yes, the *Bolsa Familia* can be transformed into a supranational program to promote economic and social rights; the only obstacle for this idea is the political will and the lack of desire to really face the basic problems such as hunger and poverty in the world. The international legal framework is there, the theoretical construction for

²⁰⁴ Halliday, 2003, p.489.

²⁰⁵ Held, 2010, p.4.

²⁰⁶ Ibidem.

²⁰⁷ Ibidem p.14.

global governance also; we should start to put that in practice in favour of the protection of human dignity.

As argued by Held, “Global governance today has some of the characteristics of a multilayered, multidimensional and multi-actor system. It is multilayered insofar as the development and implementation of global policies can involve a process of political coordination between supranational, transnational, national and often subnational agencies”²⁰⁸.

4.2 Solidarity

4.2.1 Historical overview

Solidarity is a modern concept originated in the French Revolution and strongly bound with the juridical concept of equality and with the political concept of democracy.²⁰⁹ However, during the revolution, it was the *fraternité* that was in everyone’s lips not *solidarité*. Fraternity, together with liberty and equality, became one of the slogans of the French declaration of 1789. During most of the nineteenth century the concept of solidarity stayed beside fraternity. That changed with the European Revolution of 1848 and the influence of Marx and the workers movement²¹⁰. Solidarity became an autonomous concept presented in texts such as of constitutions, international covenants and human rights pacts.

Nevertheless, the history of solidarity is very old.

The solidarity of the old comes from antiquity and is understood as a moral quality of the individual. Solidarity at that time was a virtue. It was a humanistic value, encompassing notions of friendship and respect between people, human relations, as brothers who live in communion of interests, needs and values, and allocating the necessary actions to your satisfaction²¹¹.

The solidarity of the antiquity goes from the classical culture to the eighteenth century and it is founded on the bases of charity. It is worth mentioning that during this period

²⁰⁸ Held, 2010, p. 31.

²⁰⁹ Brunkhorst, & Flynn, 2005, p.1.

²¹⁰ Ibidem.

²¹¹ Ibidem, pp.9-55.

solidarity had no legal basis, it was only a moral value in which citizens had to behave virtuously²¹².

With time, solidarity went from a quality of the virtuous to support individual's duties. It's important to highlight that these were not legal duties. These duties came from their religious belief, their adherence to the Christian ideals of equality among men. If all are equal, all are reciprocal and mutual responsible for the life of everyone. It is realized the value of Christian charity founded on the humanistic ideals, which grew more and more with the passage of time²¹³.

After a while, solidarity was no longer only based on the individual and developed a "community" character. It turns out to be related not only with individual conduct, or charities, but it reveal a sense of community. With this transformation, solidarity moved away from the antiquity approach towards the modern one. From this moment, solidarity no longer has this virtuous dimension and is no longer based exclusively on Christian rights and this opened the door to modern solidarity²¹⁴.

The solidarity of the modern is the projection of a social construction that protects the members of the community. It seeks to build an alternative, which will be a utopia based on promoting the good of all. And in building this utopia, it projects a social protection for all community members. According to Miguel Calmon, this community provides social protection, and consequently is characterized as a fundamental rights community. This is because the fundamental rights represent nothing more than essential values to meet the basic needs of every human being²¹⁵.

Zygmunt Baumann makes a very rich analysis in relation to solidarity; it associates with freedom, equality and security, saying that security without freedom is slavery. And freedom without security is the same as being lost and abandoned²¹⁶. For Baumann it is the community that provides security, so we all want to belong to any community.

²¹² Brunkhorst, & Flynn, 2005, pp.9-55.

²¹³ Ibidem.

²¹⁴ Calmon Dantas, 2011.

²¹⁵ Ibidem.

²¹⁶ Bauman, 2003, pp.20-30.

Those that are outside do not find this protection. So, security can only properly exist within the community.

It is this sense of security that comes to dominate solidarity as a legal principle, which embodies social constitutions. So it's very important to understand that “*solidarity*” arises from social relations and is a founding principle of the fundamental rights of the welfare state, providing a legal sense of security to the community and the rule of law²¹⁷. As Hauke Brunkhorts summarizes: “The modern idea of solidarity originated in the constitutional revolutions of the eighteenth century. It was politically institutionalized in the republican nation-state, and within that framework it was taken up by the social movements of the nineteenth century, extended, and put into concrete form in the social welfare state.”²¹⁸

4.2.2 Solidarity according to Durkheim and Duguit

For Émile Durkheim²¹⁹ there are two ways of solidarity, it could be mechanical or organic. He states that mechanical solidarity comes from an identity between members of a community; it is the similarity, by the junction of ideas, understandings, values and principles. Solidarity is a social fact and rightly arises from the similarity of associations and situations leading to social cohesion. That is why he calls mechanical solidarity, because it comes from a link between components of a larger and superior system. And this union is strong because it is based precisely at the junction of individuals with the share identity and principles.

The organic solidarity has another sense; it is based on differentiation, because it arises from the social division of labour. Thus, it arises from dependence, because the group members depend on each other to the extent that there is a sort of division of labour. And the main characteristic is differentiation because each has on the division of labour approaches according to particular activities; each individual has a specific function.

²¹⁷ Calmon Dantas, 2011.

²¹⁸ Brunkhorst, & Flynn, 2005, pp.56.

²¹⁹ Durkheim, 2004.

Léon Duguit²²⁰ has a conception of law that is based on solidarity. He argues that the individual draws to itself the principle of equality within the logic that all individuals are equal; individual rights are seen as natural rights. And in this role the law will be equal and general for all. What will ensure equality is the generality of the law. If the law is general, it treats all identically.

This generates the social perspective of law that the other side will have its foundation in the principle of solidarity. And that means solidarity individuals are members of the community. There are no previous, upper right. Before the individual receive rights they are born as members of a community, as members of a group. And they receive the obligations arising from this condition. And the duties are underpinning rights.

Equality here will not be the equality of all before the law. It will be a substantive equality, just from the perspective that men are different. All human beings are different. So the law cannot treat everyone the same based on the principle of solidarity. And the rights derive from the duties, obligations that are imposed by society. He maintains that solidarity is the true foundation of law.

Duguit understands solidarity as social interdependence and that's where he approaches the organic solidarity of Durkheim, because the common needs can only be met by life in common, and the diverse needs can only be met by the mutual exchange of actions.

The community is the expression of social solidarity. Fundamental rights, especially social rights, manifest social solidarity and community ties based on the search for security.

4.2.3 Solidarity in the global community

With the achievement of a global society, the exclusion problem has never been more visible. According to Hannah Arendt, the excluded are a “surplus population” where individuals have been pushed into the “environment” of the highly organized systems and have become invisible through ghettoization.²²¹

²²⁰ Duguit, 1996.

²²¹ Arendt, 1968.

Brunkhorst argues that “the exclusion of a large part of the global population from access to money, knowledge, power, opportunities for legal redress, and so forth is far more dramatic than Marx’s impressive analysis of the existence within civil society of a class of excluded persons; this class was at least *included*”²²².

Today 1.2 billion people in the world live in extreme poverty²²³. And this have effects in all parts of the globe, be the immigration problem that Europe is currently facing, be the problem with violence and drug trafficking in Latin-America countries, or the democratic crisis that many countries currently face because the system is not made for all.

It is true that global society has no central legislation and jurisdiction but it has a legal order, however imperfect it may be. As already mention in the beginning of the third chapter, the problem with the international decentralized legal and political order is the lack of real normative implementation and political will.

We have hundred years or more of international law which created a shift where states rules and where the individual rules. Human rights law empower the individual as the central element and source of global authority, there is no idea of human rights without reflecting on notion of the equal moral standing of each and every human being.

Nevertheless, this situation brings a huge problem for the national public sphere. Hauke Brunkhorts elucidate this problem very well:

The weak public sphere, which can affect the evolution of human rights and the global legal system only through the medium of moral influence, has to leave the creation, modification, elaboration, and implementation of these rights to the springing up of many different sources of law that are not (sufficiently) democratically legitimate. Global law, provided it is more than the law of private contracts, is not passed, changed, interpreted, or developed by a global people, and also not (at least not as it reads in the Preamble to the UN Charter) by the “peoples of the United Nations,” but instead by governments, hegemonic powers, international organizations, courts, jurists, multinational concerns, international law firms, and so forth. With the growing mass of global regulations, this situation is

²²² Brunkhorst & Flynn, 2005,p.123.

²²³ The Millennium Development Goals Report, 2014.

weakening the strong public spheres of those nation-states in which they (still) exist. The more irrefutable and inescapable the need becomes for the political organization of a new world domestic policy that encroaches on and strongly intervenes within states, the greater becomes the need for a political legitimation of that policy: “If the de-nationalization of politics is not also to cause a de-democratization of power, then the necessity of a democratization of post- national organizations arises.”

It’s important to highlight that “the de-nationalization of law was still one of the most important levers for the globalization of a solidarity based on human rights.”²²⁴

Brunkhorst claims that “States no longer have a monopoly on legislation, interpretation, or force, but they together form – whether they want or not – one (although not the only) **cooperative community** of interpretation and enforcement of globalized and denationalized legal norms.”²²⁵

We already live in multilevel global community. There is no turning back! Globalization, technology and Internet have an effect that should not be underestimated.

When the concept of solidarity started to be forged in the French revolution it was not meant to be a particularistic idea, limited by states boundaries and in tune with aggressive imperialism and nationalism, it was quite the opposite, “on the normative horizon of the Jacobin human-rights patriotism appeared a model for a global solidarity of republics with equal rights that was much more concrete and political than all the utopias of perpetual peace that were repeatedly devised from the Stoic philosophers up through Christianity. And the idea of an “association of nations” [*Völkerbund*], which opens up the boundaries of each particular “association of citizens” [*Bürgerbund*] without eliminating them, far exceeded the old, absolutist doctrine of international law associated with *Pax Westphalia*.”²²⁶

Hence, it is possible to recognize the interdependence between the following three models: the global governance model, the model of solidarity and the Bolsa Família model. We cannot engage in global governance without the concept of solidarity. The

²²⁴ Brunkhorst & Flynn, 2005, p.146.

²²⁵ Ibidem p.105.

²²⁶ ibidem p.106.

application of the "Bolsa Familia" model is unfeasible in the international ambit without the use of the two concepts mentioned above.

5. Conclusion

Former President Lula once said that “Our war is not to kill anyone, it is only to save lives!” That’s how he explained the Bolsa Familia Program.

The BF is an example that you can make good and effective public policy for the promotion of economic and social rights.

As a conditional cash transfer program that allows the beneficiaries to make choices for themselves, the BF showed that impacts could be seen in all spheres of society, from the empowerment of vulnerable groups to the boost of the economy. Other important advantage is that the money goes directly to the poor, without high administrative cost and thus it becomes harder to the corrupt to make schemes to take illegal gain from the program.

Of course the program is not perfect and it can be refined. The discussion of universality versus conditionality is very important for the future of the program, and coming back to the original idea of basic income to all citizens could be a real future development that would increase the scope of the program and attack some of the future issues, such as the problem of stagnation.

The global community complexity brought new problems and exacerbated existing ones that were not overcome yet, though already faced. Globalisation, neoliberal policies, increasing social exclusion and inequality, environmental and technological risks, new corporations and economic power concentration pathways are just some indications of the global governance problems.

Among the various issues involving, simultaneously, social and economical rights, it is important to overcome some myths that ultimately weaken the sense and the value that they should be applied and, in consequence, undermine the effectiveness and the transforming potential of the existential conditions to which they refer.

Poverty is one of the main concerns that must be faced by the Global Community and only working in cooperation and implementing the already existing instruments of

social and economical rights will be possible to, if not overcome this issue, at least alleviate the life of the most vulnerable.

As seen in Chapter 3, solidarity gives ground to social rights. Solidarity underlies the system of social rights. It is necessary that such reasoning be made also within the international community.

A forthcoming structure project arising from the self-understanding of the global political community driven by solidarity and directed for the dignity of the human person is required. As demonstrated by Durkheim and Duguit in their conception of solidarity, the global community needs can only be achieved with the mutual exchange of actions.

When article 2 or to of the ICESCR refers to the obligation of international cooperation once the national state cannot fulfil basic social and economic rights it's a clear demonstration that the international community must act with solidarity in the international framework to help the achievement of the realization of these rights.

However the gap problem between the abstract text and the concrete reality must be faced with the development of reflection referred to overcome them. In the end it comes to the lack of political will to take concrete measures to the fulfilment of socio-economic rights in the global community.

Taking the Brazilian case of Bolsa Familia as example, and although the *Dirigente* Constitution of 1988 had already established as a fundamental objective of the Brazilian society the eradication of poverty and marginalization and the reduction of social and regional inequalities, it took 15 years for the politicians to create a socio-economic policy that really tried to overcome the problem of poverty and inequality inside the whole national territory.

Furthermore, international cooperation is part of global governance, but global governance is an additional step, it is how the world affairs are managed and involves much more layers and actors, like international organizations, civil society and so forth. Therefore, it amplifies the idea of cooperation and brings new players to the system.

The fundamental idea is that this program can be used beyond the national border to fight poverty. The impact in the world could be massive! Imagine that at least on part of the 1.2 billion people who today live in extreme poverty start to receive a conditional income money and how this would impact their lives, helping them to overcome hunger, poverty, creating empowerment to vulnerable groups and, of course, the impact on the economy.

It's not easy to create and control such a worldwide project and a lot of people would argue that it would be impossible for an international/regional organization, civil society or a group of States to interfere in another country and give money directly to the citizens but the US Agency for International Development (USAID) did a cash transfer scheme in Ethiopia called Cash for Relief Programme (CfR), they were the primary funders of the scheme and it was very successful²²⁷. The Swiss Agency for Development and Cooperation (SDC) together with the Red Cross also implemented a grant scheme in Mongolia²²⁸.

Why can't the global actors, inside of a global governance framework, act together to try to overcome the problem of poverty? Only by applying the concepts of global governance and the principle of solidarity within the global community system that a true international co-operation will be possible. As showed by this dissertation, the international legal framework for social and economical rights already exist, what is lacking is the political will to create real global policies to really help those in need.

We as society have to question ourselves the reason why we accept easily that governments give money to private companies and bank? Why is so easy to spend billions in wars and making more guns? And why is so hard for us to accept to use a little amount of money to at least give basic rights to people? And why as a society we accept with good eye our government creating more and more policy to benefit few and when we create something to at least give a little dignity to those in need we are against it?

²²⁷ USAID, 2004.

²²⁸ SDC-IFRC, 2005.

As Barbara Futner states "the political will to redistributive resources from 'haves' to 'haves nots' on a global scale, which is in effect what would be required, would call for much higher levels of social solidarity between donor and recipient countries, regions or peoples, than currently exist."²²⁹

I do believe that Bolsa Família can be a large front door program for citizenship and for a better life globally. The utopian character of this proposal is not obstacle to be undertaken. Utopia is inherent to human rights. A lot of things that exist in today's society were once also called utopia.

As Oscar Wilde once said "'A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing. And when Humanity lands there, it looks out, and, seeing a better country, sets sail. Progress is the realisation of Utopias."

²²⁹ Futner, 2011, p. 208.

6. Bibliography

Abrahão de Castro, J. and Modesto, L. (a). Bolsa Família 2003-2010: avanços e desafios. Volume 1, 2010 Available at: http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=6604 (Consulted on 6 June 2015).

Abrahão de Castro, J. and Modesto, L. (b). Bolsa Família 2003-2010: avanços e desafios. Volume 2. 2010. Available at: http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=6605 [Consulted on 6 June 2015].

Additional Protocol to the American Convention on Human Rights in the área of economic, social and cultural rights "Protocol of San Salvador". OAS (1988). Available at: <http://www.oas.org/juridico/english/treaties/a-52.html> (Consulted on 20 Jun. 2015).

AGENDE. Núcleo de Estudos e Pesquisa sobre a Mulher. Universidade de Brasília, 2006. Available at http://www.ipcundp.org/doc_africa_brazil/Webpage/mi ssao/Pesquisas/PESQUISA_MULHER.pdf (Consulted on 6 June 2015)

Ananias, P. Políticas sociais ajudam na inclusão econômica. 2009. Available at: <http://www.mds.gov.br/saladeimprensa/boletins/boletimmds/222/politicas-sociais-ajudam-na-inclusao-economica.pdf/download> (Consulted on 6 June 2015).

Arendt, Hannah. *Between Past and Future*. New York: Viking Press, 1968.

Arendt, Hannah. *As origens do totalitarismo*. Trad. Roberto Raposo. São Paulo: Cia. das Letras, 1989.

Barroso, Luís Roberto. *O Direito constitucional e a efetividade de suas normas: limites e possibilidades da constituição brasileira*. 6 ed. Rio de Janeiro: Renovar, 2002.

Basu, K. Child labor: cause, consequence, and cure, with remarks on international labor standards. *Journal of Economic Literature*, v. 37, n. 3, p. 1.083-1.119, 1999.

Bauman, Z. *Comunidade*. Rio de Janeiro: Jorge Zahar Editor, 2003.

BIEN. What is basic income? 2015. Available at: <http://www.basicincome.org/basic-income/> (Consulted on 29 June 2015).

Bolsa Família Informa — Número 38. Governo Federal regulamenta apoio financeiro aos municípios para gestão do Bolsa Família. Available at: www.mds.gov.br/bolsafamilia/menu_superior/informe-pbf/informe-pbf_gestores/paginas/informebolsafamilia_edicao38.htm. (Consulted on 03 May 2015).

Bouillon, C. P.; Tejerina, L. Do we know what works? A systematic review of impact evaluations of social programs in Latin America and the Caribbean. Working Paper, Inter-American Development Bank, Sustainable Development Department, nov. 2006.

Brasil. Ministério do Desenvolvimento Social e Combate à Fome(MDS), Portaria MPAS nº 2.917. Brasília, 2000.

Brasil. Presidência da República, Constituição Da República Federativa do Brasil de 1988. Brasília, 1988.

Brasil. Presidência da República, Decreto no. 5.209, de 17 de setembro de 2004. Regulamenta o Programa Bolsa Família, 2004.

Brasil. Presidência da República, Lei nº. 10.836, de 9 de janeiro de 2004. Institui o Programa Bolsa Família.. Brasília, 2004.

Brasil. Presidência da República., Lei nº 6.815, de 19 de agosto de 1980. Define a situação jurídica do estrangeiro no Brasil, cria o Conselho Nacional de Imigração. Brasília, 1980.

Brasil. Presidência da República., Lei nº 8.080, de 19 de Setembro de 1990. Dispõe sobre as condições para a promoção, proteção e recuperação da saúde, a organização e o funcionamento dos serviços correspondentes e dá outras providências. Brasília, 1990.

Brasil. Presidência da República., Lei nº 10.219, de 11 de abril DE 2001. Cria o Programa Nacional de Renda Mínima vinculada à educação - "Bolsa Escola", e dá outras providências. Brasília, 2001.

Brasil. Presidência da República., Medida Provisória No 2.206-1, de 6 de setembro DE 2001. Cria o Programa Nacional de Renda Mínima vinculado à saúde: "Bolsa-Alimentação" e dá outras providências. Brasília, 2001.

Brasil. Presidência da República., Lei nº 10.689/2003. Cria o Programa Nacional de Acesso à Alimentação - PNAA. Brasília, 2003.

Brasil. Presidência da República., Decreto nº 7.492, de 2 de junho de 2011. Institui o Plano Brasil Sem Miséria.. Brasília, 2011.

Brasil. Presidência da República., Lei nº 8.080, de 19 de setembro de 1990. Dispõe sobre as condições para a promoção, proteção e recuperação da saúde, a organização e o funcionamento dos serviços correspondentes e dá outras providências. Brasília, 1990.

Bronzo, C. Vulnerabilidade, Empoderamento e Proteção Social. Reflexões a partir de experiências latino-americanas. In: ENANPAD, XXXII, 2008.

Brunkhorst, H. and Flynn, J. Solidarity. From civic friendship to a global legal community. Cambridge, Mass.: MIT Press, 2005.

Cacciamali, M. C.; Tatei, F. Trabalho infantil e o status ocupacional dos pais. *Revista de Economia Política*, São Paulo, v. 28, n. 2, p. 269-290, 2008.

Cacciamali, M. C.; Tatei, Fábio; Batista, Natália Ferreira. Impactos do Programa Bolsa Família federal sobre o trabalho infantil e a frequência escolar. *Rev. econ. contemp.*, Rio de Janeiro, v. 14, n. 2, p. 269-301, Aug. 2010.

Calmon Dantas, M., *O Dirigismo Constitucional sobre as políticas públicas*, 2010. Available at: http://www.conpedi.org.br/manaus/arquivos/anais/salvador/miguel_calmon_teixeira_de_carvalho_dantas.pdf (Consulted on 20 June 2015).

Calmon Dantas, M., *Direito Fundamental ao máximo existencial*, 2011. Available at: <https://repositorio.ufba.br/ri/bitstream/ri/8703/1/MIGUEL%20CALMON%20DANTAS%20-%20V.%201%20-TESE.pdf> (Consulted on 20 June 2015).

Canotilho, J., *Constituição dirigente e vinculação do legislador*. Coimbra, Coimbra Editora, 1982.

Committee on the Rights of the Child General Comment No. 5, University of Minnesota Human Rights Library, 2003. Available at: <http://www1.umn.edu/humanrts/crc/crc-generalcomment5.html> (Consulted on 20 June 2015).

Cortes Neri, M. (2011). *Os Emergentes dos Emergentes: Reflexões Globais e Ações Locais para a Nova Classe Média Brasileira*. Fundação Getúlio Vargas. Available at: http://www.cps.fgv.br/cps/bd/nbrics/NBrics_Pesquisa_neri_fgv.pdf (Consulted on 8 July 2015).

Currie, J. and Gahvari, F. “Trasfers in Cash and In-kind: Theory Meets the Data”, *Journal of Economic Literature*, Vol.46, No2, 2008.

Darraj, S., *The Universal Declaration of Human Rights*. New York: Chelsea House Publishers, 2010.

DIEESE, Departamento Intersindical de Estatística e Estudos Socioeconômicos. 2007. Available at: <http://www.dieese.org.br/notatecnica/2007/notatec51Previdencia.pdf> (Consulted on 19 June 2015).

Duguit, L., *Fundamentos do direito*. São Paulo: Ícone, 1996.

Dumont, D. and Dermine, E., *Activation Policies for the Unemployed, the Right to Work and the Duty to Work*. Brussels: Peter Lang, 2014.

Durkheim, E., *Da divisão do trabalho social*. São Paulo: Martins Fontes, 2004.

Eide, A., Krause, C. and Rosas, A.. *Economic, social, and cultural rights*. Dordrecht: M. Nijhoff Publishers, 2001.

Eide, Asbjorn & Rosas, Allan. "Economic, Social and Cultural Rights: A Universal Challenge". In: A. Eide et al., Economic, Social and Cultural Rights. Dordrecht/Boston/London: Martinus Nijhoff Publishers, 1995.

Farmer, Paul. Pathologies of Power. Berkeley: University of California Press, 2003.

Ferreira-Batista, N.; Cacciamali, M. C. Family migration, child labor and poverty inter-generational cycle in the State of São Paulo - Brazil. In: Annual European Association of Labour Economists Conference, 2007, Oslo. Anais of Annual European Association of Labour Economists Conference, 2007.

Food and Agriculture Organization of the United Nations(FAO), The State of Food Insecurity in the World 2015. Available at: <http://www.fao.org/hunger/en/> (Consulted on 6 June 2015).

FÓRUM ECONÔMICO MUNDIAL. Empoderamento de mulheres: avaliação das disparidades globais de gênero. Genebra, 2005.

Fultner, B. Jürgen Habermas. Durham, England: Acúmen, 2011.

Fundação Getulio Vargas. Bolsa Família: o que é e como funciona? Available at: http://cps.fgv.br/glo_bolsafamilia (Consulted on 9 June 2015).

General Comment 3. University of Minnesota Human Rights Library. 1990, Available at: <https://www1.umn.edu/humanrts/gencomm/epcomm3.htm> (Consulted on 21 June 2015).

Glewwe, P. and Kassouf, A.. The Impact of the Bolsa Escola/Familia Conditional Cash Transfer Program on Enrollment, Drop Out Rates and Grade Promotion in Brazil. 2010 Available at: <http://faculty.apec.umn.edu/pglewwe/documents/BrBolsa6.pdf> (Consulted on 6 June 2015).

Gohn, M.G. Empoderamento e participação da comunidade em políticas sociais. Saúde e Sociedade, v. 13, n. 2, p. 20-31, ago. 2004.

Grau, E. A ordem econômica na Constituição de 1988. São Paulo, SP: Malheiros Editores, 2004.

Halliday, F. 'Global Governance: Prospects and Problems', pp. 489-500 in Held, D. and McGrew, A., The global Transformations reader. Cambridge, UK: Polity Press, 2003.

Health Promotion Glossary. World Health Organization. 1998. Available at: <http://www.who.int/healthpromotion/about/HPR%20Glossary%201998.pdf> (Consulted on 10 June 2015).

Held, D. and McGrew, A. The global transformations reader. 2nd ed. Malden, Mass.: Polity Press, 2003.

Held, D., *Cosmopolitanism*. Cambridge: Polity Press, 2010.

Held, D. and Roger, C. *Global Governance at risk*. Cambridge: Polity Press, 2013.

Hollanda, S. , *História geral da civilização brasileira*. São Paulo: Difel, 1985.

IBGE. Censo demográfico 2009. Available at: <www.ibge.gov.br>. (Consulted on May 10 2015).

IBGE. Brasil em síntese - população - taxas de fecundidade total. 2015. Available at:<http://brasilemsintese.ibge.gov.br/pt/populacao/taxas-de-fecundidade-total> (Consulted on 9 July 2015).

IBGE. Instituto Brasileiro de Geografia e Estatística.,Taxa de Mortalidade Infantil por mil nascidos vivos – Brasil – 2000 a 2014. *Projeção da População do Brasil*. Brasília, 2014.

IBGE. Instituto Brasileiro de Geografia e Estatística. 2008, Available at: <http://www.ibge.gov.br/home/estatistica/populacao/trabalhoerendimento/pnad2008/bras-ilpnad2008.pdf> (Consulted on 6 June 2015).

IBGE. Instituto Brasileiro de Geografia e Estatística. 2015 Available at: <http://www.ibge.gov.br/home/estatistica/populacao/trabalhoerendimento/pnad2011/micr-odados.shtm> (Consulted on 10 June 2015).

International Business Times UK. 2015 UN Millennium Development Goals: Brazil Hits Target But Others Failing on Poverty and Education. 2014. Available at: <http://www.ibtimes.co.uk/2015-un-millennium-development-goals-brazil-hits-target-others-failing-poverty-education-1467208> (Consulted on 8 July 2015).

International Covenant on Economic, Social and Cultural Rights. 1966. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (Consulted on 17 June 2015).

International Labour Organization. Social protection floor for a fair and inclusive globalization. 2011, Available at: http://www.ilo.org/public/english/protection/spfag/download/background/bachrep_en.pdf (Consulted on 6 June 2015).

IPEA. Programa Bolsa Família. Uma década de inclusão e cidadania. Brasília, 2013.

IPEA, Duas décadas de desigualdade e pobreza no Brasil medidas pela Pnad/IBGE. 2012 Available at: http://www.ipea.gov.br/portal/images/stories/PDFs/comunicado/131001_comunicadoipea159_apresentacao.pdf (Consulted on 6 June 2015).

Landim Junior, P. Os Efeitos do Programa Bolsa Família sobre a Economia dos Municípios Brasileiros. 2009. Available at: <http://www.ipc-undp.org/publications/mds/33P.pdf> (Consulted on 9 July 2015).

Limburg Principles, 1986. Available at: http://www.soas.ac.uk/cedep-demos/000_P514_IEL_K3736Demo/treaties/media/1987%20UN%20Limburg%20principles.pdf (Consulted on 21 June 2015).

Linhares, M. and Cardoso, C. História geral do Brasil. Rio de Janeiro, RJ, Brasil: Editora Campus, 2000

M. de Mesa, T. Limburg Principles and Maastricht Guidelines: Progressive Steps Towards Further Realization of Economic, Social and Cultural Rights. 2003. Available at: http://main.tfdp.net/documents/ar_limburg.pdf (Consulted on 21 Jun. 2015).

Marshall, T. and Porto, W. Cidadania e classe social. Brasília: Senado Federal, Conselho Editorial, 2002

Maastricht guidelines. Available at: https://www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html (Consulted on 21 Jun. 2015).

Mazzuoli, Valério de Oliveira. Hierarquia constitucional e incorporação automática dos tratados internacionais de proteção dos direitos humanos no ordenamento brasileiro. Revista de Informação Legislativa, Brasília, a. 37, n. 148, p. 231/250, out./dez. 2000.

Medeiros, M.; Costa, J. What do we mean by feminization of poverty? Centro Internacional da Pobreza, n. 58, Out. 2008. Available at: www.undp-povertycentre.org/pub/IPCOnePager58.pdf. (Consulted on 25 May 2015).

Millennium Indicators. 2015. Available at: <http://mdgs.un.org/unsd/mdg/Data.aspx> (Consulted on 8 July 2015).

Ministério do Desenvolvimento Social e Combate à Fome(MDS). Ofício Circular Conjunto n.02/2014 - SENARC/MDS e SNAS/MDS. Brasília, 2014.

MINISTÉRIO DO DESENVOLVIMENTO SOCIAL E COMBATE À FOME (MDS) em números. Available at: <http://aplicacoes.mds.gov.br/sagi/ascom/index.php?cut=aHR0cDovL2FwbGljYWNvZXMubWRzLmdvdi5ici9zYWdpL2FzY29tL2dlcmFyL2luZGV4LnBocA==&def=v>. (Consulted on: 23 May 2015.)

Ministério do Desenvolvimento Social e do Combate à Pobreza(MDS). Cidadãos se desligam voluntariamente do Bolsa Família após melhorarem de vida. 2014. Available at <http://www.brasil.gov.br/cidadania-e-justica/2014/11/cidadaos-se-desligam-voluntariamente-do-bolsa-familia-apos-melhorarem-de-vida> (Consulted on 6 June 2015).

Moreira, Nathalia Carvalho et al . Empoderamento das mulheres beneficiárias do Programa Bolsa Família na percepção dos agentes dos Centros de Referência de Assistência Social. Rev. Adm. Pública, Rio de Janeiro , v. 46, n. 2, p. 403-423, Apr. 2012. Available at: http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0034-76122012000200004&lng=en&nrm=iso. (Consulted on 06 June 2015).

O'Brien, R. *Contesting global governance*. Cambridge: Cambridge University Press, 2000.

Olivera, J. *Constituição da República Federativa do Brasil*. São Paulo: Editora Saraiva, 1988.

Ozanira da Silva e Silva, M. *The Bolsa Família and social Protection in Brazil: problematizing the conditionalities as limits for the implementation of the Citizenship Basic Income*. 2012. Available at: <http://www.basicincome.org/bien/pdf/munich2012/DaSilva.pdf> (Consulted on 24 June 2015).

Paine, T., Linebaugh, P. *Peter Linebaugh presents Thomas Paine*. London: Verso, 2009.

Paiva, L. *The Bolsa Familia Programme and Basic Income*. 2012. Available at: <http://www.basicincome.org/bien/pdf/munich2012/paiva.pdf> (Consulted on 29 June 2015).

Parijs, P. *Arguing for basic income*. London: Verso, 1992.

Parker, H. *Basic Income and the labour market*. BIRG, 1991.

Perry, G. E.; Arias, O. S.; López, J. H.; Maloney, W. F.; Servén, L. *Poverty Reduction and Growth: Virtuous and Vicious Circles*. Washington DC: The World Bank, 2006.

Piovesan, F. *Direitos econômicos, sociais e culturais e direitos políticos*, Sur: *Revista Internacional de Direitos Humanos*, São Paulo, Ano 1, n. 1, 2005.

Piovesan, F. *Direitos humanos e o direito constitucional internacional*. São Paulo, SP: Editora Saraiva, 2006.

Piovesan, Flavia. *Direitos sociais, econômicos e culturais e direitos civis e políticos*. Sur. *Revista Internacional de Direitos Humanos*, 1(1), 20-47. 2004. Available at http://www.scielo.br/scielo.php?script=sci_arttext&pid=S18066445200400100003&lng=en&tlng=pt.10.1590/S1806-64452004000100003. (Consulted on 04 May 2015)

PIOVESAN, Flavia. *Social, economic and cultural rights and civil and political rights*. Sur, São Paulo, v.1, Selected Edition, 2006. Available at <http://socialsciences.scielo.org/scielo.php?script=sci_arttext&pid=S1806-64452006000100003&lng=en&nrm=iso>. (Consulted on 21 June 2015).

Pires, A. *Ensaio: aval. pol. públ. Educ.*, Rio de Janeiro, v. 21, n. 80, p. 513-532, jul./set. 2013 *Afinal, para que servem as condicionalidades em educação do Programa Bolsa Família?*. 2013 Available at: <http://www.scielo.br/pdf/ensaio/v21n80/a07v21n80> (Consulted on 24 Jun. 2015).

PNAD. Pesquisa Nacional por Amostra de Domicílios. Volume 32.. 2012. Available at: http://ftp://ftp.ibge.gov.br/Trabalho_e_Rendimento/Pesquisa_Nacional_por_Amostra_de_Domicilios_anual/2012/Volume_Brasil/pnad_brasil_2012.pdf (Consulted on 6 June 2015).

PNUD. Relatório de Desenvolvimento Humano 2007/2008. 2008 Available at: <http://www.pnud.org.br/hdr/arquivos/RDHglobais/hdr2007-8-portuguese.pdf> (Consulted on 6 Jun. 2015).

Pogge, T. World poverty and human rights. Cambridge: Polity, 2002.

Rawlings, L.B.; Rubio, G.M. Evaluating the impact of Conditional Cash Transfer Programs. The World Bank Research Observer, 2005. Available at: www.undp-povertycentre.org/publications/mds/33P.pdf. (Consulted on 21 May 2015)

Rech, D. Direitos humanos no Brasil 2. Rio de Janeiro, RJ, Brasil: CERIS, 2007.

Rego, W. and Pinzani, A. Vozes do Bolsa família. São Paulo: Editora UNESP, 2014.

Romano, J.O. Empoderamento e direitos no combate à pobreza. Rio de Janeiro: ActionAid, 2002.

Rosenau, J. N., 'Governance in a New Global Order', pp. 223-235 in Held, D. and McGrew, A, The global Transformations reader. Cambridge, UK: Polity Press, 2003.

Rosenau, J. and Czempiel, E. Governance without government. Cambridge [England]: Cambridge University Press, 1992.

Rosenau, J. Turbulence in world politics. Princeton, N.J.: Princeton University Press. Ch.10, 1990.

Roosevelt, F. Franklin D. Roosevelt: State of the Union Message to Congress. Franklin D. Roosevelt. 1944. Available at: <http://www.presidency.ucsb.edu/ws/?pid=16518> [Consulted on 11 July 2015].

Rubalcava, L. et al. Investments, time preferences, and public transfers paid to women. Economic Development and Cultural Change, v. 57, n. 3, p. 507-538, 2009.

Schwarzman, S. Bolsa Família: mitos e realidades. Instituto de Estudos do Trabalho e Sociedade, Interesse Nacional, ano 2, n. 7, p. 20-28, dez. 2009.

SDC-IFRC . Joint SDC-IFRC External Review on In-Kind and Cash Distribution Projects in 2003 in Zavkhan Aimag, Mongolia. Bern and Geneva: Swiss Agency for Development and Cooperation and International Federation of the Red Cross and Red Crescent Societies, 2005.

Sen, G. Empowerment as an approach to poverty. Background paper for human development report 1997. Working Paper Series, n. 97-07, 1997.

Silva, M.O.S.; Yazbek, M.C.; Giovanni, G. A política social brasileira no século XXI: a prevalência dos programas de transferência de renda. 3. ed. São Paulo: Cortez, 2007.

Silva, José Afonso. Curso de direito constitucional positivo. 19. ed. rev. atual. e ampl. São Paulo: Malheiros, 2001.

Soares, S. Bolsa Família : A Summary of Its Impacts. 2012. Available at: <http://www.ipc-undp.org/pub/IPCOnePager137.pdf> (Consulted on 8 July 2015).

Soares, S. and Sátyro, N.(a) O programa bolsa família. Brasília: IPEA, 2009

Soares, S., Ribas, R. and Soares, F. (b). Focalização e cobertura do programa bolsa-família. Rio de Janeiro: Ipea., 2009.

STF- Supremo Tribunal Federal. Informativo STF. 1998 Available at: <http://www.stf.jus.br/arquivo/informativo/documento/informativo109.htm> [Consulted on 19 June 2015].

Stiglitz, J. Selected works of Joseph E. Stiglitz. Oxford: Oxford University Press, 2009.

Suaréz M. et al. O Programa Bolsa Família e o enfrentamento das desigualdades de gênero: o desafio de promover o reordenamento do espaço doméstico e o acesso das mulheres ao espaço público. Brasília: Agende, 2006.

Suplicy, E. Programa de garantia de renda mínima. Brasília: Senado Federal, 1998.

Suplicy, E. Renda de cidadania. São Paulo, Cortez Editora, 2002.

Suplicy, E. President Lula's Zero Hunger Program and the trend toward a citizen's basic income in Brazil. [São Paulo]: Fundação Getulio Vargas, Escola de Administração de Empresas de São Paulo, 2003.

The MDGs in Brazil, Fact Sheet: The MDGs in Brazil. 2012. Available at: <http://www.kas.de/wf/doc/9942-1442-2-30.pdf> (Consulted on 8 July 2015).

The Millennium Development Goals Report. The Millennium Development Goals Report. 2014 Available at: <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2014/English2014.pdf> (Consulted on 30 June 2015).

The Report of the Commission on Global Governance: Our Global Neighborhood. 1995. Available at: <http://www.gdrc.org/u-gov/global-neighbourhood/> (Consulted on 30 June 2015).

The Universal Declaration of Human Rights (UDHR), 1948 Available at: <http://www.un.org/en/documents/udhr/> (Consulted on 19 June 2015).

UNICEF - Goal: Eradicate extreme poverty and hunger. [online] Available at: <http://www.unicef.org/mdg/poverty.html> [Consulted on 11 July 2015].

United Nations. The Millennium Development Goals Report. 2014. Available at: <http://www.un.org/millenniumgoals/2014%20MDG%20report/MDG%202014%20English%20web.pdf> [Consulted on 8 July 2015].

US Agency for International Development (USAID) USAID/OFDA Uses Cash Grants to Alleviate Chronic Food Insecurity in Ethiopia. Washington, DC: USAID. 2004. Available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/publications/focus_articles/6_2004_Ethiopia.html (Consulted on 20 June 2015).

Veja, O Bolsa Família e os “vagabundos” de Lula, que não plantavam mais macaxeira, Reinaldo Azevedo Blog. 2014 Available at: <http://veja.abril.com.br/blog/reinaldo/geral/o-bolsa-familia-e-os-vagabundos-de-lula-que-nao-plantam-mais-macaxeira/> (Consulted on 23 June 2015).

Villatoro, P. Conditional cash transfer programmes: experiences from Latin America. *Cepal Review*, n. 86, p. 83-96, 2005.

World Economic Forum. Women’s Empowerment: Measuring the Global Gender Gap. 2005. Available at http://www.weforum.org/pdf/Global_Competitiveness_Reports/Reports/gender_gap.pdf (Consulted on 13 July 2015).

Zimmerman, C. Os Programas Sociais sob a ótica dos direitos humanos: o caso do Bolsa Família do Governo Lula no Brasil. 2006. Available at: <http://www.scielo.br/pdf/sur/v3n4/08.pdf> (Consulted on 23 June 2015).