

Chapter 1 : Class/collective actions in Brazil: overview | Practical Law

Collective Action and Radicalism in Brazil: Women, Urban Housing and Rural Movements (Studies in Comparative Political Economy and Public Policy) [Michel Duquette, Maurilio de Lima Galdino, Chairman Levy] on www.nxgvision.com *FREE* shipping on qualifying offers.

Companies must join forces with governments, community-based organizations, NGOs and other businesses to act collectively against corruption. Collective Action allows companies to: Create deeper understanding of corruption issues Consolidate knowledge and financial and technical resources to achieve greater impact Create solutions that are perceived as more credible, acceptable and are more sustainable Help ensure fair competition and a level playing field for all stakeholders Create a more stable and enabling business environment Compliment existing anti-corruption efforts in vulnerable regions and sectors, where industry or government-led regulations are not robust

Forms of Collective Action: An Integrity Pact is a short-term, project-or transaction-specific formal agreement between a customer usually a public entity and a bidder usually a company , in which the parties agree to adhere to a fair and transparent public procurement bidding process Developed by Transparency International Anti-Corruption Declarations: Anti-Corruption Declarations are short-term, project- or transaction-specific statements of intent to ensure compliance with anti-corruption commitments. Certifying Business Coalitions can be applicable to a country, region or sector. To join, a company must show a clear commitment to anti-corruption principles and adhere to ethical business standards. Regular independent audits and monitoring processes ensure compliance Principle-Based Initiatives: Education and training can be conducted as part of Collective Action, and are critical to raising awareness and building capacity to fight corruption

Current Collective Action Projects We collaborate with various organizations including our Global Compact Local Networks to promote Collective Action efforts. Our efforts aim to increase business integrity, enhance transparency and bring the private sector, governments, and civil society together to collectively advance the anti-corruption agenda and contribute to the achievement of the UN Sustainable Development Goals – specifically Sustainable Development Goal 16 and target Through the second round of funding from the Siemens Integrity Initiative we have carried out activities specifically focused on advancing collective action efforts in Egypt, Kenya, Nigeria and Japan, and will also start working in Brazil click here to see projects carried out in the first round. The following two main projects are under way: In Egypt, we are working in collaboration with the Egyptian Junior Business Association to establish a business-led Integrity Network in the country, which will serve as a platform for all stakeholders – including SMEs, large corporation, civil society, governments and others. The Integrity Network will discuss the risks of corruption, exchange good practices and promote clean business and fair market conditions. The project specifically engages small and medium-sized companies SMEs by: Committing them to advance their anti-corruption practices by publicly signing an Integrity Pledge. Signatories receive training on anti-corruption policies and programme, and their performance is regularly assessed; and Encouraging MNEs and other stakeholders to provide tangible business incentives to SMEs that implement the Integrity Pledge. For this, a thorough and credible assessment process is being introduced. Interested businesses, anti-corruption experts and other stakeholders are encouraged to join the Integrity Network. For more information, contact Neha Das. In collaboration with the Basel Institute on Governance , we are working with our Local Networks in Brazil , Japan , Kenya and Nigeria to strengthen their capacity to take up Collective Action initiatives. An assessment of the anti-corruption landscape in each country will be performed to identify some of the main corruption challenges and relevant actors. From this we will identify opportunities for starting tangible collective action initiatives that contribute to solving the challenges that emerged through the assessment. As part of the project, a number of multi-stakeholder dialogues will provide a platform for identifying and aligning mutual interests and stakeholders around particular challenges. We invite companies, governments, civil society to join these local efforts. For more information, contact Moramay Navarro Perez.

Chapter 2 : Collective Action Toward Water Security in Brazil - Pacific Institute

Collective Action and Radicalism in Brazil Book Description: The central topic of this book is an examination of three major recent movements within Brazil's civil society: the women's movement, the urban housing movement, and the landless peasant movement.

Synchronic Entanglements and New Social Imaginaries: Ultimately, the project worked toward a psychosocial perspective on collective creativity. **Objectives** The research project took shape in relation to four research objectives. Firstly, the project proposed an articulation between micro-analysis and macro-analysis, by studying the relationship between the biographic events of activists and the events of the social movements. Central to this was the elaboration of notions of event and eventfulness. Secondly, the project proposed to study the problem of synchronicity and synchronic entanglements; and stressed the importance of rhythm and the embodied dimension of politics. Thirdly, the project proposed a study of the pluralisation of political imaginaries, thought of as a form of collective creativity and resistance. Fourthly, the project proposed an analytics of the boundaries that emerge between state and society. **Results and Contributions** The research makes a contribution to the following domains: In terms of its broader social impact, the research is relevant for civil society groups, especially groups of political activists in Brazil and the United Kingdom, as it provides a reflection on collective creativity and on activist practices. The research is equally relevant for policy makers working on political rights and memory policies. Understanding collective trauma, recognition, public mourning, and the creativities of public gatherings and protests is crucial to the debate on political rights. During the first two years of research in Brazil, in Rio de Janeiro, Dr Soreanu carried out an innovative multi-method approach for the study of collective process, which relied on biographic interviews and psychosocial ethnography. This methodology grounded a novel way of construing the relation between micro-events and macro-events and between psyche and society. There are a number of specificities of that configure meaning of violence, war and peace in the Brazilian context, and particularly in Rio de Janeiro. These interventions have created intricate legal-political-social regimes. Furthermore, it is important to note that in June street protests of an unprecedented scale sparked up in Brazil, and they continued throughout and , constituting the context of this research. Drawing on the extensive fieldwork of the first two years of research, Dr Soreanu formulated a psychosocial theory of collective trauma, anchoring it in ideas of denial and recognition. In the third year of the fellowship, Dr Raluca Soreanu and Professor Stephen Frosh collaborated in organising an interdisciplinary conference at the host institution, titled: Imaginaries, Commons and Reparations. The event created a space for a polyphonic reflection on the forms of social creativity specific to protest mobilisations. The event brought together philosophers, social and political thinkers, scholars in psychosocial studies, and psychoanalysts from Brazil, the United Kingdom, and beyond, with the aim of mutual exchange and learning about the creativities of collective action; and with the aim of theoretical construction on three themes: **Publications** Books Soreanu, R. *American Imago* 73 1: What Can an Arm Do? *Studia Sociologia* 59 2: Book Chapters Soreanu, R. Conference Collections Soreanu, R. *Journal of Group Psychotherapy*: Blog Entries and Opinion Pieces.

Chapter 3 : Holdings : Collective action and radicalism in Brazil : | York University Libraries

Collective Action and Radicalism in Brazil: Women, Urban Housing and Rural Movements by Michel Duquette, Maurilio de Lima Galdino, Chairman Levy In the past decade, Brazil has undergone a long series of political changes, culminating in the recent election of President Lula da Silva and his Workers' Party.

Illegal acts by the public administration. Consumer redress in financial services. Therefore, criminal proceedings could theoretically serve as the basis for a class action. Since criminal proceedings are generally lengthy and because the standard of proof in criminal cases is higher than in civil ones, this rarely happens. Class actions can also be used in actions for administrative misconduct *improbidade administrativa*. If there is proof of administrative misconduct, the sanctions can include loss of employment for a public official and the loss or suspension of political rights. The default statute of limitation is ten years. Specific rules exist for claims under consumer law five years and tort law three years. The statute of limitation can be suspended under certain circumstances: Standing and procedural framework for bringing an action Standing 5. Definition of class There is no system of certification of a class within the class action procedure. There is also no preliminary decision on the definition and certification of a class. There is a general analysis of standing to sue, in accordance with the provisions of Law 7, of Class Action Law and the general rules of the Civil Procedure Code. Potential claimant The following institutions have standing to file a class action Article 5, Class Action Law: The Federal Union, the individual States and the municipalities. Public companies, foundations and mixed capital corporations. Civil associations that have been incorporated for at least one year, and whose institutional purpose includes defending the values for which they have commenced a class action. The new Code of Civil Procedure now includes a provision Article , X stating that, when facing multiple repetitive individual claims, a judge can notify the institutions referred in Article 5 of the Class Actions Law to consider the filing of a collective action. Claimants outside the jurisdiction There are no restrictions to a claim being brought on behalf of individuals from several jurisdictions. One example in which such a situation could potentially occur is a class action on behalf of victims of an airplane accident where some of the victims are foreigners. Generally, Brazilian Civil Procedure rules require a minimum connection to Brazil for a claim to be filed. Under the Civil Procedure Code, Brazilian courts have jurisdiction when: The defendant resides in Brazil regardless of his or her nationality. Brazil is the place of performance of an obligation. The suit derives from facts occurred or acts performed in Brazil. Professional claimants Professional commercial claimants do not have standing to sue under the law. Class associations, which could bring a claim under the Class Action Law, are not required to buy the claims of the represented individuals they seek to represent. Some of the class associations are industry associations, and therefore could use a class action to represent the homogeneous individual interests of the participants of that industry. One such example is an association of companies that regularly purchases raw material from manufacturers that are allegedly in a cartel. In this case, a class action could serve as a mechanism for the protection of their individual private interests. There are no direct monetary incentives for professional claimants. The monetary awards of a class action are paid into the appropriate collective rights fund which is managed by the government and exists at the federal, state and municipal level and provides resources for projects that advance those rights Article 13, Class Action Law. Qualification, joinder and test cases 6. What are the key procedural elements for maintaining a case as a class action? Joining other claimants The potential claimants with standing to file class actions are restricted to those referred in Question 5 and do not include individuals. Since trans-individual rights cannot be exercised individually, there are no opt-in or opt-out provisions concerning this type of class action. For cases involving homogeneous individual rights, while there are no strict opt-in and opt-out provisions in the Class Action Law, the following rules establish the relationship between a class action and individual claims: A decision on a class action for homogeneous individual rights only has *res judicata* effect over the members of the represented class if the claimant is successful, and therefore individual claims can still be brought where the claimant is unsuccessful Article , III, Consumer Protection Code. If the case is dismissed with prejudice, the members of the represented class are not barred from initiating individual

claims. Once a decision has been issued in favour of the claimant in a class action involving homogeneous individual rights, recognising the rights of those represented in the class action, each of the individuals can file for the payment of the damages individually suffered. If an individual claim is pending when a class action on the same issue is filed, the individual claimant cannot benefit from the effects of a decision on the class action unless he requests that the individual law suit is suspended within 30 days from notice of the class action being given in the record of the individual case Article , Consumer Protection Code. Test cases There are no test model cases for class actions. However, a decision in a landmark case could be used as a precedent in other similar cases. What is the usual procedural timetable for a case? Also, the time taken for each step of a lawsuit depends significantly on the place and branch of the judiciary where it is filed. Class actions usually require a comparatively lengthy evidence-producing phase. Therefore, a first instance decision generally takes a couple of years. In filing the class action, the claimant can make a request for injunctive relief, which is likely to be decided in a few weeks if not days. Effect of the area of law on the procedural system 8. Generally, the procedural system applicable to class actions does not vary depending on the area of law in which the class action is brought. However, the Consumer Protection Code allows for the inversion of the burden of proof to the defendant Article 6, VIII, Consumer Protection Code , which can be requested for both individual and collective claims. Funding and costs 9. There are no specific rules prohibiting lawyers from charging contractually established contingency fees. Generally, the losing party in a judicial procedure bears the litigation costs of the prevailing party, including judicial and court-awarded attorney fees Article 85, Brazilian Civil Procedure Code. However, in class actions the claimant is exempted from paying court fees, judicial expert fees and awards on legal fees see Question Monetary awards of a class action are paid into the appropriate Collective Rights Fund or, in individual homogenous rights cases, are due to each individual claimant and, therefore, there are fewer incentives for lawyers to charge contingency fees in class actions see Question 5, Professional claimants. An attorney could, however, have a contingency arrangement with individuals entitled to receive an award under a class action on individual homogenous rights. Since individuals do not have standing to file class actions, they can only be represented after a decision recognising their rights has been issued. Third party funding is not a common practice. Monetary awards of class actions are paid into the appropriate Collective Rights Fund or, in individual homogenous rights cases, will be due to each individual claimant. Therefore, the incentives for third party funding of class action are different than in other jurisdictions, where the third party funder can benefit from the monetary award. There is no financial support from the government or any other public body for class or collective action litigation. However, some of the bodies with standing to file class actions are public authorities, funded by the State, such as the: The claimant in a class action is also exempt from paying court fees, judicial expert fees and awards on legal fees see Question There are no other funding options available to claimants in class or collective actions. The claimant in a class action is exempted from paying court fees, judicial expert fees and awards on legal fees, except in cases of bad faith litigation Article 17, Law 7, of Class Action Law. Costs on judicial fees are managed by the judicial bodies themselves and the cap varies from state to state. Generally, the losing party in a judicial procedure bears the litigation costs of the prevailing party, including judicial and attorney fees Article 85, Brazilian Civil Procedure Code. The claimant in a class action is exempted from such fees. In the case of a settlement, the allocation of costs provided in Article 85 of the Brazilian Civil Procedure Code does not apply. While the defendant in a class action is likely to have to pay the litigation costs regardless of the result of the class action, the defendant can refuse to pay for the production of technical evidence that is requested by the claimant. Because the claimant is exempted from paying judicial fees or, where the class action is not successful, the costs that are normally allocated to the losing party, filing a class action creates very little financial burden on the claimant. Therefore, class actions are quite frequently filed, sometimes with little consideration for the actual chances of success. Disclosure and privilege During litigation The rules on disclosure and privilege in class actions do not differ from those applicable in ordinary proceedings. Brazil does not have a system of trial discovery similar to the US. A judge can, however, do the following: Request that the parties present a particular piece of evidence and determine that the absence of this evidence is interpreted against that party. Grant an injunction for the forceful production of a particular type of evidence.

The law recognises professional privilege, commonly understood to be a duty of confidentiality owed by certain professionals such as attorneys and doctors for information in their possession. Since Brazil does not have trial discovery, there are no specific rules governing the refusal to disclose documents based on privilege. The failure to present a particular piece of evidence could be interpreted against the non-disclosing party see Question 15, During litigation. A judge can appoint an expert to assist in technical issues raised during a class action. Parties to the procedure can make use of party-appointed experts that seek to assist the court-appointed expert in making his report. There are no explicit restrictions on the type of evidence that can be filed, as long as the evidence is material to the case and useful for the judge in reaching his decision. There is also no requirement of pre-trial witness statements or reports. Joining other defendants A defendant can apply to join other defendants if one of the requirements established in Article of the Civil Procedure Code are met, including: There are common rights or obligations related to the claim. There is a connection between claims due to their object or cause of action. There are affinities due to a common point of fact or law. A person or legal entity that is not a party to a class action can also ask to participate as an "assistant" to one of the parties if it is established that the assistant has a legal interest in the outcome of the case. Rights of multiple defendants Multiple defendants are allowed, but not required, to be represented by the same lawyers and instruct joint experts. There are no specific rules governing "joint defence agreements" or other agreements that allow the sharing of confidential information without waiver of privilege. Damages and relief Damages Both material and moral damages are recoverable. Although there is no express cap on the quantum that can be recovered from a single defendant, the courts, and the Superior Court of Justice especially, seek to establish a range for the amount that can be recovered in different types of damages. Punitive damages are not expressly provided for in the law and there is a debate as to whether they could be allowed, with the majority view being that they could not. In any case, judges have often incorporated exemplary factors into their reasoning when awarding damages. For a description of how damages in class actions concerning homogeneous individual rights are apportioned between claimants, see Question 6, Joining other claimants.

Chapter 4 : DI-fusion Collective action on the crossroads:the empowerment of the Left

"Social Movements and Radicalism: The Brazilian Context" by Duquette, provides an overview of current theoretical research into SMOs, and from this discussion he identifies the main theoretical constructs that inform the examination of radicalism and collective action in the case studies to follow.

In lieu of an abstract, here is a brief excerpt of the content: Simmons Collective Action and Radicalism in Brazil: Women, Urban Housing, Rural Movements. University of Toronto Press, This book represents a multi-authored work by political scientists with extensive knowledge of social movement organizations SMOs and political dynamics in Brazil. The overall aim of the book is to provide a comprehensive examination of the origins and evolving expressions of populist mobilization that emerged in Brazilian society beginning with the first democratic transition in the early s, through to present-day incarnations of radicalism. The underlying hypothesis, as outlined in the introductory chapter, is that the rise and expression of popular protest was defined and shaped by the interaction of 1 exogenous factors and external forces i. Of particular importance is the rise of modern-day radicalism in Brazil, which Duquette contends is justified by the failure of the government to fulfill true social reform, a feat virtually impossible given the mounting debt crisis and the pursuit of liberalization and structural reform in the wake of democratization in the s. Twenty years later, popular protest and SMOs grew in number and strength with the determination to create a "radical alternative" to the status quo perpetuating social inequalities. The Brazilian Context" by Duquette, provides an overview of current theoretical research into SMOs, and from this discussion he identifies the main theoretical constructs that inform the examination of radicalism and collective action in the case studies to follow. Specifically, each case study considers the hypotheses presented above, and, borrowing from Tarrow and Della Porta and Diani , each examines the unfolding of "cycles of protest" encompassing the ascending, optimal, and descending phases. Also, the chapter presents a brief, yet concise, history of Brazilian politics in order to identify the opportunities that frame the emergence and development of SMOs. Duquette clearly illustrates three periods of radical mobilization that emerged in response to changing political opportunities, and he identifies key characteristics that shaped the framework of opportunity in Brazil, these include weakness of the party system, loosely defined rules and institutions, and archaic socioeconomic structures. With the onset of democratization, a multitude of feminist demands that had been simmering covertly emerged on the scene, and the movement became vocal advocates for ending authoritarian rule. The descending phase of the movement is marked by creation of the multiparty system, and intensification of opposition parties, into which the movement was incorporated. Crisis and Revival" first provides an overview of the emergence of UPMs during the military regime, defined as the ascending phase, in response to the horrible conditions in the sprawling shantytowns in the s. The main thrust of the chapter is three contemporary periods of movement [End Page] evolution. During the optimal phase to , grassroots protest was transformed into a popular movement uniting disparate groups and forming broad-based alliances, most notably with the church and Workers Party PT. The descending phase to , ironically, began with the election of UPM leaders into public office, which forced them to switch attention from UPM demands to public interest. The final period to represents the revival of the UPMs and the radicalization of the movement, which is You are not currently authenticated. View freely available titles:

Chapter 5 : DI-fusion Collective action and radicalism in Brazil, women, urban

Get this from a library! Collective action and radicalism in Brazil: women, urban housing, and rural movements. [Michel Duquette:] -- "This collaborative work documents and analyses the evolution of social movements in Brazil following a period of structural adjustment and partial democratization.

The word "radical" is popularly used to designate individuals, parties, and movements that wish to alter drastically any existing practice, institution, or social system. This meaning originated during the French Revolution, where those most opposed to the king sat in the National Assembly at the far left, and those most committed to the king at the far right. It is therefore common to designate points on the political spectrum, reading from left to right, as radical, liberal, conservative, and reactionary. The Nineteenth Century Immediately after the Civil War, the term "radical" gained widespread usage in the United States when it was applied to a powerful faction of the governing Republican Party who fought to reconstruct the defeated Confederacy. Their policies promoted social and political rights for the former slaves, and they opposed the return to power of former Confederates and members of the former slaveholder-planter class. The Radical Republicans impeached and nearly convicted President Andrew Johnson for his opposition to their Reconstruction policies. At their most militant, they advocated the redistribution of millions of acres of plantation land to the former slaves, a policy embodied in the slogan "forty acres and a mule," but instituted only limited land reform programs. Radicalism in politics from the end of Reconstruction to the beginning of the Cold War was generally associated with proposals to fundamentally alter the capitalist economic and social system. In varying ways, radicals demanded far-reaching changes in property relations. Among the nonsocialist radical groups of the time were the Knights of Labor, Greenback Labor Party, and Populist Party, who advocated a wide variety of reforms, including more democracy in politics, various producer and consumer cooperatives, government ownership of railroads and telegraph lines, and antitrust legislation to protect farmers, skilled workers, and small businessmen threatened by the economic instability and political corruption that accompanied the rise of big business. The Twentieth Century The Marxist socialist tradition in America had its roots among refugees from the European revolutions of In , a variety of socialist organizations and factions joined to create the Socialist Party of America. World War I brought about widespread repression of the Socialist Party and other radical groups. The Russian Revolution intensified this "Red Scare," which continued into the postwar period against the new Communist Party, USA, founded initially out of radical factions of the Socialist Party in Communists sought to advance the working-class movement and prepare the way for the eventual triumph of socialism. During the Great Depression, they achieved great success by leading struggles to organize unions, fight against racism and anti-Semitism, and fight for social reforms. After , communist activists joined with liberals to build the industrial unions of the Congress of Industrial Organizations CIO. Communists also joined with liberals and other radicals to fight segregation, racism, and isolationism at home. The alliance of radicals and liberals in the s produced a sharp backlash among conservative elements and business elites, leading to the creation of the House Un-American Activities Committee HUAC in , which identified conservative policies with "Americanism" and New Deal policies with Soviet-directed communist conspiracies. With the development of the Cold War after World War II, the Soviet Union became a permanent enemy, and radicalism that could be associated with the Communist Party, USA, however far-fetched it might be, was portrayed as the "enemy within. In , President Harry S. During the civil rights movement of the s, the seeds of mass political protest and new alliances between liberals and radicals were sown.

Chapter 6 : Radicals and Radicalism | www.nxgvision.com

The central topic of this book is an examination of three major recent movements within Brazil's civil society: the women's movement, the urban housing movement, and the landless peasant movement.

Chapter 7 : Join Forces Against Corruption through Collective Action | UN Global Compact

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Chapter 8 : Charmain Levy | Universit  du Qu bec en Outaouais - www.nxgvision.com

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