

Implementation of the right to development at the national, regional and international levels

At the national level, over the past 10 years, Brazil has succeeded in having lifted over 36 million people out of extreme poverty. This was possible due to the development of policies based on a human rights approach. The implementation of an inclusive and sustainable framework of development has made possible significant social advancements, which have been reflected in the performance of the country regarding the achievement of the Millennium Development Goals. This performance was built on public policies based on conditional cash transfers to those who were below the extreme poverty line. The Program known as "Bolsa Família" (Family Grant) articulated actions related to health, education and social assistance. Besides, the country developed a framework of social protection measures, such as minimum wage adjustments above inflation, expansion of social protection systems, investment in vocational and skills training and the promotion of decent work.

Over the last decade, Latin American countries have also successfully decreased inequality and are increasingly engaged in regional dialogues and fora which focus on the promotion of development. The implementation of a number of mechanisms in the context of MERCOSUR and UNASUR are good examples of regional initiatives with a focus, *lato sensu*, on the realization of the right to development. Both organizations have recognized the need to have human rights as one of the axis of regional integration.

At the international level, Brazil is looking forward to the implementation of the 2030 Agenda for Sustainable Development. During its negotiation, the country has been eloquent about the importance of the promotion and protection of human rights and the eradication of poverty for the achievement of universal goals. In order to implement the Agenda's 17 Sustainable Development Goals and 169 targets, international cooperation will be of paramount importance. It will be particularly needed to achieve goal number 17, which focuses on strengthening the means of implementation and revitalizing the global partnership for sustainable development finance.

It will be necessary that developed countries fully implement their obligations regarding official development assistance, including the commitment made by various countries of meeting the target of donating 0.7% of their Gross National Income (GNI) to Official Development Assistance directed to developing countries, and between 0.15% to 0.20% of their GNI to the least developed countries, in line with the Monterrey Consensus, 2002; the Doha Declaration, 2008; and Adis Abeba Action Agenda, 2015.

None of these goals, either in the national, regional or international level, can be achieved without taking into consideration the need to promote and protect the rights of vulnerable groups.

Obstacles to the implementation and realization of the right to development at the national, regional and international levels. Measures to overcome them

At the national level, a human rights based approach to economic policy and development, with the right to development at its centre, has required the implementation of new strategies in order to promote effective policies towards vulnerable groups and increasingly engage society in the elaboration and participation in implementing policies.

The creation of strategies such as "Busca Ativa" (Active Search) has made it possible for state agents to access vulnerable groups and isolated communities. Besides, the development of new social technologies, such as "Cadastro Único para Programas Sociais" (Single Registration for Social Programs), has been an effective tool in collecting information about the poorest, which helped to make new policies more accessible to vulnerable groups. In order to guide the policies and decisions to be taken by the Government regarding the realization of the right to development, state agents also rely on information gathered by the online tool known as "Data Social", which contains information about the social and economic profile, as well as the demographic structure of municipalities and federal states in Brazil.

Making the dialogue with civil society even more fluid and strengthening social participation have been considered fundamental by the Brazilian government for policy development and follow-up. This interaction with civil society has taken place through formal channels, such as councils, conferences, ombudspersons and public hearings, as well as through online platforms and social nets.

At the international level, there is a number of obstacles that should be considered. There is an increasing need to treat human rights, including the right to development, in a cooperative manner. It is necessary that states be willing to strengthen technical assistance and capacity-building initiatives within the scope of the Human Rights Council and other UN bodies. A great number of countries may lack the required technical, material or institutional capacities to implement the right to development. States should also fulfill their obligations regarding ODA and create means, either through bilateral or multilateral channels, for strengthening cooperation and technical assistance with countries that are willing to pursue their human rights obligations and achieve their development goals. In this sense, the adoption of the 2030 Agenda is a great opportunity for change and for the realization of the human right to

development. The 17 Sustainable Development Goals highlight the need for cooperation among peoples and show a common path for humanity.

Besides, issues related to peace and security must not be neglected. The end of poverty and hunger and the fulfillment of people's potential in dignity and equality, in a healthy environment, can only be achieved through the removal of obstacles that are associated with conflicts and war. The promotion of peace and disarmament are of utmost importance. While lack of resources remains as one of the greatest barriers to development, global military spending reaches more than one trillion dollars a year. In this sense, we should reaffirm Article 26 of the Charter of the UN, which sets forth that member states should promote international peace and security "with the least diversion for armaments of the world's human and economic resources".

Steps taken for the implementation of the obligations enshrined in the United Nations Declaration on the Right to Development

General information regarding national initiatives is available at the National Report submitted by Brasil in 2012, during the Second Cycle of the Universal Periodic Review, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/116/18/PDF/G1211618.pdf?OpenElement>.

The right to development before international investment arbitration and trade related topics

The promotion of development is one of the fundamental principles which guide the implementation of the objectives of the World Trade Organization, whose Marrakesh Agreement establishes that "relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development".

The agreement also establishes that "there is need for positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development".

Taking into consideration these fundamental principles, invoked by Brazil in many litigations, including the two ongoing litigations in the WTO filed against

the European Union and Japan (DS 472 and 497), Brazil has always based its participation in the context of dispute settlements mechanism of the WTO on the promotion and protection of development, which reflect the priority given by the Brazilian government to the right to development.

The right to development in the Brazilian Federal Constitution. Interpretation by courts, tribunals or administrative authorities.

The right to "development" is a core value of the Brazilian Federal Constitution. In its preamble, the Constitution sets forth that the representatives of the Brazilian People were convened to institute a democratic state for the purpose of ensuring the exercise of social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unbiased society, founded on social harmony and committed, both in the domestic and international orders, to the peaceful settlement of disputes. Besides, Article 3 establishes that the fundamental objectives of the Federative Republic of Brazil are: I – to build a free, just and solidary society; II – to guarantee national development; III – to eradicate poverty and substandard living conditions and to reduce social and regional inequalities; IV – to promote the well-being of all, without prejudice as to origin, race, sex, colour, age and any other forms of discrimination. The right to development is also enshrined in other parts of the Constitution, such as Article 225, which establishes that "All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations".

As other principles set forth by the Brazilian Constitution and domestic law, the right to development has been frequently invoked before the Brazilian courts.

Regional monitoring mechanisms

Article 26 of the American Convention on Human Rights establishes that "the States Parties undertake to adopt measures, both internally and through International cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires". In the Inter-American Human Rights System, there is no record of pending cases against Brazil based on allegations of violations to Article 26 of the Convention.

Indicators and statistical methods used to assess progress in the realization of the right to development

With a view to integrating and expanding existing human rights database to ensure continuous monitoring and transparency of government actions, Brazil has implemented a National System of Human Rights Indicators in coordination with public agencies, international organizations, and civil society. The Human Rights Indicators are multi-thematic and portray different aspects of reality. They have been developed based on the lowest level of disaggregation of the source of data. Indicators which are based on micro-data allow more autonomy and possibilities to explore disaggregated information, which is fundamental for a human rights based perspective which encompasses information related to regional disparities, gender, race, skin color or ethnicity, disabilities, among others. There was also a concern to work with the smallest possible territorial units.

Besides, the leading coordinating body for the development of the indicators is the Committee for Social Statistics, a component of the Brazilian Institute of Geography and Statistics (IBGE). The Committee has enhanced official statistical information by incorporating a human rights perspective in different social indicators. In 2009, a study on the political and administrative organization of Brazil's 5,565 municipalities included a chapter on human rights. Similarly, the 2010 Demographic Census developed more targeted questions on people with disabilities, indigenous languages, race/colour, while collecting information on civil birth certificates. Brazil has a substantial database of indicators to contribute to policy making, including DATASUS, the Family Grant Registry, and the School Census. More information is available at Brazil's national report at UPR <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/116/18/PDF/G1211618.pdf?OpenElement>.