

International Rules for the protection of people with disabilities and São Paulo's municipal Public Policies

Normas Internacionais de proteção às pessoas com deficiência e as Políticas Públicas municipais de São Paulo

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DOI: [10.22478/ufpb.2525-5584.2023v8n2.65368](https://doi.org/10.22478/ufpb.2525-5584.2023v8n2.65368)

Received in: 29/12/2022
Approved in: 26/09/2023

Abstract: Brazil is a signatory to the Convention on the Rights of Persons with Disabilities, which requires countries to adopt administrative and legislative measures aimed at implementing the rights of persons with disabilities. Such measures must be implemented by all levels of government, including local authorities. Therefore, it is important to verify whether the municipalities have really observed the treaty in their public policies aimed at protecting people with disabilities. The Organic Law of the municipality of São Paulo, the city object of this study, establishes that it is the municipality's duty to support and encourage the defense of human rights, in accordance with constitutional and international standards. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity. Therefore, the work verified whether from 2010 onwards, the year following the incorporation of the United Nations Convention on the Rights of Persons with Disabilities into the Brazilian domestic legal system, there was compliance with international standards for the protection of people with disabilities during the formulation and implementation of municipal public policies in São Paulo. Reports from the Municipal Secretariat for Persons with Disabilities (SMPED) were analyzed, and it was concluded that São Paulo's municipal public policies aimed at people with disabilities have complied with international regulations on the subject.

Keywords: People with disabilities; International Treaties; Public Policies; São Paulo; Municipalities.

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Resumo: O Brasil é signatário da Convenção Sobre os Direitos das Pessoas com Deficiência, que impõe aos países a adoção de medidas administrativas e legislativas voltadas à implementação dos direitos das pessoas com deficiência. Tais medidas devem ser implementadas por todos os níveis de governo, inclusive pelos poderes locais. Por isso, mostra-se importante verificar se os municípios realmente têm observado o tratado em suas políticas públicas voltadas à proteção das pessoas com deficiência. A Lei Orgânica do município de São Paulo, cidade objeto do presente estudo, estabelece ser dever da municipalidade apoiar e incentivar a defesa dos direitos humanos, conforme normas constitucionais e internacionais. Ou seja, a própria lei deixa claro o dever de observância dos tratados na proteção e promoção dos direitos humanos na atividade pública municipal. Por isso, o trabalho verificou se realmente houve a partir de 2010, ano seguinte à incorporação da Convenção das Nações Unidas Sobre os Direitos das Pessoas com Deficiência ao ordenamento jurídico interno brasileiro, a observância das normas internacionais de proteção às pessoas com deficiência durante a formulação e implementação das políticas públicas municipais de São Paulo. Foram analisados os relatórios da Secretaria Municipal da Pessoa com Deficiência (SMPED), e concluiu-se que as políticas públicas municipais de São Paulo voltadas à pessoa com deficiência têm observado a normativa internacional acerca da temática.

Palavras-chave: Pessoas com deficiência; Tratados Internacionais; Políticas Públicas; São Paulo; Municípios.

Introduction

The Brazilian State is a member of the International Convention on the Rights of Persons with Disabilities. Through the treaty, States undertake to ensure and promote the full exercise of all the rights of people with disabilities, as well as to adopt all necessary measures to realize the rights indicated in the convention, in addition to taking into account, in all programs and policies, protection and promotion of people with disabilities. Furthermore, States undertake to ensure that all public authorities and institutions act in accordance with the precepts existing in the treaty.

International regulations bind the State as a whole, that is, all levels of government and their respective public agents. Therefore, federal, state and municipal public authorities must ensure the effective fulfillment of the rights of people with disabilities indicated in the convention under study. In parallel to International Law, within the Brazilian internal sphere, through the constitutional text, there is the delegation of responsibilities to municipalities in matters of human rights, including in relation to the rights of people with disabilities.

The Federal Constitution of 1988, influenced by the decentralization process that existed in Latin America in the 1980s and 1990s, gives the municipality the status of a

federative entity, making it an important part of the so-called cooperative federalism. Federative entities have administrative, political and financial autonomy, as well as specific powers. On the other hand, in addition to their own competencies, some matters indicated in article 23 of the constitutional text require joint action by all levels of government. This is the essence of so-called cooperative federalism, in the context of so-called common competencies.

The provision indicated above highlights the existence of matters related to human rights as being the responsibility of all federative entities, including municipalities. Access to education, culture, science, health and public assistance, as well as the protection of the rights of people with disabilities are issues that also require action from municipalities, not just the federal and state

governments. Another device justifying the role of municipalities in the protection of human rights is article 30, item I of the Federal Constitution, whose wording states that municipalities are responsible for legislating on matters of local interest. In this case, the protection of human rights is certainly a matter of local interest to the municipality to allow its legislative activity.

As can be seen, international regulations regarding people with disabilities require the State as a whole to adopt the necessary measures to protect the rights of people with disabilities and municipalities play a prominent role in protecting such rights, according to the constitutional text. However, the Brazilian reality presents challenges. According to data from the Brazilian Institute of Geography and Statistics (IBGE) from 2015, in 2014, a total of 2,457 Brazilian municipalities had a specific human rights structure, that is, 44.1% of the total. There was an increase in the number compared to 2009 data, as at that time only 25.3% of Brazilian municipalities had a specific human rights structure (Brazilian Institute of Geography and Statistics, 2015).

In 2014, the human rights sector was subordinate to another Secretariat in 71.6% of the municipalities, the Northeast region had the highest number of municipalities with human rights bodies (46.2%), 40.9% of the human rights bodies Human rights had their own budget and 89.5% of municipalities with specific bodies declared to develop at least one type of program aimed at protecting human rights. IBGE highlighted the increase in municipal policies aimed at people with disabilities. Policies for inclusion in the school environment were found in 3,861 municipalities, policies aimed at accessibility in public spaces were found in 3,310 municipalities, with the least recurrent policies being those

linked to accessible tourism and the promotion of digital accessibility. Furthermore, in 2014, 55% of city halls had access ramps and 3,819 municipalities had some item aimed at accessibility in their city halls (Brazilian Institute of Geography and Statistics, 2015).

Therefore, it is important to discuss whether international regulations on the rights of people with disabilities have been effectively observed by municipalities in the formulation and implementation of public policies. This work chose to analyze the city of São Paulo. The Organic Law of the municipality of São Paulo, the city subject of this study, establishes in its article 237 that it is the municipality's duty to support and encourage the defense of human rights, in accordance with constitutional standards, treaties and international conventions. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity (São Paulo, 1990).

This work seeks to verify whether, from 2010 onwards, international standards for the protection of people with disabilities were actually observed during the formulation and implementation of municipal public policies in São Paulo. The analysis is carried out from 2010 onwards, considering that the United Nations Convention on the Rights of Persons with Disabilities was incorporated into the domestic legal system in the previous year. In order to achieve this objective, initial considerations were made about the importance of municipalities in the implementation of human rights, as well as the organizational structure of the capital of São Paulo in terms of human rights. Reports from the Municipal Secretariat for Persons with Disabilities (SMPED) in the capital of São Paulo were also analyzed, as these documents present projects developed in the context of protecting people with disabilities. The analysis of the reports also proved to be important because it was possible to verify whether the initiatives in the capital of São Paulo were in any way compatible with international regulations regarding the rights of people with disabilities.

The Importance of Municipalities in the Enforcement of Human ights

International Human Rights Law has expanded in recent decades, but faces criticism regarding its legitimacy and effectiveness. In this context, cities have the capacity to deal with such questions, whether due to their fundamental role in providing public services or due to their proximity to the population (Kalb, 2017). The involvement

of cities with International Human Rights Law is no longer an ideology but has become a systematic engagement, assert Oomen and Baumgärtel (2018), despite the responsibilities of local entities for international obligations being a constitutional issue and treated in different ways. by the States.

According to Oomen and Baumgärtel (2018), International Human Rights Law has introduced several obligations through treaties and simultaneously national governments began to decentralize their attributions to local entities, particularly in relation to social policies. However, despite the transfer of responsibilities, there were also budget cuts and an increase in the urban population, contributing to the greater involvement of cities with International Law. In this context, the so-called human rights cities emerge, an important and little studied phenomenon according to the authors. Human rights cities can be defined as “local authorities that explicitly base their policies on international human rights law.” (Oomen; Durmus, 2019, p. 144, our translation).

The emergence of the idea of human rights cities, explain Oomen and Baumgärtel (2018), is related to the emergence of the book “Right to the City”, by Henri Lefebvre, in 1968, despite the existence of differences between the concepts. Another important moment was the creation of the “European Charter for the Safeguarding of Human Rights in Cities”, in 1998. The document is the result of the “European Cities Conference on Human Rights”, held in Barcelona, and presents civil, political, economic, social and cultural rights, such as the right to political participation, the right to association, the right to privacy, information, education, work, culture, health, among others (European Conference on Human Rights, 1998).

In addition to indicating human rights in the form of a treaty, the aforementioned document presents the idea of solidarity of the local community, the importance of cooperation in the areas of infrastructure, environmental protection, health, education and culture, and mechanisms aimed at implementing rights human rights in cities, such as the creation of a municipal Ombudsman as an impartial and independent institution. In this way, “the European Charter is an innovative document that, for the first time, establishes human rights guidelines from the perspective of cities themselves (and their managers).” (Agopyan, 2018, p. 54).

Oomen and Baumgärtel (2018) indicate Barcelona as an example of a human rights city, which adopted municipal human rights policies, created a local ombudsman and a human rights observatory. The authors also highlight the existence of cities in the

United States that have adopted the Convention on the Elimination of All Forms of Discrimination against Women as a local decree, even without ratification of the treaty by the federal government, and the initiative of cities in Europe towards to carry out a symbolic ratification of the UN Convention on the Rights of Persons with Disabilities.

This essentially demonstrates three points: i. that the international exerts influence on the local, where there is an acceptance that what is defined internationally must necessarily be implemented locally; ii. that the “city of human rights” “seal” is used as a positive image for the city and iii. that ‘human rights’ can concretely be a concept perceived as relevant - and necessary - locally. (Agopyan, p. 53, 2018).

Either way, cities engage with human rights in a variety of ways, from signing declarations to establishing offices to develop local human rights policies. These different forms cause the pluralization of human rights in the cities themselves and in the world in general, as explained by Oomen and Durmus (2019). However, the authors note, many local governments are committed to human rights due to the moral and discursive appeal of the concept, leaving aside the perception of human rights as duties of public administration.

According to Blank (2006), the participation of local governments in the application of international legal standards is an important aspect of the emergence of cities as central actors on the global stage, and in recent years cities have ceased to be mere agents of the State responsible for implementing of international obligations. However, the author asserts, it is often difficult to find examples of the application of international standards in local governments, as on some occasions international influence is not indicated by the local agent. In this context, local agents even deny international influence due to nationalist resistance.

However, despite the difficulties, local governments can succeed where national governments fail, asserts Blank (2006). In the author's view, the local adoption of international standards would be more successful for five reasons: a) the homogeneity of citizens' values and preferences would be more evident in cities; b) it is easier to mobilize the inhabitants of a city; c) local governments generally allow better participation in political affairs; d) nationalism may have less influence in cities; and e) the adoption of international standards by the local government can be a way of demonstrating its autonomy.

MacNaughton and McGill (2012), when dealing with the implementation of human rights at the municipal level, point to the United States as an example, where several cities approved resolutions asking the North American federal government to ratify the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and also the existence of North American cities that have attempted to implement human rights treaties. In 2009, for example, the cities of Carrboro and Chapel Hill, in North Carolina, approved resolutions adopting the Universal Declaration of Human Rights as a parameter to be observed by the municipal public administration. Also in 2009, the city of Chicago approved a resolution in support of the UN Convention on the Rights of the Child with the aim of promoting policies compatible with the aforementioned treaty.

The authors point to the city of San Francisco as an example of successful local implementation of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The city approved an ordinance using the Convention as a parameter and through it determined the adoption of all necessary measures by municipal bodies and programs to prevent all forms of discrimination against women; also determined the mandatory nature of human rights courses aimed at local employees.

The involvement of local governments with human rights can also lead to the creation of new rights or changes in the normative content of those that already exist, such as the inclusion of the right to the city in the UN-Habitat III agenda, explain Oomen and Durmus (2019) . Furthermore, the authors point out, local engagement also causes a diversification of actors involved in the formulation and interpretation of human rights. This diversification or pluralization is related to the three perceptions of cities in this context: cities as political agents, cities as actors and cities as arenas.

In the perception of cities as political agents, local entities are no longer interpreted as passive subjects of formulated norms, but rather as agents with the power to make demands at the negotiation tables. Thus, as active subjects, cities shape human rights individually or through city networks, explain Oomen and Durmus (2019). On the other hand, analyzing cities as actors, it is discussed whether they are subjects in International Law. Finally, analyzing cities as arenas requires understanding their composition by different actors with varying interpretations of human rights.

At the international level, the role of cities in protecting human rights is highlighted in the United Nations Conferences on Human Settlements. The first Conference (Habitat I) was held in 1976, and culminated in the creation of the United Nations Center for Human Settlements and the United Nations Commission on Human Rights, explains Agopyan (2018). Habitat I, however, ended up reaffirming the classic position of International Law in relation to local governments, as it understood local governments as mere instruments for the implementation of national and international policies (Blank, 2006).

Subsequently, the second Conference (Habitat II) was held in 1996, with the participation of 6 thousand delegates, 579 local authorities and 300 parliamentarians (Agopyan, 2018). The final document, called the Istanbul Declaration, highlights the role of cities as generators of economic and social development and recognizes local authorities as the closest and most essential partners in implementing the Habitat Agenda. The change in perception regarding local governments must be understood as an attempt to destabilize non-democratic regimes, as local power would be a privileged space for the strengthening and development of democracy. Furthermore, the Habitat Agenda recommended that States review legislation in order to increase the autonomy of local governments and participation in decision-making, combat local corruption and train local government employees, notes Blank (2006).

After Habitat II, UN Habitat and the World Association for the Coordination of Cities and Local Authorities launched, in 1998, the document entitled Towards a World Charter of Local Self-Government, whose ultimate objective is to become an international treaty. The document presents three important principles related to cities, namely subsidiarity, proximity and autonomy. According to these principles, decisions must be made as close as possible to citizens and local governments are seen as important partners in strengthening democracy around the world, explains Blank (2006). Furthermore, the document lists important rights related to local governments, such as the right to take legal action, in order to guarantee their autonomy.

Furthermore, “Goal 11 - Make cities and human settlements inclusive, safe, resilient and sustainable” provides for several measures aimed at ensuring the effectiveness of human rights in cities, such as access to safe housing, safe and accessible transport, increasing inclusive and sustainable urbanization, as well as providing universal access to safe and inclusive public spaces, particularly for women, the elderly

and people with disabilities. In this way, the UN recognizes the city as a privileged place for the protection and implementation of human rights.

The process of preparing the 2030 Agenda and the Sustainable Development Goals is directly related to the third Conference on Human Settlements of the United Nations (Habitat III) held in 2016, explains Agopyan (2018). From Habitat III onwards, urbanization began to be seen as an important element for the development of society (Agopyan, 2018). Thus, “this focus on cities and their governments consequently culminates in increased expectations and compliance with the effectiveness of human rights policies applied at the local level.” (Agopyan, p. 50, 2018).

The role of cities in relation to human rights was also debated and analyzed within the scope of the UN Human Rights Council. Through Resolution 39/7, the Council requested the United Nations High Commissioner for Human Rights to prepare a report containing effective methods for the protection of human rights at the local level. In order to prepare the report, the High Commissioner consulted States, non-governmental organizations, human rights entities and local governments.

The report emphasizes the importance of adopting laws and policies compatible with International Human Rights Law, recognizes the existence of local strategies for the promotion of human rights, asserts that local administrations help to promote human rights through periodic independent reviews and highlights the fundamental role of cities in the progressive realization of economic, social and cultural rights. The document also highlights the importance of local governments in protecting the rights of certain groups subject to discrimination, such as lesbian, gay, bisexual, transgender and intersex people and people with disabilities. In this context, through municipal laws and policies, the local administration contributes to the elimination of discrimination and protection of the human rights of these groups, emphasizes the report (United Nations High Commissioner for Human Rights, 2019).

According to the report, the political will of local administrations combined with transparency is essential to facilitate cooperation in terms of protecting and promoting human rights. Data collection, he asserts, is crucial for the formulation of municipal policies to protect human rights. Cooperation between local entities and national institutions in the protection of human rights is also important. Offering human rights courses to municipal employees, dialogue with civil society and libraries are highlighted as an important tool for promoting human rights for local administrations by promoting

access to education, cultural life and social affairs. public (United Nations High Commissioner for Human Rights, 2019).

Cities have a fundamental role in fulfilling at a local level the commitments made under the 2030 Agenda, the report points out, and must use traditional and innovative methods to raise awareness about the Sustainable Development Goals (SDGs), such as, for example, international networks. Furthermore, the report points out that the New Urban Agenda resulting from Habitat III presents a unique opportunity to guarantee responses to urbanization problems related to human rights.

The relationship between local administrations and the United Nations was also the subject of analysis and consideration by the High Commissioner for Human Rights in its report. In this, it is noted that local administrations are increasingly linked to the UN Human Rights System through the universal periodic review, treaty bodies and special procedures established by the Human Rights Council. Many recommendations made by the Human Rights Council, the report exemplifies, deal with issues related to local administrations.

On the other hand, the report also addresses the difficulties faced by local administrations in terms of protecting and promoting human rights. Lack of autonomy, little contact with other levels of government, scarcity of resources and changes in central governments' agendas are some of the difficulties highlighted. Local authorities are often unaware of their human rights responsibilities or do not fully comply with them. Another important factor is the lack of information, and in this case smaller cities end up not taking into account their human rights duties precisely due to the lack of information. Finally, corruption and the lack of a legal framework on municipal action in human rights are also difficulties highlighted in the report (High Commissioner of the United Nations for Human Rights, 2019).

The High Commissioner, in concluding its report, recognizes that, despite the existence of good local practices, many cities still do not have initiatives or policies aimed at protecting human rights. Thus, it recommended: a) greater encouragement of civil society participation in local government activities as a way of promoting human rights; b) redouble efforts related to training local administration officials in matters of human rights; c) central governments should provide information to local administrations on human rights and state obligations, collaborate with them and ensure that they have sufficient resources to deal effectively with difficulties related to the realization of human

rights; d) local laws, policies and programs must be based on human rights standards and principles and local administrations must carry out self-assessments to monitor compliance with these standards; e) complaints mechanisms must be established to enforce human rights at the local level, in close collaboration with the national human rights institution, when applicable; f) States and local administrations must empower civil society entities to effectively exercise their right to participate in public affairs and to collaborate in a meaningful way with the local administration on human rights issues; and g) local administrations must increasingly participate in the work of international human rights mechanisms and in the implementation of relevant recommendations (United Nations High Commissioner for Human Rights, 2019).

The Organizational Structure of the Municipality of São Paulo in Terms of Human Rights

In relation to the municipality of São Paulo, the object of analysis in this article, article 237 of the Organic Law (São Paulo, 1990) stipulates that the municipality's duty is to support and encourage the defense of human rights, in accordance with constitutional standards, treaties and international conventions. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity. Furthermore, article 4, also of the Organic Law, allows the international action of the capital of São Paulo, respecting the principles of international relations indicated in the Federal Constitution. Thus, through the joint interpretation of the two provisions, the municipal legal order is open to International Law, especially with regard to human rights standards.

The protection of people with disabilities is also indicated in the Organic Law of São Paulo through articles 226 to 228. According to article 226, the municipality of São Paulo must guarantee people with disabilities their inclusion in social and economic life through policies aimed at developing their potential, such as: a) assistance, from birth, through early stimulation, free and specialized education, including professional education, without age limits; b) access to cultural, educational, sporting and recreational equipment, services and programs; c) specialized medical assistance, as well as the right to prevention, habilitation and rehabilitation, through necessary methods and equipment; d) the training of human resources specialized in the treatment and assistance of people

with disabilities; and e) the right to information and communication, considering the necessary adaptations.

Article 227 of the Organic Law, in turn, requires the municipality to guarantee access for the elderly and people with disabilities to public and private buildings open to the public through the elimination of architectural barriers, as well as to take measures related to the elimination or adaptation of barriers in public vehicles. Furthermore, article 228 allows incentives to be granted to companies that adapt their equipment to people with disabilities.

In the Executive Branch, the city of São Paulo has the Municipal Secretariat for Human Rights and Citizenship, created through Municipal Law nº 15,764/2013. Currently the department has thematic coordinations related to youth, racial equality, immigrants and decent work, women, homeless population, children and adolescents, elderly people, LGBTI, drug policies, missing persons and human rights education (São Paulo, 2018). There is also, within the Secretariat, the Human Rights Ombudsman's Office, organized by Ordinance No. 2, of January 14, 2019, whose main task is to receive reports of human rights violations and forward them to the responsible bodies.

The Secretariat for Human Rights also has an International Advisory Board, whose activities occur through three axes, namely the strengthening of international cooperation and exchange of experiences with international actors, the promotion of international recognition of public policies on human rights formulated and implemented by the Secretariat and the incorporation of international human rights standards and international trends in the policies developed by the department.

Art. 2 The purposes of the Municipal Secretariat for Human Rights and Citizenship are:

I - formulate public policies for the promotion and defense of human rights and citizenship, through coordinated action with municipal, state and federal public bodies;

II - prepare and coordinate the municipal human rights policy, observing the guidelines of the National Human Rights Program, the Federal Constitution and international pacts to which Brazil is a signatory;

III - articulate initiatives and support projects aimed at promoting and defending human rights at the municipal level, both by government bodies and civil society organizations;

IV - develop projects and programs that promote the creation of a fairer society, presenting proposals that ensure equal conditions, social justice and the appreciation of diversity;

V - establish partnerships with public and private, national and international entities, with a view to promoting projects aimed at implementing human rights, citizenship and social participation, in the areas affected by its attributions. (São Paulo, 2018).

As can be seen, the structure of the Human Rights Secretariat is concerned with international standards. Municipal human rights policies must be formulated and implemented in compliance with applicable treaties, and the International Advisory's axes are the strengthening of international cooperation and the incorporation of international standards in the policies developed in the municipality of São Paulo.

Another important department is the Municipal Secretariat for Persons with Disabilities, created through Law No. 14,659/2007, whose organizational structure was partially changed through Decree No. 58,031/2017. The department has the following bodies: Secretary's Office, Coordination of Institutional Relations (CORI), Coordination of Inclusion Policies and Projects (COPPI), Coordination of Accessibility and Universal Design (CADU), Coordination of Administration and Finance (CAF), Council Municipal Council for Persons with Disabilities (CMPD), Permanent Accessibility Commission (CPA) and Management Council. The purposes of the Secretariat are:

Art. 2 The purposes of the Municipal Secretariat for Persons with Disabilities are:

I - promote, under conditions of equality, the exercise of fundamental rights and freedoms of people with disabilities in the Municipality, aiming at their social inclusion and citizenship;

II - coordinate the formulation, implementation, dissemination, monitoring and evaluation of the municipal policy for people with disabilities and respective transversal and intersectoral plans, projects and actions, in partnership and coordination with the Municipal Council for People with Disabilities - CMPD, bodies and entities of the Municipal Public Administration, other spheres of government and other sectors of civil society;

III - develop projects aimed at implementing public policies aimed at people with disabilities;

IV - gather, analyze and disseminate statistical and analytical data relating to people with disabilities residing in the Municipality and public services and policies aimed at their inclusion in society. (São Paulo, 2017).

The theme of human rights is also included in the Legislative Branch of the city of São Paulo. The City Council has the Extraordinary Permanent Commission for the Defense of Human Rights and Citizenship, whose duties, indicated in article 47, VIII of the Internal Regulations (São Paulo, 1991), are: a) to receive, evaluate and investigate

complaints relating to threats or violations of human rights; b) monitor and monitor government programs related to the protection of human

rights; c) collaborate with non-governmental, national and international entities that work to defend human rights; and d) research and study the situation of citizenship and human rights in the municipality of São Paulo. However, previous work (Simini, 2021) demonstrated the little action of the municipal Legislative Branch of the capital of São Paulo in relation to carrying out prior control of conventionality by the Constitution and Justice Commission.

The protection of human rights at the local level can also occur through the international actions of cities. In a previous work (Simini, 2015), the international activities of the city of São Paulo were discussed through the Municipal Secretariat for International Relations. During the period analyzed, several international cooperation projects were developed related to education, health, culture, environment, among other topics. International cooperation certainly constitutes an important tool in terms of protecting human rights at the local level. Municipal international action in matters of human rights can occur through bilateral or multilateral cooperation agreements, sister city agreements and also through city networks.

As we verified in the municipality of São Paulo, evaluating the institutional structure available, cities can play a fundamental role in the protection of human rights, conferred by International Law and also by national Law. The new role assumed by local governments in a globalized society and recognized by international documents and bodies, as well as the constitutional treatment given to municipalities in Brazil, make cities important actors in the implementation of human rights, including those provided for in international documents. In the case of the city of São Paulo, the defense of human rights is indicated in the Organic Law and present in its administrative organization, whether in the Executive or Legislative Branch. Furthermore, the defense of human rights in the city of São Paulo requires compliance with the provisions of international standards on the matter, as provided for in the Organic Law and other regulatory standards of bodies related to the subject.

Observance of International Standards on the Rights of Persons with Disabilities in the Municipal Public Policies of São Paulo

The Brazilian State incorporated the United Nations Convention on the Rights of Persons with Disabilities into the Brazilian legal system in 2009. In other words, since then the regulations

have been binding on all levels of government. In the case of the municipality of São Paulo. In April 2013, the Municipal Government signed a term of adherence to the “National Plan for the Rights of Persons with Disabilities”, and then the Municipal Articulation and Monitoring Group was established, with the participation of 20 municipal departments under the coordination of SMPED. In December of the same year, the “Municipal Plan for Articulated Actions for People with Disabilities - São Paulo More Inclusive Plan” was launched, containing 70 actions to be completed by December 2016. The actions were divided into five axes: accessibility, health care, access to education, culture and sport and work, social inclusion and citizenship (São Paulo, 2016). In other words, the first major initiative regarding the rights of people with disabilities in the capital of São Paulo was adopted practically three years after the promulgation of the aforementioned international convention.

Between January 2013 and April 2016, 124 events related to people with disabilities were held in the city of São Paulo, including the “Municipal Conference on the Rights of People with Disabilities” and the “Samba com as Mãos” project, whose objective was bring accessibility to samba school parades in the capital of São Paulo. In the same period, courses and lectures were held aimed at training municipal library employees with a view to better serving people with disabilities, a Libras course for employees at sub-prefecture service centers, as well as a postgraduate course on Supported Employment, aimed at public servants and offered by the Federal University of São Paulo (São Paulo, 2016).

Another initiative of the period corresponds to the “Inclusive Play” project. Between November 2015 and January 2016, this initiative offered 111 workshops aimed at families with children between 0 and 6 years of age. In this context, the city of São Paulo created accessible park projects for installing toys in educational units (São Paulo, 2016).

In relation to education, between 2013 and 2015, a total of 25,474 educators from the municipal education network were trained on the topic “inclusive education”. There was a 107.14% increase in the number of Inclusion Support and Monitoring Teachers

(PAAI) working in the Inclusion Support and Monitoring Centers (CEFAI). The Inclusion Support and Monitoring Rooms (SAAI) were also expanded by 44.76% and there was a 72.72% increase in the number of interns in the Learning Without Limits Program, whose role is to assist teachers in the school activities of students with deficiency.

Subsequently, the City of São Paulo launched the “2017-2020 Goals Program”, in which several strategic objectives were established under the responsibility of the Municipal Secretariats. Strategic objective 25, entitled “Increase Accessibility and Respect for Diversity”, brought two goals aimed at people with disabilities: a) provide assistive technology to 3,680 people with disabilities (goal 25.1); and b) serve 4,120 people with disabilities in work and income initiatives (goal 25.2) (SÃO PAULO, 2021).

Within the scope of target 25.1, four initiatives were established: 1) triple the number of establishments with In-Person Service Points of the Information Center in Libras; 2) provide assistive technology to 400 students with disabilities in the municipal public education network; 3) provide assistive technology to 400 municipal employees with disabilities; and 4) creation of a Mobile Workshop to repair orthoses, prostheses and mobility aids. (São Paulo, 2020).

In relation to target 25.1, a total of 6,483 assistive technologies were delivered by December 2020. The number of requests in the queue for wheelchairs, orthotics, prosthetics and other materials fell by 57% between December 2016 and August 2020, with in December 2016 there were 21,193 requests in the queue and in August 2020 the number decreased to 9,061. Furthermore, the following initiatives were adopted: a) creation of the “Mobile Paraworkshop”, in November 2019, with more than 2,600 free repairs on wheelchairs, orthoses, prosthetics, crutches and canes; b) Orthotics and prosthetics school workshop opened in January 2020; c) the “Assistive Technology Program for Students and Employees with Disabilities” served 592 people with some type of assistive technology; d) acquisition of new rehabilitation technologies for the Network of Specialized Rehabilitation Centers (CER), with emphasis on two ARM1 Robots, three Gallop Simulators for mechanical equine therapy and four tablets for teleconsultations; e) 30% increase in total vacancies in Inclusive Residences (RI); f) launch of the Municipal Observatory for People with Disabilities in July 2020; and g) creation of the Health Program for Women with Disabilities and Caregivers (São Paulo, 2021).

Measures aimed at training and informing people with disabilities and the general population were also adopted, such as: a) 3.8 thousand people trained in Architectural and

Simini & Sala. International Rules for the Protection of People with Disabilities and São Paulo's Municipal Public Policies

Communicational Accessibility courses; b) 35 classes of the Basic Libras Workshop, comprising more than 750 people; c) carrying out the Knowledge to Include People with Disabilities (PWD) Course, with an audience of 3.5 thousand people; and d) launch of five technical publications on information, services and rights of Persons with Disabilities (São Paulo, 2021).

With regard to accessibility, the following measures were implemented: a) more than 1 million m² of sidewalks restored, with emphasis on the accessible route connecting hospitals and entities in Vila Mariana; b) all 32 sub-prefecture headquarters accessible, with tactile flooring; c) 41 bus stops received accessibility works; d) implementation of minibuses with a low floor and space for four wheelchairs on the Vila Mariana - Lar Escola São Francisco and Centro Paralímpico - Jabaquara Metro lines; e) repair of lift chairs for access by people with disabilities in the swimming pools of 29 Municipal Sports Centers, in January 2020; f) 789 events held with architectural and communication accessibility resources; g) 61 scanner glasses for visually impaired people available in all municipal libraries and some CEU units; and h) 186 Architectural Accessibility Stamps delivered to buildings since January 2017 (São Paulo, 2021).

In relation to target 25.2 (serving 4,120 people with disabilities in work and income initiatives), 4,275 people were served by the end of 2020, and in 2019 four editions of “Contrata SP”, an employability fair aimed at disabled people. Within the scope of the “Contrata SP – Person with Disability” Program, 870 people were admitted, 14 thousand job vacancies were offered and 35 thousand were referred for job interviews. The hiring of 54 new interns was also recorded through the Internship Program for Students with Disabilities. At São Paulo City Hall alone, there were 49 interns with disabilities as of December 2020 (São Paulo, 2021).

Another initiative was the creation of the Municipal Observatory for People with Disabilities, whose objective is to gather data and statistics about people with disabilities living in the city of São Paulo and also about services and policies aimed at the inclusion of people with disabilities. This is an important initiative, compatible with the precepts of the UN Convention on the Rights of Persons with Disabilities, as it requires States to collect appropriate data to support public policies aimed at people with disabilities.

Also worth mentioning is the creation of the “Architectural Accessibility Seal” and the “Digital Accessibility Seal”. The first certifies that a certain building is accessible to people with disabilities. The second certifies that websites and electronic portals

comply with the accessibility criteria set out in national and international standards. Accessibility is an important principle indicated in the UN Convention on the Rights of Persons with Disabilities, which has determined that the State must adopt measures aimed at eliminating barriers in public and private buildings, as well as in relation to technology and information systems. States must also encourage private entities to provide information in an accessible format, including via the internet. In this way, the “Digital Accessibility Seal” contributes to this task.

An important initiative is the Libras Intermediation Center, which allows people with total or partial hearing impairment to access any public services in the city of São Paulo. It is also a measure compatible with international standards, as the UN Convention requires States to adopt appropriate measures to enable people with disabilities to seek, receive and share information.

In this context of access to information, SMPED has prepared and published on its website publications focused on the rights of people with disabilities, such as “Work, everyone's right: professional inclusion of people with disabilities”, “Knowledge to include people with disabilities”, “Guide to rights and public services for people with disabilities in the city of São Paulo”, “Guide to accessible communication and events” and “Universal design and accessibility in the city of São Paulo”.

The measures taken by the city of São Paulo aimed at the inclusion of people with disabilities are compatible with the UN Convention on the Rights of Persons with Disabilities. The treaty determines that States guarantee the right to work of people with disabilities, and must take appropriate measures to this end. In this context, the city of São Paulo has taken measures to guarantee the inclusion of people with disabilities in the job market, such as the “Internship Program for Students with Disabilities” and “Contrata SP - Pessoa com Dciência”.

The UN Convention on the Rights of Persons with Disabilities also emphasizes the importance of civil society, especially organizations representing people with disabilities, in the formulation and implementation of public policies. In the city of São Paulo, there is the Municipal Council for People with Disabilities (CMPD). In accordance with article 24 of Decree 58,031/2017, the CMPD has the following duties: a) formulate and forward proposals of interest to people with disabilities within the scope of the Municipality of São Paulo, as well as advise and monitor the implementation of the municipal policy of person with a disability; b) collaborate with the monitoring and

implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; c) promote and support activities that contribute to the effective cultural, economic, social and political integration of people with disabilities; d) collaborate in defending the rights of people with disabilities through all legal means necessary; and e) receive, examine and make, before the competent bodies, complaints about facts and occurrences involving discriminatory practices against people with disabilities in the municipality (São Paulo, 2017).

As can be seen, the CMPD must collaborate with the monitoring and implementation of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. This attribution confirms the importance of civil society participation in issues related to people with disabilities and in the application of the rights provided for in the treaties in question. Furthermore, the obligation to implement international standards at the local level is evident.

The CMPD is made up of seven members, and the participation of at least one person with hearing impairment, one person with physical disability, one person with visual impairment, one person with mental disability (or their legal representative) and one person with multiple disabilities (or their legal representative) must be guaranteed, in addition to seven substitutes. The term of office is two years, renewal is permitted. The functions are not remunerated, and are considered a relevant public service (SÃO PAULO, 1992).

In relation to culture, the creation of the “Festival Sem Barreiras” stands out, the first edition of which was held in 2019. This is a project carried out by SMPED with the Municipal Department of Culture (SMC). The initiative aims to publicize the artistic works of people with disabilities in their various forms (theater, music, dance, etc.). An initiative compatible with international precepts, as the UN Convention on the Rights of Persons with Disabilities requires States to adopt appropriate measures in order to allow people with disabilities to develop and use their creative, artistic and intellectual potential.

Another event deserves to be highlighted. In 2018, the city of São Paulo joined the “Global Pact on Inclusive and Accessible Cities”. The document was prepared within the framework of the United Cities and Local Governments (UCLG) network and signed in Berlin during the celebrations of the International Day of Persons with Disabilities. The document recognizes accessibility as a fundamental right. In this context, it asserts that cities must structure their policies in a way that makes them inclusive, using the

Sustainable Development Goals and the UN Convention on the Rights of Persons with Disabilities as parameters.

Cities that are signatories to the Pact must observe six pillars: non-discrimination, participation, accessibility, adoption of inclusive urban programs and policies, training and data for development. They must carry out an assessment of their legislation in order to verify whether they really prioritize human rights, inclusion and accessibility. The Pact highlights the importance of the participation of people with disabilities in the formulation and implementation of local public policies and the explicit commitment of local governments to policies aimed at human rights and the inclusion of people with disabilities (Cities and Local Governments United, 2018).

Local governments must also carry out evaluation of the entire system of municipal policies, programs, services in direct coordination with civil society, particularly organizations of people with disabilities and the elderly. They must also create and maintain communications platforms, such as websites, that adopt accessible and easy-to-use formats, as well as maintain updated data on people with disabilities and the issues arising from this topic (United Cities and Local Governments, 2018).

The Pact also provides for the discussion and monitoring of local governments' commitments to the rights of people with disabilities. The mechanism is similar to that existing in the UN Committee on the Rights of Persons with Disabilities. Local governments must submit reports to the “Global Summit on Inclusive and Accessible Cities”, and the evaluation will be carried out through a global inclusion index. It is, therefore, a document that requires commitments from local governments and at the same time provides for monitoring and supervision (United Cities and Local Governments, 2018).

The fact that the city of São Paulo has joined the UCLG’s “Global Compact on Inclusive and Accessible Cities” also confirms the influence of the international on the local level. The document reaffirms the rights of people with disabilities and the commitments arising from them. It also recalls the importance of the UN Convention on the Rights of Persons with Disabilities and emphasizes the importance of local governments in implementing and promoting the rights of people with disabilities provided for in international documents.

It can be said that there is an influence of the UN Convention on the Rights of Persons with Disabilities and other international standards on São Paulo's municipal

public policies aimed at people with disabilities. Obviously, the challenges are still numerous, but the projects developed are compatible with international standards on the rights of people with disabilities, reflecting the influence of the international at the local level and ratifying the importance of local governments in effectively fulfilling international human rights commitments.

Final Considerations

The Brazilian State, especially after redemocratization, has been legally bound to several human rights treaties. Such documents impose on the State as a whole the adoption of administrative and legislative measures aimed at guaranteeing human rights and this context includes the Convention on the Rights of Persons with Disabilities. The State is a unique reality for International Law, regardless of its various forms, and therefore in Brazil all spheres of government must ensure the effective fulfillment of the rights of people with disabilities, including municipalities. International Law, in fact, has increasingly recognized in recent years the importance of local power in the protection of human rights, as demonstrated in this work.

In the Brazilian reality, the 1988 constitutional text, when adopting cooperative federalism, assigned to all entities the role of protecting human rights, particularly the rights of people with disabilities. The municipality of São Paulo, the object of this work, has been observing international regulations in the formulation and implementation of published policies aimed at the rights of people with disabilities. However, the reality of the capital of São Paulo is not the same as that of other Brazilian municipalities. Recent research has demonstrated the lack of human rights structures in several Brazilian cities. The challenge is to make international regulations on the rights of people with disabilities better known and accessible to all public agents so that they can effectively observe them in the formulation and implementation of municipal public policies.

An international standard is a legal standard and therefore binds public administration as a whole. Public policies, including municipal ones, must adapt to domestic and international legal precepts, always in favor of better protection of human rights, particularly the rights of people with disabilities. Still from another point of view, municipalities must take advantage of the prominent role conferred by the constitutional

Simini & Sala. *International Rules for the Protection of People with Disabilities and São Paulo's Municipal Public Policies*

text and ensure the greater effectiveness of the rights of people with disabilities and for this reason international regulations prove to be a tool of fundamental importance.

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