

Report of a National Seminar in

Brazil

about

Strengthening of Popular Organizations and Alternative Ways to Fight Exclusion



APOIO/PROMOÇÃO



REALIZAÇÃO



**National Seminar
on
Strengthening of Popular Organizations and Alternative Ways to Fight Exclusion**

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1. Antecedents

In the year of 2000, 189 countries signed the Millennium Declaration during the Millennium Assembly at the United Nations headquarters. A number of concrete objectives for social development and poverty eradication were defined – the Millennium Development Objectives. The debate on reduction of poverty goes beyond the concern on income distribution or social impact of the current economic development model. It involves assuring the poor – and mainly the minority groups – their fundamental rights, as the right on land and housing, access to justice and legal protection offered by the State. Citizenship, practiced by people within their own country, is the foundation for the development of democracy.

Within this context – and considering that United Nations has as mission to promote fundamental human rights – the proposal of the National Seminar on Strengthening of Popular Organizations and Alternative Ways to Fight Exclusion was an initiative of the United Nations Commission for the Legal Empowerment of the Poor and the United Nations Program for Development in Brazil, in partnership with the Interaction Institute, financed by the Government of Norway.

2. The National Seminar within the International Context

The National Seminar is a consultative meeting that aims to get information on Brazilian experiences related to alternative ways to fight poverty. The core objective of the Seminar is to discuss the Brazilian experiences on ways to expand the access to legal protection, guaranteeing everyone their right to housing in urban as well as rural areas. In doing so, it is supporting the international debate promoted by the Commission. Similar Seminars took place in other countries with the aim to establish a consultative process, an exchange of experiences and advisory guide focused on the fighting of poverty and the access to justice system. The first event took place in May, 2006 in Kiev – the Ukraine, followed by similar meetings in a number of African countries in the month of November. Further meetings are anticipated for 2007, in the Middle East, Asia, Latin America and West Africa.

At first, the activities of the Commission in Brazil fomented the participation of academics, intellectuals and political leaders in a united effort to fight poverty. In April, 2006 an evening of debate was organized along with Fernando Henrique Cardoso Institute. Two big hindrances for the social development of the country were found: Labor informality and the economic system, with the lack of political will to implement reforms to enable the legal empowerment of the poor. As a follow up, it was decided:

- Extend the debate to social movements in order to improve the national scenario of social demands for political and legal reforms;
- Empower the organization of these movements in their interaction with politicians and Government representatives.

In a second instance, it was then established a direct contact with the social movements, keeping in view their mobilization capacity, as well as experience with policies and programs of poverty reduction and justice access. In November 2006, it was organized a report group in Belém do Pará seeking to map out local demands and specificities of Amazon region to be debated during the National Seminar. It became clear the need for improvement of knowledge for the Amazon agrarian distribution, due to the extent of this part of the Brazilian territory, together with the fact that it is greatly crossed by big rivers and streams. The fluvial specificity of the region demands a review of the legal boundaries, nationally instituted as the Statute of the Earth and the Statute of the Cities, which do not cover the debate on Navy land through the river shores, fluvial transport, control and inspection of notary activities and concession of lands for natural exploitation activities in the region. It is prominent the social diversity of Amazon population: indigenous peoples, *quilombolas*, *ribeirinhas* and *seringueiras* communities.

A National Seminar took place in December, 2006 in Sao Paulo with the presence of Federal Government and Municipalities debaters and lecturers, besides the participation of more than 300

representatives of social movements. The Commission believes that legal protection and economic opportunities are rights of all and not privilege of few.

Accordingly, the National Seminar had its debate structured in four main topics:

- Property Rights (agrarian regulation)
- Business Organizations (economic sustainability)
- Access to Justice
- Work Rights (legal boundaries)



The Commission for Legal Empowerment of the Poor aims to present the results of this series of international seminars in June, 2008. For the member countries of the Commission, it is important that practical proposals are presented at the end of the works, in areas as the defense of minorities and women rights, and other vulnerable segments of the population. The mechanisms and tools presented are to address local, regional and global focuses.

3. Economic-Socio-Political Context

At present, there are about 3 billion people in the world living under the poverty line and, mostly they are out of the legal basic protection offered by the State to guarantee their rights. With no property rights, these people live in a constant risk of being forced out of their houses (huts in many cases). With no access to justice system, they are victims silenced by corruption and violence. Often, these people hardly have birth certificate. This prevents the effective exercise of their citizenship and excludes them from the access to basic public services. With no compulsory working laws monitored by the public power, they work under abusive and dangerous conditions. Besides, by submitting themselves to informality, they have no access to legal incentives and protection.

In developing countries, the inequality of the income distribution is a serious issue: small groups own the major part of wealth and power, whilst most of the population lives in exclusion. This situation urges immediate changes by society as well as support for the empowering of the most deprived class, so that it can be able to organize itself and claim its rights.

To best understand this Brazilian problem related to social exclusion, it is appropriate to briefly contextualize it in History. Although the Constitution of 1934 was the first one to deal with labor right, labor and union rights have only been included in the Constitution of 1988, in the chapter of Social Rights and Fundamental Rights and Guarantee. Before that, proper conditions of work were not judicially guaranteed. Therefore, in many places the prevailing work relations were sub-human, with slavery based regime or almost. In Brazil, during the 80's, it was observed an increase of rural exodus and economic stagnation that intensified a huge and excessive urban growth, resulting in a greater segregation and inequality. At present, 82% of the Brazilian population lives in cities and less than 1/3 of the Brazilian municipalities faces problems related to housing conflicts, property right in urban area and access to judicial system.

According to the World Bank, 1/5 of poor people in Brazil is responsible for 2% of the national income. Brazilian social inequality is the second major in the world. According to the Synthesis of Social Indicators of IBGE (Brazilian Institute of Geography and Statistics), the income difference between the 10% richest and the 40% poorest decreased in the last decade. Yet, within this same period, national income decreased by 12.5%. In 1995, for the economic active population, the income of the 10% richest was 21.2 times bigger than the income of the 40% poorest. In 2005, this relation decreased to 15.8. Although these indexes point positively towards a reduction of poverty, the inequality in Brazil is so deep that more urgent measures should still be considered.

The Brazil Demographic Census of 2000 displays the presence of “favelas” in more than 97% of cities with more than 500 thousand inhabitants; in 80% of cities with population between 100

thousand and 500 thousand inhabitants; and in 45% between 20 thousand and 100 thousand inhabitants. In big metropolis as Rio de Janeiro and Sao Paulo, 1/3 of people lives in favelas and settlements, with no property certificate, infrastructure or basic sanitation. It is estimated that the sector of informal economy in these places can reach 90% of generated jobs, making around 40% of the Brazilian GDP, whilst in the world average it is 32% of GDP.

Federal Constitution of 1988, article 6 attests that “Education, health, work, habitation, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute, are social rights, as set forth by this Constitution”.

Yet the figures below point to a Brazilian reality far from this constitutional precept:

- Unemployment

In Brazil, unemployment rate is of 10.4% (IBGE: July 27, 2006), whilst in Latin America is 8.5% (CEPAL - Economic Commission for Latin America: December 6, 2006) and in the world it is 6.3% (ILO: 2005 data)

- Inequality

50% of the poorest are responsible for 14.1% of the income and the 10% richest are responsible for 45.1% of the income (Le Monde 1/10/2006: 2006 data).

- Education

16% of the youth between the age of 15 to 17 are functional illiterate, i.e., with less than 4 years of school graduation (UNDP: 2004); 3.3% of the 8th grade students in Brazil have adequate level of knowledge in Mathematics and 9.3% in Portuguese (Source SAEB: 2003)

- Racial Equality

According to a Racial research on Poverty in Brazil (UNDP/IPEA: 2003) if white population is isolated, the HDI in Brazil would be taken to the 44th world position; yet with the inclusion of black population the HDI falls to 104th/105th position.

- Health

Brazil occupies the 125th position among the 191 member countries of WHO, in respect to the quality of the public health. (WHO: 2000)

- Access to Justice

National Public Ministry has 4.86 Accusers for each 100 thousand inhabitants (Source: Justice Ministry, 2004), but only 1 in each 200 is designated for citizenship defense. Concerning the Public Defender Service, the average is one Defender for each 10.000 inhabitants who get less than 3 basic salary/month. (Souce: IBGE – Population and Domicile – Census 2000 – Sample results.)

4. National Seminar Debates

Opening

Lecturers: *Cate Ambrose*, Commission for Legal Empowerment of the Poor Representative; *Maristela Marques Baioni*, Representative of UNPD in Brazil; *Anacláudia Rossbach*, Interaction Institute Coordinator; *Cid Blanco Jr.*, Cabinet Chief of the Cities' Ministry National Secretary; *Evelyn Ghoen*, Representative of the Norway Embassy in Brazil; and *Jon Andréas*, Representative of the Ministry of External Affairs of Norway.

At the opening of the National Seminar, the representatives of each institution clarified the importance of the event within the scope of their general activity in the national and international sphere on the main axis of the fight against poverty. All the present representatives highlighted the importance of this consultative phase of the Commission for the Legal Empowerment of the Poor, taken place in Brazil, focusing the participation of the organized civil society, governs and specialized professionals in the debated topics.

It was evident the need of aggregating social movements and government organizations in a debate, started with academics and professionals, in the first phase of the consult in Brazil, which occurred in April 2005.



The Representatives of the Government of Norway highlighted, in particular, the importance of knowing the issues related to the urban environment, keeping in view the traditional focus of support of their Government to rural initiatives and programs.

One of the objectives of the Seminar is to identify successful experiences throughout the country, either in the agrarian regulation as justice access, and thereafter to support social organizations and improve their intervention in the community they work with. This aspect was highlighted by Maristela Baioni who said “all big projects started as pilot projects and, projects as the “Bolsa Família” (Family Scholarship) of the Federal Government helps today 11 millions of people in the whole of Brazil”.

Theme 1 - Social Movements and their relations with public power concerning the implementation of rights the City Statute.

- Partnership for Policies and Programs.
- Acknowledgement and Legitimacy of Social Movements.

Lecturers: *Grazia de Grazia*, Assessor for Communities Relations of the Cities Ministry; *Olinda Marques*, Habitation Secretary of Fortaleza City; *Creuzamar de Pinho*, Coordinator of Popular Housing Union in Maranhão.

Facilitator: Tânia Maria Ramos de Godói Diniz.

In this panel, the policies for popular and democratic participation of the City Ministry, Federal Government and the Municipality of Fortaleza were presented, besides the awareness of civil society through the statement of an expressive housing movement leadership in the State of Maranhão. In this sense, the Cities Ministry described the preparation process of both Conferences of Cities together with the social society, as an implementation of the Cities Council, consultative instance for urban policies and programs.



“There are many hearing projects for social problems and pilot projects, but their results are hardly observed. Few solutions are applicable in the social sphere in order to have this existent status quo changed.” (Gêgê)

Tema 2 – Land Access

- Urban agrarian legalization – Statute of the City;
- Mechanisms of land access for housing;
- Rural Settlement.

Lecturers: *Delveck Matheus*, Itapeva's Landless Movement – SP; *Evaniza Lopes Rodrigues*, Coordinator of the Urban Reform National Forum; *Antonio dos Santos*, President of the Association of the Remaining Quilombo Community of Sao Paulo State; and *Ângela Amaral*, Habitation Secretary of Taboão da Serra Municipal District.

Facilitator: *Veruska Francklin*, President of FACESP

Main topics of the debate:

Debaters of urban as well as rural areas emphasized the importance of strengthening the organization ability of the social movements, since land access is not solved only with the state or government actions, which can empower or even weaken significantly the civil society initiatives.

Concerning rural environment, the idea of a change in the traditional conception of agrarian reform was raised, taking away the concept of organized communities located in small settlements near big cities, where the consumer market is. In a modern perspective, the development of these communities would occur under the following framework:

- Strategic planning (housing, production, economic development, social and political aspects);
- Collective ownership of the land;
- Work and income guarantee in the community;
- Development of cooperation under solidarity perspective;
- Offering of adequate capital and technology for the local community;
- Production model with economic, social, cultural and environmental sustainability;
- Search for scientific knowledge through education and politic/ideological qualification;
- Optimization of the land offer in Brazil, through the consolidation of networks among the various movements, quilombolas, indigenous peoples and landless.

The debate about urban environment makes equally clear the need for the strengthening of popular organizations under the perspective of initiatives and collective actions. In this respect, some important points came up throughout the debate:

- The need for a local director plan;
- Expansion of credit access and financing.

- Implementing actions and channels to offer technical advice, qualification and training to social movements to promote their autonomy;
- Optimization and monitoring of the public resources for investments in precarious urban settlements;
- Identification of alternatives to make possible the land access, using for instance, the instrument of social zoning, foreseen in the Statute of Cities, once urban soil is more and more expensive;
- Stimulate collective actions (the issue on collective property in urban areas of Brazil was raised).

Agrarian Regularization

The agrarian regularization should not be an isolated action. It is required that it goes along with projects that can make it sustainable. For the United Nations Program for Human Settlements UN-HABITAT, the agrarian regularization should be associated to the concept of local economic development (LEC), which relays on the idea that localities and territories have economic, human, institutional, environmental and cultural resources, besides economies of not exploited scales, which constitute their potential for development. That is to say, it is required a productive system able to generate growing income, by using available resources and introducing innovations, to guarantee wealth generation and improvement of local population welfare.

The focus on the economic development - associated to local human and sustainable development - is a new strategy of intervention that still needs to be implemented and improved in its conception. Municipalities and, consequently, the majors are the first to face the consequences of poverty and misery growth that follows the increase of unemployment. Within this scenario, complementary services - as fundamental education, electrical energy, public access, street pavement, sanitation, health and transport – are determining factors for the development of an innovative and productive ambience in which is to develop and institutionalize cooperation and integration ways of productive chains and, economic and social networks. That, in such a way to enlarge the local opportunities, creating work and income, attracting new business and opening conditions for a sustainable human development.

Urban Area

In Brazil, during the 80's there was a growth of medium size cities and big cities' surrounding areas, which increased even more the inequality within the states and regions of the country, due to the lack of national and local policies support for urban development. With the Constitution of 1988, housing and habitation became a Constitutional right of the individual. But only after the regulation and homologation of this right in 2001, through the Statute of the City approval, the social movements reached the so expected result of their claim: The National Habitation Fund for Social Interest and the Statute of the Cities.

At present, the use of the urban land is under 3 basic challenges:

- Right to City and Citizenship, which encompass universal access to income, habitation, transport, sanitation, water, electric light, and mainly urban planning.
- The City Democratic Management, consisting in a way of planning, producing, operating and governing the cities, based on social participation and control.
- The Social Role of Property and City as a prevalence of common interest on the individual right of property, which implies in the social fair and environment balanced use of the urban space.

The city is build up by the result of confrontation between the diversity of social actors, the economic and the political agents. In Brazil, the supremacy of economic agents prevails, thus creating a need for the government to regulate the market and protect the social role of the land use and equal urban rights. To guarantee the good use of the urban land and avoid land or agrarian rights speculation, it is required: *i*) equal access to goods and services, either through redistribution mechanisms (from those who have plenty to those who have little) or through specific policies to assist vulnerable groups; *ii*) to make a whole planning of the city to avoid political or election use of policies destined to specific areas or groups of the community; *iii*) to foment a larger participation and social control in the process of formulation and monitoring of local policies, empowering social actors and creating a new ethics of urban citizenship.

In 2001, Brazil took a big step towards the regularization of the social role of property by the **Statute of the City** (Law 10.257 of July 10, 2001) which aims to recover rights and define:

- Democratic management of the city by the social participation and control in the formulation and monitoring of urban developing projects' implementation;
- Social role of property and instruments to nullify the illegality;
- Mechanisms for the recovery of real state valuation in the benefit of the collective;
- Mechanisms for fair distribution of onus and benefits of the urbanization process;
- Cooperation model to be adopted among the spheres of federal government, state and local secretaries;
- Instruments for the municipality planning, either through councils or participative budget.

The **Statute of the City** defines the compulsoriness of the **Cities Conference** and the creation of the **National Council of the Cities** - integrated by government and social groups, which participate in the urban control - along with the Cities Ministries. The council inserts itself in the governmental structure as an instrument of democratic governance to allow the community to play an active citizenship, by *i*) participating in the public management through debate of its problems, *ii*) helping in the formulation, monitoring and social control of public policies, and *iii*) having a space for mediation and negotiation of interests with the local public authority. Nevertheless, the **Council** is at present made of 43% of representatives of social institutions and 57% of public representatives. It has also been object of discussion the fact of governmental participants being the majority and having a more prepared technical team, thus reducing the role of social movements, which frequently submit themselves to decisions that are not a consensus.

Therefore, there is a claim for a greater qualification and social participation in the definition and implementation of public expenses, taking in consideration that only a small part of the budget execution is forwarded to the Council for advice.

Frequently, public actions are influenced by political decisions. That causes an irregular and inefficient municipal planning. In Brazil, it is common that some decisions are deliberated without a previous urban planning as a whole or with no advice of the community in loco. For instance, to pave an area even before the works of basic sanitation. Following that, the newly paved area is destroyed to have services of draining water and sewerage. That is, the work done again, poor assistance of the population basic needs, additional costs and the over invoicing in public constructions are events that take place in a non-casual way in Brazilian municipalities.

The **Statute of the City** has already gotten many advances: greater transparency and dialogue, more multidisciplinary integration of the teams and municipal legislation modernization. Yet, its implementation still faces many challenges, mainly concerning the public clientage, the absence of a culture of social participation and control, diversity of urban environment in Brazil and bureaucracy.

One of the present proposals in debate is connected to the expansion of ZEIS (Special Zones of Social Interest) in urban centers. These zones restrict the buildings of non-residential use, aiming to limit the excessive valorization of the land, either in the sense of protecting the population - already residing in precarious settlements - from the impacts of real state speculation, or increasing the lands offers for habitation units of social interest. This instrument has already been established in big urban centers of the country, yet it is still a target of controversies and needs to be disseminated through the society as a whole.

The recent climatic changes and their impact on the physical organization of the cities is one of the aspects not contemplated by the Statute of the Cities. In Recife, for instance, the cost line retroceded 80 meters between 1915 and 1950, and more than 25 meters between 1985 and 1995. The study of Global Climatic Changes and their Effects on the Biodiversity, published by the Ministry of Environment, says that an increase of 50 centimeters on the Atlantic level could take in 100 meters of North and Northeast beaches. Another aspect that lacks improvement concerning the Statute of the Cities refers to the municipalities with fluvial islands, where the means of transport are mainly fluvial with boats and canoes. This situation, common in Amazon Region and Pantanal, indicates a gap in the Statute of the Cities which regularization does not consider this means of transport.

Rural Environment

The agro-business in Brazil is, in rural environment, concentrated on big owners and rural producers. Small producers do not have enough production flow to compete with the big producers´

prices. They also do not have resources to invest in scale production machinery or being much organized. Big large states do not always fulfill the social role of the land. Land should serve as habitation and source of supplies for human beings. Yet, it is generally used as a good and means for power accumulation and economic influence, with no attention to environment preservation, housing and social development in the country.

It then remains to measure how the land use is justified and appropriate and, in what way the present current legislation is adequate to the differentiated realities of the Brazilian regions. Legislations and rules are elaborated for a national scope, in the practice of the Brazilian State, with little flexibility so that the states and municipalities adapt themselves to the local respective realities. Although the states are constitutionally autonomous federated bodies, a national normative imposes limits to this autonomy, either by the specification of some procedures, the delimitation of responsibilities by federative bodies or by the absence of debate linked to a specific region of the country. If by one side this characteristic allows a greater unity in the conduction of policies in national terms, it limits by other side, the autonomy of the federated bodies.

In the debate scope on agrarian regularization in rural environment, the social movement claim concentrates itself in the redistribution of sub-used or no productive lands. It is indispensable that the State organize a national mapping - in particular of the Amazon region (due to the concentration of many agrarian conflicts) – so to have a concrete base of the areas belonging to each social sector, a survey of areas of dispute and conflict, as well as an identification of possible available areas for the agrarian reform.

It is prominent the agrarian problems of the Amazon region, which has no geographic mapping - even an incipient one - to clarify the agrarian distribution. There are frequent occurrences of people with lands registered at a notary in a specific geographic spot but who, in fact, are occupying lands in other areas. There can be a variation of a distance up to 70 Km from the legally registered land.

These events of appropriation and undue use of land are based on various reasons, as: **i**) Difficult access to the property; **ii**) Lack of precise geographic demarcation of areas in the region; **iii**) Absence of controlling agencies to exercise their duty on regional inspection of notary activities and human occupation; **iv**) Activities of land grabbers (*grileiros*) and squatters (*posseiros*) in the region; **v**) Changeability of some river shore (*ribeirinhas*) communities; **vi**) Fluvial changes (bed sanding or enlargement) and their impact on the Navy area; and **vii**) Undue occupation of indigenous peoples lands, quilombolas or Federal areas.

The squatters and land grabbers' presence is a characteristic of the North region of the country. Squatters are people who occupy an empty area without necessarily having a fair certificate (property). Land grabbers are those who illegally appropriate themselves of public goods through false documentation. The government has no register over the ownership and selling of these certificates (some politicians also make use of this mechanism).

Many indigenous peoples' lands have been appropriated by entrepreneur projects: mining, cattle raising, wood exploitation, monocultures. The Government does not authorize the commercialization of these lands, which belong to indigenous peoples and the state, but they continue to be occupied and exploited by others.

Most of the ribeirinhas communities are needy or in poverty situation, living in risk areas, with no access to essential goods as potable water and basic sanitation. Generally, they settle down in public lands, areas of preservation or along rivers shores – which by law are National Navy property. Thus, these communities will hardly have the property of the lands on which they reside.

It is worth mentioning the problematic of rivers that had their water volume increased significantly (and by consequence, the occupied area of its shore) in the last years. Last year, in some parts of Tocantins River, its occupied area has increased up to 25 meters. With this change, the area belonging to the Navy is today under the water and the private areas are occupying the present shores of the River. The opposite is also true, areas now being occupied by individuals, where the river shore was reduced by the sanding process.

The remaining quilombos communities are the result of the slavery regime and the work force of XVII and XVIII centuries' mill farms. They represent the resistance fighting in defense of land, liberty, citizenship and equality. They were formed from slaves who managed to escape and form communities in abandoned lands. These communities are the base of Afro-Brazilian culture. By the Federal Constitution of 1988, these communities started to be recognized and they claimed the right to FINAL PROPERTY of the lands they occupy. Officially, the total of quilombos is around a thousand units seeking to organize themselves better, to claim their certificates of right.

In the rural environment, when the land appropriation takes place, it is common their certificate to be directed to men, while being the householders. This triggers a gender problem, since when separation takes place, women find themselves with no ownership of the land and, in most of the cases, they are the ones who assume the responsibility for their family members.

Concerning the notary situation in Brazil, they are judicially considered private institutions with public faith, what does not exempt them from eventual errors and irregularities. These agencies instances go through strong political and economic influence, creating then a favoritism in the decision making. Therefore, more economically powerful groups are benefited, enabling the growth of big large states, leaving the needy communities dispossessed.

It is up to the Public Ministry to exercise the inspection role of agrarian issues, since the control of land use is one of its attributions. Nevertheless, due to institutional difficulties, as a lack of specific technical qualification of Justice Accusers, the agrarian issues are not always analyzed appropriately. Thus, for the less privileged population, Justice becomes inaccessible, lax and slow, compromising the image of the state concerning its efficiency in offering judicial services.

This picture of diverse realities of Brazilian regions, allied to a legal framework of agrarian regulation - which does not take into account these realities - has contributed to the growing of the number of conflicts in the country, creating serious situations of violence and criminality.

The table below, extracted from the *Pastoral da Terra* Commission (2006), illustrates this problem in the Brazilian rural environment:

Conflicting areas – 955
Involved families – 125.379
Murdering – 38
Banned families – 4.366
Destroyed houses – 2.189
Destroyed plantations – 2.967

Theme 3 - Mechanisms of Access to Justice

- Public Defender Service
- Civil Society Proposal Actions
- Community Justice and Conflict Mediation

Speakers: Renato Vitto, 1st General Public Sub-Defender of the State of Sao Paulo, Gláucia Foley, Titular Judge of Federal District Justice Tribunal; Leandro Franklin Gorsdorf, ONG Terra de Direitos; Eloísa Machado, Coordinator of the Justice Program of Conectas ONG.

Facilitator: Benedito Roberto Barbosa (Dito), Coordinator of the Popular Movements Center

“There is a long way to walk so that the access to Justice in Brazil is, in fact, a right of all. The necessary reforms for such should go beyond the institution of reactive mechanisms of control, searching ways of inserting the population, directly or by its representative entities, within the institutional planning itself. It is urgent and demands a budget revision of the public managers and the Justice System. This strengthening should go along with structural revisions of legal institutions, that should incorporate the potential of successful experiences, to reinforce spontaneous mechanisms of conflict resolution and priming for a preventive action that goes through the knowledge of rights transference.

The decentralized action, in the core of the most excluded communities, is imperative. It should be considered the possibility of instituting programs that besides the transfer of knowledge, also create real multiplying agents or possibly even popular mediators, able to add a considerable transformer potential. Mainly, there is a cultural issue to be faced so that the actors of the Justice System and their users come closer, reaffirming thus the role of the state and the credibility of its institutions.

It is essential to have in mind the need of building up a new paradigm of intervention, focused on the users empowerment and on the building up of new institutions - truly close and in tune with the social yearnings - fresh and open not only to the control, but also to the participation of the civil society, which is the goal of their work and reason of their existence.” (Renato Vitto, 1st. Sub-defender of the State of Sao Paulo).

Access to Justice

The accomplishment and improvement of instruments to guarantee the access to justice constitute a current challenge. Its implication goes from the policies of justice and public security to the

issue of legitimization of the Democratic State of Right itself. The facing of this issue constitutes a true premise in order to move forward towards the economic and social development and the minimization of poverty, and social and regional inequalities, in the search of building a truly free society: fair and solidary.

There is a lot to do, so the access to justice in Brazil is, in fact, a right of all. At present, more than 40% of the population live under the line of poverty and approximately 77% has an income inferior to 3 minimum salary/month, being 38% gaining one minimum salary. The victims of social exclusion, when facing a situation of violation of their rights, are those who find more hindrances to claim a repairing jurisdictional service. This because, unprovided with information, they frequently do not even realize they had their rights violated, since they are unaware of what is theirs.

OAB (Brazilian Bar Association) data shows that in November 2003 around 47% of the population believe in the Brazilian justice system, whilst 41% do not. This rate shows the unbalance between social demands and the decisions by the justice tribunals and courts. Such issue acquires a central role in the debate on the access to Justice and, its solution goes necessarily through deep institutional reforms tending to confer more accountability to Institutions of Justice System that in their core are conservative and refractory to any kind of control. The decisions of justice favor many times stronger economic groups, as the example of indemnities given in the case of land invasion that are far superior to physical and material damage suffered by rural workers. Besides, the formality and bureaucracy of the instances of the judicial power have produced inefficient results and raised difficulties to the access to justice by the more needy popular layers.

It is worth registering that, it is not rare that violations of the needy population rights are carried out by the so called habitual litigants or the organizational litigants - as big corporations and the state itself - that due to this condition enjoy significant advantage to acting in court. According to the most guaranteed doctrine, the advantages of habitual litigants are numerable:

i) Greater experience with laws enables them a better litigious planning; *ii*) the habitual litigant has economy of scale since there are more cases; *iii*) the habitual litigant has the opportunity to develop informal relationship with members of the decision instance; *iv*) the habitual litigant can dilute the demand risks through a bigger number of cases; and *v*) is able to test strategies with some cases, in order to guarantee a more favorable expectation connected to future cases.

All these obstacles reflect well the access to Justice issue, which is such a problem that drives the Democratic State of Right to the wall. Those things considered, all the historical process of construction, affirmation and accomplishment of the individual rights loses its meaning, if not assured the access to Justice in an equalitarian and universal way to prevent eventual violations.

Four main obstacles to justice access can be highlighted: *i*) lack of information and knowledge of rights, as well as lack of civil education in fundamental rights and humans rights as citizens; *ii*) the unavailability of access to judicial system services; *iii*) the instruments and means to set in motion the judicial system are of difficult access, specially due to a centralized structure, lack of

alternative mechanisms of conflict resolutions and the excess of bureaucracies and formalities; and *iv*) the civil sub-certificate, i.e., the lack of birth and death certificate creates unreal information for the planning of public policies and makes the citizens access to their basic rights difficult.

The ignorance or lack of knowledge about rights is one preponderant factor in the process of exclusion to justice access. We can add to this picture, the dynamics of legislative production in Brazil. It contemplates a profusion of regulations of the most varied kinds, and which knowledge is assumed by the cold letter of the law. Its effective comprehension, although of direct consequences in the lives of everyone, is very far from the middle citizen. Besides, the Roman tradition of the Brazilian Right is another factor of distancing, since the rigid and sacramental formulas, as well as the employment of an extremely technical and archaic vernacular, constitute a real barrier to the comprehension of the rights.

There is no possibility of the population 'empowerment' without a direct facing of this problem. The correct understanding of rights and what is behind the present norms is, undoubtedly, an assumption for an awakening of the population for the need of a pressure on the competent instances, so that they conduct the necessary reforms for social justice.

The state has a fundamental role in the broadcasting of information to citizens, specifically to those who have their rights not assured or own means for claiming them. To attend the social demands of greater access to the justice system, it can be observed three big tendencies: *i*) Individual postulating representation in court, i.e., free judicial assistance; *ii*) Representation of meta-individual rights and *iii*) The so called "new focus on justice access", i.e., the generation of differentiated mechanisms and procedure ways, courts structure modification, use of laypeople or paraprofessionals and the alternative means of conflict resolution. Nevertheless, the various alternatives created, need in parallel, a revision of budget priorities of the public institutions.

It is worth reiterate that the Brazilian constitutional system poses to the state the duty of providing complete and free judicial assistance to the needy population, which implies in the patronizing of individuals in all spheres of right, in judicial and/or extra judicial spheres. Yet, fifteen years after its constitutional prevision by the Constitution of 1988, the Public Defender Service had not yet been settled even in half of the existing municipalities of the country. What makes this issue even more tormenting, is the fact that the largest percentage of not assisted judicial districts is exactly in the states with the worst social indexes. At present, around 40% of the municipalities have their public defender service settled, but only 3,3% of the whole budget used by the justice system is destined to the running of the institution, what corresponds to 0.2% of the country budget. It is estimated that there is 1.5 Defender for each 4.2 Accusers and 7 Judges.

That is to say, it is observed a major public expense with accusation than defense of the population interests. In the State of Sao Paulo it can be mentioned the strengthening of Public Defender Service, Public Hearing and Public Register (Relatoria). It is worth noting that considerable advances have been registered in the patronizing of meta-individual interests since the Law of Pub-

lic Civil Action and the Consumer Defense Code. Nevertheless, many problems can still be pointed, as the excessive legislator timidity concerning the democratization of the legitimacy for the handling of public civil actions (that have in view the protection and/or repairing of diffusion and collective interests), what in a way has contributed to the concentration of the judgment of the great majority of such demands by the Public Ministry. This has inhibited the emancipation of representative association. The critics point to a scary and mediation use of such instrument, as well as the low effectiveness of the intervention due to a huge difficulty in the decision execution noted there.

Although it is undeniable that, in the last twenty years, the instruments of collective representation have built an effective advance in the expansion of the justice access and empowerment of social organization through the legitimization of the associations for these actions' judgment, such instruments require improvement. Moreover, by their nature, they are not skilled in giving answers to a great part of the individual conflicts or among people.

Yet, the so called "new focus of justice access" has found its major insertion in the Brazilian judicial system through the Courts of Small Cases, which created the present Special Courts, and the programs of alternative conflict resolutions. The Special Courts, believing in the fundamentals of oral language, procedure simplification, celerity and concentration of actions, have in their conception the quest for facilitating the access to Justice by the common citizen in little economical value cases. A complete judicial micro-system was then created with free access, frequently not requiring the compulsoriness of having a lawyer to put a case.

In the civil scope, the chronic problem of laxness in the normal procedure generated a change in the way to conceive the objective of Courts, which resulted in their progressive expansion throughout the country. Moreover, by their normative conformation, the Special Courts in Brazil have a considerable restrict competence, not encompassing a great part of civil cases. And, in the criminal scope, it is necessary to register that the inspiring tendency of the edition of the Law 9.099 of 1995 required technical defense, revealing the need for the guarantee of a Public Defender for the defendants who can not afford a lawyer. This tendency for the victim inclusion in the solution of the process has created a new demand for judicial assistance. This tendency was evidenced by the recent edition of the "Maria Penha Law" that designates a Public Defender to act in behalf of the victims of domestic violence, besides the habitual defense of the accused.

The strengthening of the judicial institutions should be the result of the internal structure revisions and the external control. They should take benefit from the successful experiences to reinforce spontaneous mechanisms of conflict resolution, priming for preventive actions and transference of judicial knowledge and mediation to the lay citizen. The decentralized act of justice - particularly through multiplying programs to act directly in the communities - enables other actors to contribute in the reduction of conflicts. That, by creating services and alternative programs, destined to reduce the forwarded cases to courts, considering the judicial institutions of Judicial Power an instance of last trial appeal.

The proposal of “external control” of the Judicial Power bases itself on the institution of a collegiate organ, of national scope, with the delineative attribution concerning the policies of judicial administration and supplementary correction, seeking to supply eventual omissions of the magistrate disciplinary judgments. This organ composition, named National Justice Council, incorporates a majority of magistrates of various segments of the Judicial Power, including two members of the Public Ministry, two lawyers and two representatives of the civil society, chosen for each of the National Congress Houses.

Yet, the inclusion of external members of the Judicial Power has motivated the judgment of a direct action of unconstitutionality by the Association of the Brazilian Magistrates, which finally was considered unfounded by the Supreme Federal Tribunal. It is worth saying that, in other words, for the judges of Brazil the Justice administration should be exclusively dealt by themselves, ignoring all other system operators and, mainly, the users.

The reversion of this resistance, deeply rooted in the judicial culture, implies on an incisive action of the communication means, claiming transparency in tribunal decisions, as well as a revision of the judicial education and in the process of selection and the graduation of judges.

Community Justice

As mentioned by the Judge Glauca Foley, of the Justice Tribunal of Federal District, “the judicial system in Brazil is known as inaccessible, lax, inefficient, elitist and deeply excluding”.

Before this presented situation, it stands out programs initiatives as “Community Justice – Justice with no Jurisdiction”, an initiative implemented in the scope of Justice Tribunal of the Federal District in their cities of Taguatinga, Ceilândia and Samambaia. The project started with a Special Itinerant Court, composed by a bus equipped with the judicial system structures. This bus was destined to visit needy communities, offering judicial services, yet with no “forum ritual” and with less bureaucracy.

Many causes taken to this judicial means could not be contemplated due to difficulties in generating proofs, which is an indispensable requisite in the formal model of Brazilian justice. The majority of cases taken by the community to this instance had only individual witnesses and not factual proofs. By consequence of lacking of proofs, many agreements made in the presence of the judge, did not expressed the feeling of “fairness” of people involved, resulting thus in a sense of discontentment or even injustice.



From the observed results with the itinerant introduction, it came up the Community Justice project based on the premise that it is not enough to democratize the access to the formal justice only. In a complementary way to the facilitated access to justice, three other movements are necessary: *i*) access to information; *ii*) community participation in the management of their own conflicts; and *iii*) democratization of community spaces to discuss the roots of conflicts and search possible solutions.

The project works with a selection of agents who are acting leaders of the community itself, interested in operating the program. They are judicially trained in a justice and citizenship school created by the project. These agents count on an interdisciplinary support of the Community Center of Justice and Citizenship to act on: *i*) Judicial information (translation of laws into a daily language and adequate forwarding for each claim); *ii*) Community Mediation (the mediator does not counsel nor interfere in the process, yet being more knowledgeable on the problem, facilitates a fairer edification of a solution from the parts); and *iii*) Creation of Associative Networks (apparently individual claims can become collective ones).

After being trained, the agents act as propagators of judicial information and help the community in solving small litigations. In communities with little power of association, little social cohesion, this initiative can contribute for the searching of rights and greater legal inclusion, reducing impunity and promoting violence reduction.

Tema 4 - Sustainability of Social Movements

- Support of public power to strengthen and facilitate the action of organized community.
- Financing
- Technical Institutional Qualification

Lecturers: *Wander Geraldo*, President of CONAM; *Silvio Cacia Bava*, Pólis Institute; *Paulo Teixeira*, Town Councilor of Sao Paulo elected Federal Deputy;

Facilitator: *Edymar Cintra*, Coordinator of MNLM.

“The expanded participation in the definition of the national policies on urban development is today a recurrent debate in the national scenario. The Urban Development National Policies should have a National System of Urban Development structured in the various spheres of the Federation and count on decentralized, permanent, consultative, deliberative and inspecting instances of public power representation and the civil society, according to their attributions, aiming policies and actions articulation of urban development sector areas, expressed by conferences, councils, forums of sector integration and funds of urban development, involving the three governmental scopes, municipal, state and federal.

For a construction of a National Policy for Urban Development, it is necessary to establish:

- i*) The basis of a national project promoting the right to the city, the social, economic and environmental development; the fight against social, racial, gender and regional inequality;
- ii*) Guidelines and instruments to promote the integration of urban policies, through housing, environmental sanitation, transport and mobility policies based on the deliberations of the 1st and 2nd National Conference of Cities and Cities Council, considering the Statute of the City (Law 10.257/01) and the Federal Constitution;
- iii*) Guidelines and priorities for the cooperation, coordination and articulation of inter-governmental actions in the area of Urban Development, in particular subjects of common competence among the Country, States and Municipalities;
- iv*) Guarantee the population participation and representative associations of various segments of the community in the formulation, execution and following up of plans, programs and urban development projects; and
- v*) Guidelines and orientation to guarantee that public investments are applied to face the social and territorial inequalities, for the distribution of income and the economic growth with social justice.” (Orlando Júnior)

Economic Sustainability of Social Movements

The organized movements are the expression of the non-fulfilled needs of the population. These movements' initiatives privilege the self-management, cooperation, community and human development, the basic needs fulfillment, social justice, equality in gender and race, equalitarian access to information, food guarantee and the sustainable handling for the preservation of natural resources.

The sustainability of social movements occurs by the organization of their members and their active participation in local processes of policies formulation and implementation. It is also configured by their representatives and other members of the community relationship. The movements' maintenance fluctuates according to their origin and objective. To reach an ideal it is necessary: to make the community aware of the movement importance, motivate the involved ones to cooperate, organize themselves internally to generate basic resources, do a collective training of their members, democratize the acquired information and claim extra finance resources whenever needed.

When the community find itself involved in a critic social situation or in a situation of exclusion, it compromises itself with the social claims and searches, in organized movements, a way to strengthen these claims and intervention along with the public power. For this to happen it is required: *i*) a major autonomy of social movements, particularly concerning the political parties influences, so that they can form strategic alliances and defend their own cases in favor of a greater number of citizens; *ii*) a communication strategy inside the community, with the aim to make clear the defended claims and to rise other claims of local interest; *iii*) a mechanism of movement grouping, either by networks or forums, in order to complement abilities and increase their political influence in the processes of formulation, implementation and monitoring of public policies.

Nevertheless, a challenge comes up: how to generate income for the sustainability of social movements? Till the seventies and eighties, the social initiatives used to depend upon donations, mainly from philanthropic institutions and international bodies. Nowadays, however, these resources are quite rare and the movements find themselves obliged to change their attitude. Many movements, that before used to count on external contributions for their maintenance, do not have them anymore. It is frequent that the leaders take other professional activities, what implies the movement is left to a second plane.

The experience in the implementation of community and social projects, either through technical or financial cooperation has proved to be efficient in obtaining accurate results. Yet, the interchange of successful experiences still needs to be fomented. In the Brazilian aspect, it is observed that south and southeast regions concentrate a major number of organized social movements, acting on the thematic of agrarian and territorial regularization; whilst in north region, it is observed little social mobilization around this thematic.

The challenge consists in promoting the development of individual abilities and innovation of local institutions. The ability of a community to mobilize itself requires more than the union of individual talents, since that implies in the established relation among individuals and social capital created from their political articulation and exercise of social control of public policies.

The offer of information and the transference of knowledge by specialists or technicians are only one of the factors associated to the development of abilities. Other factors to be considered are: the interest and commitment of individuals in learning; the political environment favorable to the transference of knowledge and critic ability; ability of the local institutions to integrate in their routine or work flux, a new perspective of acting along with the community; the integration of local productive activities with that knowledge and the developed abilities; and the incentive to the self-confidence and leadership potential of individuals.

Concerning the political articulation of social movements, the electoral logic and the dispute for Federal resources give to the local politicians behavior a predatory characterization, inducing the sector to a fragmented negotiation to achieve resources destined to financing activities or the implementation of social investment programs. The conflict, however, reaches the social movements due to the scarcity of available resources to the municipalities and, consequently, destined to movements of bigger political influence. The lack of national political coordination for the decentralization of resources and the inadequate handling of social funds at a federal level are factors that contribute to the fragmentation of social political management in a local scope. Before that, the social movements become vulnerable to electoral interests of local politicians and the obtained results of the use of these resources, applied in a pulverized way, is of little effectiveness.

As the contribution of the private sector or the third sector are concerned, it is mostly directed to projects of local intervention and specific actions and does not contribute to the structure of the movement. Moreover, the financing institutions commonly have a set of different values from those sustained by the social groups, and they put conditions to the offered support. Although this attitude is a criticism target of social movements, the scarcity of financial resources favor these conditions to be accepted thus weakening the ideal of community mobilization.

To change this mechanism, it is important that the social movements rethink their strategy, organize basic information and create problems diagnosis in order to be able to discuss with the public managers and private donors a new logic of investments in initiatives and social projects.

Some points of the debate:

- Society and government need an organized social movement.
- It is important to determine indicators on the popular movements organization in order to produce diagnosis on the development of an area.
- The popular movement has, as its attribution, the proposal of alternatives for the exclusion issue.

- One of the big challenges consists in combining the concrete and direct action with the universal demand and act towards the defense and formulation of universal policies beyond the rights claim.
- Organized society promotes important achievements.
- The real knowledge about the main difficulties and social issues, as well as their possible solutions are within the community.
- Lack of synergy among the various movements demands.
- The sustainability of social movements is related to the ability in their communication with the whole of society. Therefore, the whole movement needs to make the maximum possible effort to communicate itself with the society.
- Movements of political sustainability depend on the articulation of networks of solidarity established in the society, since no movement is able to work alone.
- Challenges: *i*) it is required to make the social issue a political one; the society as a whole needs to best understand the mechanisms of poverty; *ii*) make politics a social issue, accessible to all citizens.
- Autonomy of social movements is related to established alliances and the ability in making their own decisions.
- It is essential to complement the State action with top initiatives.

Theme 5 - Sustainability and Housing

- Financial Management and Community Savings
- Income Generation
- Challenge to Small Business
- Communities Actions and the Labor World

Lecturers: *Cláudia Pereira Bento*, Savings Group of Vila Real / Várzea Paulista, CRESOL – RS; *Anacláudia Marinheiro Centeno Rossbach*, Interaction Network; *João Miranda*, President of UNASS Heliópolis; *Vera Eunice Rodrigues*, Coordinator of the Landless Laborers Movement West Zone – UMM.

Facilitator: *Cid Blanco Jr*, Cabinet Chief of Housing National Secretary, City Ministry.

“It has become a common thing to present general proposals for work and income generation without a due diagnosis able to geographically situate the distinct scenario of poverty manifestation. Frequently, the implementation of general income, especially in countries of continental dimensions and huge socio-economical inequality, tends to be of reduced efficiency and effectiveness against the low income, unemployment and precarious occupations.” Marcio Pochmann, Professor of the Institute of Economy of the State University of Campinas.

Work and Income Generation

The Constitution of 1934 was the first to deal specifically with Work Rights. To guarantee labor union liberty, minimum salary, salary isonomy, protection of women and minors work, weekly holidays, annual paid holidays and work journey of eight hours are some of the work rights foreseen. In 1943, with the aim to gather the existing scattered laws, it has come up a Consolidation of Work Laws that, in general terms, is valid even today in the Brazilian judicial order. New laws were edited throughout the years, encompassing specific demands as the domestic labors, rural labors and temporary workers until 1988, when the work and labor union rights were included in the Federal Constitution in the chapter On Social Rights and On Rights and Basic Guarantees.

Although, at present, the work and constitutional legislation protects the work relations in Brazil, socially there is a big predicament. By one side a big contingency of the economically active population which is unoccupied (around 7.5%), implying in an increase of citizens depending on informal work and, therefore, who do not benefit from the rights foreseen by law, as: retirement; work accident insurance; family salary; loan approvals of PIS; FGTS; unemployment insurance; among others. On the other side, the entrepreneur and employer face a reality of tax burdens that

makes difficult the formal contract, assured by work rights legally owned by the worker. The tax burden that falls on the Brazilian society is one of the biggest in the world, and cumulative taxes applied on goods, services or activity aggravates this situation. For example, the taxation of the companies pay sheet, either of small or big size, correspond nowadays to almost 2/3 of the income tax collection, being the remaining 1/3 of the income tax collection to fall on the individual income. Additionally to this context, the country owns an ascending social debt, resulting from the combination of a period of accelerated economic growth (in particular between the decades of 1940 to 1960) followed by a period of economic stagnation, yet always in an excluding productive model distinguished by the concentration of wealth.

The term 'inequality of income' is limited to explain the Brazilian complexity concerning the variety of connections between wealth and poverty and their ways of manifestation in the territorial area. That is exactly why the concept of social exclusion has increasingly been adopted in order to deal with a phenomenon that works with more and more complexity, mainly when the space dimension is more privileged. Initiatives to promote decent work and create opportunities for income generation, especially for the poor, should take up a central role to reduce poverty and propitiate means for social justice. Decent work is an important aim to be reached to fight human poverty, which includes in its conception, the economic conditions as well as cultural facilities, wealth, education and housing access. And, in order to promote changes in this scenario of income generation and decent work, it is essential that government implements rules promoting assertive actions of assistance to the poor and other vulnerable groups of society. These actions should be implemented through a coordination of initiatives run by the various government bodies, either in federal, state or municipal level.

At the same time, there is also the support to entrepreneur re-structuring with strong emphasis in the development of intensive productive chains of labor and business generators, able to imbibe the major part of social and work beneficiaries of the education and citizenship and re-distribution of income. For that, it is essential the establishment of a network to intermediate work and business generated from the beneficiaries involvement with the measures of redistribution of income and emancipation. The articulation with the productive sector is fundamental, besides the functioning of a network dealing with the vacancies availability to be directed to the trained beneficiaries for an entrepreneur, salary based, autonomous and communitarian activity. The support to the local development should try to articulate and integrate the group of relevant actors.

The challenge of income generation is, therefore, to establish a proper articulation among public power, foment institutions and the participants of social programs. Policies destined to generation of income should be followed by: *i*) incentive measures to the creation of new work spots and productive models; *ii*) revision of bureaucratic structures for the business legalization; *iii*) access to credit by the low income populations; *iv*) small producers access to big networks of distribution and the support to the collective undertakings of micro and small producers; and *v*) revision of legal framework, in particular the tributary and social charges, which are aspects that

burden the economic activities and frequently place obstacles to the establishment and permanency of micro and small companies.

Yet, it is within the national culture the valorization of the imported products and big national investments. For instance, the national banking structure is today one of the best and more profitable in the world, prioritizing the investments in major business and serving around 40 millions of Brazilians only. It is also worth mentioning that great part of scientific research - done by the country universities and centers of technological development - is not directed to small business. There are university centers able to make researches comparable to the main centers in the world, but the progress focus also seems to be the export product. These are examples that point to mistakes in the conduction of public policies, which do not always make the interests of the population a priority.

Although the occupation of great part of the population is in micro and small undertakings, they are generally within informality and even illegality, resulting in the formation of a significant contingency of sub-work. According data of SEBRAE, around 14 millions of workers are at present connected to around 10 millions of micro and small business in Brazil. From these companies, less than 50% have their own judicial constitution or even registry as micro-companies and only 12% use financial credit with the banking institutions. The Brazilian legislation for micro and small companies is an attempt to change this panorama.

The Federal Constitution of 1988 (articles 146, 170 and 179) has the legal boundaries on which are based the measures and actions of support to the micro and small companies in Brazil. In 1994, with the Law 8.864, the second Micro-company Statute was constituted, foreseeing a favored treatment in labor, welfare, fiscal, credit and company development. Legally, these companies are inserted in the economic ordination, with a differentiated judicial treatment guaranteed, aiming to encourage them by the simplification or reduction of administrative, tributary, tax and contributions collection, welfare and credit access. With the approval of the Law 9.317 the tax payment system, already in force for the micro companies, was expanded and improved. The new regime, the Tax and Contributions Integrated System of Payment – SIMPLES, includes the small companies as beneficiaries of the simplified taxation and expands the relation of taxes and contributions included in the benefit of a sole collection. The majority of the states and some municipalities also adopt simplified taxation regimes for micro and small companies, aiming to reduce the tax burden and encouraging the legalization of those companies.

It should be highlighted that the criteria for the definition of micro and small companies size constitutes a determining factor for their classification within the limits established by law, so that these companies can be benefited with the incentives and differentiated treatment foreseen in the legislation, that in turn, aims to reach objectives of public policies as the income and work generation, reduction of informality of small business and increase of imports. The annual gross revenue is the main adopted criteria and their limits are as follows:

- Micro company: annual gross revenue equal or superior to R\$ 433,755.14 (four hundred and

- thirty three thousand, seven hundred and fifty five reais and fourteen centavos);
- Small business company: annual gross revenue superior to R\$ 433.755,14 and equal or inferior to R\$ 2.133.222,00 (two million, one hundred and thirty three thousand, two hundred and twenty two reais).

Work Legislation

Since 1988, the current Constitution in Brazil assures work and labor union rights to its citizens, yet there is a unemployed mass and informal workers that do not take any benefit from rights to retirement, work accident insurance, family salary, tax warrant, unemployment insurance among others. The XX century was marked by decades of fast growth in an excluding and concentrated pattern, followed by decades of stagnation resulting in a social debt that the country faces even today. There is still a deficit in the generation of jobs that can absorb the professionals entering the market. All of these results in high indexes of unemployment and informality.

The high cost of the burdens - which fall on the companies to guarantee their workers rights - makes the companies to adopt the informal work, since there is not enough inspection and the risk of punishment is low. The gradual transformation of precarious occupations into decent work opportunities and the formalization of micro enterprises are so relevant as the creation of new jobs. The strategies to generate these social changes are through new mechanisms of work rights protection and job generator growth.

Frequently workers, discouraged to claim their rights fearing a dismissal, undergo to inadequate work conditions. Therefore, it is essential the action of labor unions and class institutions in work inspection. There are today in Brazil laws to guarantee the contracts readjustments according to the inflation and economic growth indexes. Yet, the application of these laws crash to a series of difficulties involving macro economic issues and the force relation of economic powers. Here also, the controlling bodies connected to work and labor unions have an important role in the inspection and mediation of conflicts, and/or negotiation between employer and employee.

As mentioned by Ulisses Riedel, “Work is the essence of wealth and is the less valued raw material”.

In Brazil, it is also in guideline the topic of labor changes and taxation reform, frequently seen as a way of the economic power to suppress the workers rights. Another emergency change for Brazil is the tax reform: coherently taxing the society according transactions of higher value, correctly applying the resources, inspecting practices of corruption and money deviation, encouraging small and medium size com-



panies to increment the market and generate more jobs. That would increase the economic potential of the country, drawing more investments.

Community Savings

The Community Savings is a project of cooperation and unity of a society in favor of funds collection from the community itself to be applied in common benefit. The collected resources can be destined to emergency needs of the community or/and be used to lever other resources as subsidies and financings for projects of long-term development as housing, agrarian regularization and income generation.

This project has economic objectives by generating work opportunities, training communities for financial management, being a source of emergency resources, creating a banking inclusion and credit access. It also aims to strengthen the social bonds, being an instrument to update the community information, creating a space for debate on common issues, showing commitment, making leadership, and above all, by being and indicator of solidarity.

At present, the **Interaction Institute** coordinates groups of savings distributed through 7 communities from 5 cities – Osasco, Sorocaba, Santos, São Paulo and Várzea Paulista. This initiative has started 25 years ago in India and is today developed in 24 countries, all of them being part of the SDI (Slum Dwellers International) network. The community savings works as a fund where the residents of a same community periodically make a variable amount of deposit, according to the possibility of each family.

In December 10, 2006, a day before the Seminar, there was a camp visit to two communities located in Osasco-SP (Jardim Aliança and Portais do Campo). In that city there are 150 “favelas” where 120 thousand people live. There, the efforts are concentrated in the promotion of social inclusion with actions in the areas of housing, income generation, education, culture, leisure and sports. The community of Portais do Campo was pioneer in the implementation of community savings, and there are around 150 savers at present. They gather themselves in groups of 30 people with distinct saving accounts, with 3 elected treasurers each. The treasurers have the role to open an account, collect the amount and make the bank deposits. They also have to organize a monthly meeting to present the accounts and their respective vouchers, besides updating the social information.

This project seeks to transform the population awareness concerning the place they live. The favelas are generally seen as “passing by” places where the residents would stay for a short time and, as soon as possible opt for another kind of housing. Yet, by grouping themselves - not to wait longer from public bodies for a solution for the precarious way in which they live - they awaken an identity with the place and start to make a better claim for their citizen rights. The communities supported by the Interaction Institute keep interchange activities with other organizations.

This experience exchange is important for: the strengthening of social networks, re-dimension of their own problems compared to other realities, qualification and training of local leaders, technologies exchange, identification of alternatives for the savings use and ways to deal with the public power.

With the support of SDI (Slum Dwellers International) there occurred three visits from Brazil to South Africa and Zimbabwe and three from South Africa to Brazil. Five people, from the first interchange to the African continent, were taken to participate in a meeting of delegates of the savings network (SDI) and define the aims and objectives for the year 2006. The second interchange was an institutional event of delegates from the Governments of Brazil, South Africa and India. The third tried to know the experiences of each group throughout the world and the ways to overcome the common difficulties.

Since a year, the project of community savings has been developed within the contiguous settlements named Portal Campo and Menck. This group first objective was to get Municipality to dispossess the land where they live. Now, this community works in the implementation planning of the habitation set, to be built. Besides the public sector, the Portal families count on the partnership between the neighboring companies and the banks to open accounts and get credit. These community savings can serve as example to many other initiatives and they represent the objective of the **Commission for the Legal Empowerment of the Poor** in generating means so that people can be the owners of their own housings and have legal rights over them, participating in the generation of wealth.

5. Conclusion

With the National Seminar on Strengthening of Popular Organizations and Alternatives Ways to Fight Exclusion, many aspects of the Brazilian reality and social exclusion were debated. The exchange of experience and the opinion among the participants of popular movements were also very useful, although the prominence was given to the initiative of new projects, as primordial in the fighting against poverty.

The shock in the redistribution in families of extreme poverty, resulting from the income transference, should represent a powerful strategy of social inclusion. The distinct poverty conditions should be answered through measures directed to the income guarantee, with differentiated treatment to age segment and vulnerable groups. This, however, is a strategy destined to serve the most excluded population portion which finds itself with short-term survival needs.

Without this temporary and immediate guarantee of income, this social segment would hardly have conditions to abandon the already consolidated obligation to work for survival, which compromises much of the lifetime. By temporarily guarantee the income complementation, it is assured the admission of the most excluded segment into the strategy of social, political and economic emancipation. The population needs a strong government that guarantees the basis of democracy so that it can exercise its citizenship. The government role is to support the implementation of more effective policies aiming to objectively answer the citizens' basic needs. The international bodies and the big corporations can cooperate with the diagnosis of social gaps and the identification of innovative interventions.

Community, government, companies, social movements and international bodies have the responsibility to cooperate and try to fulfill mutual deficiencies. The role of the **Commission for the Legal Empowerment of the Poor** is the strengthening and observance of the relation of people in power with those with no power. The Commission does not search for the identification of small projects, but mainly, ways to change the poverty situation in countries in development. It was observed in the Seminar that significant changes can be noticed in a community when small projects are identified and effectively implemented in favor of the improvement of population well-being.

The recommendation list below represents some of the results extracted from Seminar discussion:

i) Public policies to fight poverty should take in consideration the specificities of population segments as the indigenous peoples, quilombos descendants, the landless, homeless, street dwellers, slum house dwellers, rural dwellers, ribeirinhas communities, palafitas dwellers and the aged.

ii) It should be considered preventive and wide measures, avoiding the work with fragmented protection public policies only.

iii) It was observed that programs implemented by social movements in communities should not be a substitute to the action of the state or even to justify its omission in serving the citizens basic needs. They should be understood as complementary actions to the policies of public power.

iv) Formulation of public policies should aim to reduce the causes of social exclusion and poverty, avoiding the implementation of policies aiming only to intervene in the results of exclusion.

v) State bureaucracy is considered today a hindrance to the development of effective public policies, besides having an impact on waste and inefficiency of the State action; that is, the bureaucratic processes of public administration should be simplified.

vi) Most of the public resources should be destined to the implementation of strategic actions of social development and must not be focused on the expenditure of the public machine.

vii) Finally, it is recommended that poverty is treated by concrete actions which count on the support, commitment and the common responsibility of governments (either of developed countries or those in development), economic groups, private sector, international bodies and social movements.